



2016



WHITEFORD TOWNSHIP ZONING ORDINANCE

ORDINANCE 68
MONROE COUNTY, MICHIGAN

ADOPTED BY THE WHITEFORD TOWNSHIP BOARD

DECEMBER 20, 2016

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ARTICLE I - TITLE, PURPOSES AND LEGAL CLAUSES

SECTION 1.01 - TITLE

This Ordinance shall be known and may be cited as Ordinance 68 "The Zoning Ordinance of Whiteford Township".

SECTION 1.02 - REPEAL OF ORDINANCE

Ordinance 44 the Whiteford Township Zoning Ordinance adopted on October 20, 1998 and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

SECTION 1.03 - PURPOSES

The Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) establishes the authority to adopt comprehensive zoning regulations, and empowers the Township to enact a Zoning Ordinance and provide for its administration, enforcement, and amendment.

This Ordinance has been established for the purposes of:

1. Promoting and protecting the public health, safety and general welfare;
2. Protecting the character and the stability of the agriculture, recreational, residential, commercial and industrial areas within the unincorporated portions of Whiteford Township and promoting the orderly and beneficial development of such areas;
3. Providing adequate light, air, privacy and convenience of access to property;
4. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
5. Lessening and avoiding congestion in the public highways and streets;
6. Providing for the needs of agriculture, recreation, residence, commerce and industry in future growth;
7. Promoting healthful surroundings for family life in residential and rural areas;
8. Fixing reasonable standards to which buildings and structures shall conform;
9. Prohibit uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within the specified zoning districts;
10. Preventing such additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder;

11. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety and general welfare;
12. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
13. Conserving the taxable value of land, buildings, and structures throughout the unincorporated portions of the Township;
14. Providing for the completion, restoration, reconstruction, extension or substitution of non-conforming uses;
15. Creating a Board of Appeals and defining the powers and duties thereof;
16. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance;
17. Providing for the payment of fees for zoning permits; and
18. Providing penalties for the violation of this Ordinance.

SECTION 1.04 - VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any particular land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

SECTION 1.05 - CONFLICT WITH OTHER LAWS

1. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
2. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement that such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 2.01 - CONSTRUCTION OF LANGUAGE

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

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated or unincorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "either ...or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either ...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.02 - DEFINITIONS

ACCESSORY USE OR STRUCTURE: A use or structure located on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants and/or caretakers.
2. Swimming pools for the use of the occupants of a residence, or their guests.

3. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
4. Storage or merchandise normally carried in stock used in or produced in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
5. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
6. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
7. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
8. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

ADT: Average daily traffic volumes of vehicles on a street.

AGRICULTURAL USE: Any land or building used for a purpose of producing grain, orchards, nurseries, dairying, vegetables, livestock or fowl, or other crops and animal husbandry.

AIRPORT: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary buildings, and open space.

ALLEY: Any dedicated public way which affords only a secondary means of access to abutting property, and not intended for general traffic circulation.

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

APARTMENTS: A suite of rooms or a room in a building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

ARTERIAL: A major street for carrying a large volume of through traffic in the area, normally controlled by traffic signs and signals.

AUTOMOBILE REPAIR: The general repair, engine rebuilding, rebuilding or conditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting and undercoating of automobiles.

BASEMENT: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

BED AND BREAKFAST: A private, owner-occupied residence where overnight accommodations and morning meal are provided to transient guests for compensation.

BILLBOARD: Meaning any surface which contains a message unrelated to the premises wherein it is displayed or posted (an off-premises sign) and is regulated in accordance with regulations governed by the Highway Advertising Act, Public Act No. 106 of 1972 (as amended) (MCL 252.301 et seq.). See the definition of "Sign, Off-Premise".

BLOCK: The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or live stream; or between any of the foregoing and other barrier to the continuity of development, or boundary lines of the Township.

BUILDING: Any structure, either temporary or permanent, having a roof supported by columns or wall, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

BUILDING HEIGHT: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. (See Figure II-A)

BUILDING INSPECTOR: The building inspector of the Township of Whiteford, assistants or his authorized representative as said term is defined by the laws of the State of Michigan.

BUILDING OFFICIAL: The building official of the Township of Whiteford, assistants or his authorized representative as said term is defined by the laws of the State of Michigan.

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 front setback line.

BUILDING MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated.

BUILDING SCALE: The relationship between the mass of a building and its surroundings, including the width of street, open space, and mass of surrounding buildings. Mass is determined by the three-dimensional bulk of a structure: height, width, and depth.

BUILDING SETBACK, FRONT: The distance from the street right-of-way line to the closest point of the foundation of a building or projection thereof.

CHILD CARE FACILITY: A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Family Independence Agency. Such organizations shall be further defined as follows:

1. **CHILD CARE CENTER:** means a facility, other than a private residence, receiving one (1) or more preschool or school age children for group care for periods of less than 24 hours per day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday School conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

2. **FAMILY DAY CARE HOME:** means a private home in which up to six (6) minor children are received for care and supervision for periods of less than 24 hours per day, unattended by a parent or 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.
3. **GROUP DAY CARE HOME:** means a private home in which more than six (6) but not more than 12 children are given care and supervision for periods of less than 24 hours per 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.

CLUB: An organization of persons for special purposes for the promulgation of sports, arts, science, literature, politics, or the like, but not for profit.

COLLECTOR: A street designed to carry moderate volumes of traffic from local streets to arterial streets or from arterial to arterial.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water or a combination of land and water within the site designated for a planned residential development and designed and intended for use or enjoyment of all the residents of such planned residential development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents, including common club houses, pools, tennis courts, and similar facilities, but shall not include (a) areas reserved for the exclusive use or benefit of an individual tenant or owner, such as fenced yards or private residential yards, (b) dedicated streets, alleys, and other public rights-of-way, (c) vehicular drives, parking, loading and storage areas, or (d) areas reserved for nonresidential uses. Squares, greens, neighborhood parks, Whiteford Township parks, and linear environmental corridors owned and maintained by Whiteford Township are also considered common open space.

COMMON USE AREA: That portion of a building or of a parcel of land in private ownership designed and intended to enable all of the residents of a planned residential development or the residents of designated units within a planned residential development to use and enjoy their respective individual units therein including such features as vehicular drives, parking and storage areas, access ways, and corridors, stairs, elevators, and utility and storage rooms in multiple dwellings.

CONVALESCENT OR NURSING HOME: A structure with sleeping rooms where persons are housed or lodged and are furnished with meals and nursing or limited medical care. Said home shall conform to and qualify for license under, applicable State Law.

CURB RADIUS: The curved edge of streets at an intersection measured at the outer edge of the street curb or of the parking lane.

DB(A): The sound pressure levels in decibels. Refers to the "a" weighted scale defined by the American National Standards Institute. A method for weighting the frequency spectrum to mimic the human ear.

DECIBEL: The unit of measurement used to express the magnitude of sound pressure and sound density.

DEVELOPMENT: The construction of a new building, enlargement or reduction of an existing building, or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

DISTRICT: A portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DRIVE-IN: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building structure.

DRIVE-IN RESTAURANT: A restaurant so developed 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 sell-service for patrons and food carry-out.

DWELLING UNIT: A building, or portion thereof~ designed for occupancy by one (1) family for residential purposes and having cooking facilities.

DWELLING, ONE-FAMILY: A building designed exclusively for and occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY: A building, but not a mobile home, designed exclusively for occupancy by two (2) families living independently of each other.

DWELLING, MULTIPLE-FAMILY: A building, or a portion thereof, but not a mobile home, designed exclusively for occupancy by three (3) or more families living independently of each other.

ENVIRONMENTAL IMPACT ANALYSIS: The summary of the potential environmental impacts generated by a proposed development upon the natural systems.

ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

ESSENTIAL SERVICES: Shall mean the erection, construction, alteration or maintenance by public utilities or municipal governments, departments, commissions, boards, or by other governmental agencies of underground, surface or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply, or disposal systems, including public safety communication towers, structures and facilities, dams, weirs, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, or signs and hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such Public Utilities or Municipal Departments, Commissions, or Boards, or other governmental agencies, or for the public health, safety, or general welfare, and buildings which are primarily enclosures or shelters of such essential service equipment. An essential service shall not include other buildings associated with an essential service, or cellular telephone facilities, including cellular telephone transmitting towers, the use of essential service public safety communication towers, structures and facilities for cellular telephone or other wireless communication facilities, or commercial broadcast television and radio facilities.

EXCAVATION: Any breaking of ground, except common household gardening and ground care.

EXCEPTION: A use permitted only after review of an application by the Board of Appeals or Township Board or a modification in the standards of this Ordinance specifically permitted after review by the Board of Appeals, Planning Commission or Township Board; such review being necessary because the provisions of this Ordinance covering conditions precedent or subsequent are not precise enough to cover all applications without interpretation and such review and exception is provided for by this Ordinance. An exception is not a variance.

EXTRACTIVE OPERATIONS:

1. The removal of any topsoil, soil, sand, peat, marl, clay, gravel, stone, or similar material by cutting, digging, stripping, excavating, blasting or any other methods or processes, pneumatic or mechanical fracturing or drilling.
2. The processing, storage, loading and transportation of the above named materials.

EXTRACTIVE OPERATIONAL AREA: The total, entire area of all parcels of land upon which extractive operations are proposed and/or undertaken. "Operational area" may also be referred to as "the site".

EXTRACTIVE OWNER, APPLICANT AND/OR OPERATOR: Any person, firm, or corporation engaged in or who applied for a permit to engage in extractive operations whether individually, jointly or through subsidiaries, agents, employees, contractors or any person engaged in or controlling an extractive operation.

FAMILY: One or two persons or parents, with their direct lineal descendants and adopted or foster children (and including the domestic employees thereof) together with not more than three (3) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two (2) or less persons living in such housekeeping unit shall be considered a separate family for purposes of this Ordinance.

FARM: The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

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

FILL: Sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

FILLING: Shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

FIREWORKS: A device made from explosive or flammable composition prepared for the purpose of producing a visible or audible effect, or both, by combustion, explosion, deflagration, or detonation, but does not include:

1. Flat paper caps containing not more than 0.25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

2. Toy pistols, toy cannons, toy canes, and toy guns of a type approved by the Director of the Department of State Police in which paper caps as described in subdivision (1) are used and which are so constructed that the hand cannot come in contact with the cap when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion.
3. Sparklers containing not more than 0.0125 pounds of burning portion per sparkler.
4. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter, cone fountains, and cylinder fountains.
5. Toy snakes not containing mercury, if packed in cardboard with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed thereon; and toy smoke devices.
6. Signal flares of a type approved by the Director of the Department of State Police, blank cartridges or blank cartridge pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports and for use by military organizations.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters,
2. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD, BASE: The flood having a one percent chance of being equaled or exceeded in any given year.

FLOOD HAZARD AREA, SPECIAL: The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

FLOOD INSURANCE RATE MAP (FIRM): The official map of the Township of Whiteford, issued October 2, 2014 by the Federal Emergency Management Agency, where the boundaries of the special flood hazards and the risk premium zones have been delineated. Said definition shall include all future amendments and updates.

FLOOD INSURANCE STUDY: The official report for the Township of Whiteford, issued October 1, 1980, by the Federal Emergency Management and all amendments thereto. This report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Hazard Boundary Floodway Map.

FLOOD PLAIN: Any land area susceptible to being inundated by surface water from any source *(see definition of flood)*.

FLOOD, 100-YEAR: A 100-year flood shall mean a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.

FLOODWAY: Floodway shall mean the channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.

FLOOR AREA, RESIDENTIAL: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be

measured from the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

FLOOR AREA, USABLE: (For the purposes of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be from the exterior faces of the exterior walls.

FOOD PROCESSING: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, grain elevators, canneries, and other similar businesses.

GARAGE, PRIVATE: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory, and wherein:

1. Not more than one space is rented for parking to a person not a resident on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed a two ton capacity.

GARAGE, PUBLIC: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

GARAGE, SERVICE STATION: Building and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, distributors, and parts;
2. Tire servicing and repair, but not recapping or re-grooving;
3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors or fuel injectors;
9. Adjusting and repairing brakes;

10. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
11. Provisions of road maps and other informational material to customers, provision of restroom facilities;
12. Warranty maintenance and safety inspections.

Uses permissible at a service station do not include body work, straightening of body parts, painting, welding, storage of automobiles not in operable condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station is not a body shop.

GARBAGE: Includes every refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

HOME OCCUPATION: Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit.

HOTEL OR MOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory.

INSTITUTION: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services. Also for the care, diagnosis, and treatment of the sick, ailing, infirm, or injured persons and those who are in need of medical and surgical attention, who are provided with board or room and kept overnight on the premises.

JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS: Any land, property, structure, building or combination of the same where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobiles, wrecking yards, and includes any open area of more than 200 square feet for storage, keeping or abandonment of junk.

KENNEL, COMMERCIAL: Any lot or premise on which three (3) or more dogs, cats or other household pets are either permanently or temporarily boarded for remuneration, or raised for profit.

LIGHTING: The following definitions pertaining to Outdoor Lighting shall apply:

1. **DIRECT LIGHT:** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminary.
2. **FIXTURE:** The assembly that houses the lamp or lamps and can include all or some of the following parts – a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a

reflector or mirror, and/or a refractor or lens.

3. **FLOOD OR SPOTLIGHT:** Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
4. **FULLY-SHIELDED LIGHTS:** Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.
5. **GLARE:** Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.
6. **GRANDFATHERED LUMINARIES:** Luminaries not conforming to this code that were in place at the time this code was voted into effect. When an ordinance "grandfathers" a luminary, it means that such already-existing outdoor lighting does not need to be changed unless change of use or change of ownership for a specified period is specified for adherence to the code.
7. **HEIGHT OF LUMINARY:** The height of a luminary shall be the vertical distance from the ground directly below the centerline of the luminary to the lowest direct-light-emitting part of the luminary.
8. **INDIRECT LIGHT:** Direct light that has been reflected or has scattered off of other surfaces.
9. **LAMP:** The component of a luminary that produces the actual light.
10. **LIGHT TRESPASS:** The shining of light produced by a luminary beyond the boundaries of the property on which it is located.
11. **LUMEN:** A unit of luminous flux. One foot-candle (f.c.) is one lumen per square foot. For the purpose of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.
12. **LUMINARY:** This is a complete lighting system, and includes the pole and base, lamp or lamps and a fixture.
13. **OUTDOOR LIGHTING:** The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

LOADING SPACE: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials. Required off-street loading space is not to be included as off-street parking space. All off-street loading spaced shall be located totally outside of any street or alley right-of-way.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building together with its accessory buildings, and providing the open spaces, parking spaces and loading spaces required by this Ordinance. A lot may or may not be specifically designated as such on public records. (See Figure II-D)

LOT AREA: The total horizontal area within the lot lines of the lot.

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

LOT CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than 135 degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT, DEPTH TO WIDTH RATIO: Proportionate distance of lot depth to lot width.

LOT, DOUBLE FRONTAGE: Any interior lot having frontages on two (2) more or less parallel, streets as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street will be designated as the front street in the plat and the request for zoning compliance permit.

LOT, INTERIOR: Any lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined herein: (See Figure II-B)

1. **FRONT LOT LINE:** In the case of an interior lot, is that line separating said lot from the street right-of-way. In the case of a through lot, is that line separating said lot from either street right-of-way. In the case of a corner lot, is that line separating said lot from that street right-of-way which is designated as the front street in the plat or the request for zoning compliance permit.
2. **REAR LOT LINE:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. **SIDE LOT LINE:** Any lot line other than the front lot line or rear lot line.

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 or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH: The horizontal straight line distance between the side lot lines measured at the two (2) points where the building line, or front setback line, intersects the side lot lines.

LOT ZONING: A single tract of land, located within a single block, which, 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.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may or may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

MAIN BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.

MAJOR THOROUGHFARE: An arterial street which is intended to serve as a large volume traffic way for both the immediate Township area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term on the Major Thoroughfare Plan of the Township or adopted Transportation Plan of the County, to identify those streets comprising the basic road structure of the Master Plan.

MANUFACTURED HOME: A mass-produced structure, (pre-manufactured, prefabricated, modular, or mobile home), transportable in one (1) or more sections, that may be built on a chassis, designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems, and assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to insure uniformity of quality and material content. Said structures to be built to either the Michigan State Construction Code Act of 1972, as amended, (MCL 125.1501-1536) and/or the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5426). Also see definition of "Mobile Home".

MASTER PLAN: The Master Plan for Future Land Use including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

MEDICAL MARIHUANA USE: The following definitions pertaining to the regulation of medical marihuana use by the Ordinance shall apply:

1. **MARIHUANA:** This term shall have the meaning given to it in the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).
2. **MARIHUANA COLLECTIVE OR COOPERATIVE:** Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed that is formed by a group or individuals in a group acting together as a collective enterprise or by an organization owned collectively by members who share in the benefits owned as a cooperative or in any way structured like a collective or a cooperative.
3. **MARIHUANA DISPENSARY OR DISPENSARY:** Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term "dispensary" shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008; and the Administrative Rules of the Michigan Department of Community Health.
4. **MEDICAL USE OF MARIHUANA:** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as

defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).

5. **PRIMARY CAREGIVER:** Primary caregiver or caregiver means a person as defined under MCL 333.7106(g) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.

6. **QUALIFYING PATIENT OR PATIENT:** Qualifying patient or patient means a person as defined under MCL 333.7106(h) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.

7. **SMOKE HOUSE:** Smoke house means a facility that allows multiple qualifying patients to consume or ingest medical marihuana upon the premises. This terms does not encompass: a) a primary caregiver facility at which medical marihuana is consumed or ingested on the premises solely by the designated qualifying patient(s) of the primary caregiver(s); or, b) the consumption or ingestion of medical marihuana by a qualifying patient at his/her residence or at a hospital or hospice at which the qualifying patient is receiving care.

MOBILE HOME: Means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle. Also see definition of “*Manufactured Home*”.

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

NET ACRE: An acre of land excluding street right-of-ways and other publicly-dedicated improvements such as parks, open space, and stormwater detention and retention facilities.

NONCONFORMING BUILDING: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located as established by this Ordinance.

NURSERY: A home or facility for the care and treatment of babies and children.

NURSERY, PLANT MATERIALS: A space, building or structure, or combination thereof, for the storage of live trees, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including projects used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits or vegetables.

OCCUPIED: The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

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

OFF-STREET PARKING SPACE: A space consisting of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and shall be exclusive of drives, aisles or entrances giving access thereto.

PEAK HOURS: A one hour period representing the highest hourly volume of traffic flow on the adjacent street system during the morning (7:00 a.m. to 9:00 a.m.), during the afternoon or evening (4:00 p.m. to 6:00 p.m.); or representing the hour of highest volume of traffic entering or exiting a site (peak hour of generator).

PLACES OF WORSHIP: A site used for or intended to be used for the regular assembly of persons for the conduct of religious services.

PLANNED UNIT DEVELOPMENT (PUD): An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in the ordinance.

PRINCIPAL BUILDING: A building in which the primary use of the lot on which the building is located is conducted.

PRINCIPAL USE: The main use to which the premises are devoted and the principal purpose for which the premises exist.

PUBLIC UTILITY: A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

QUEUING: The use of one travel lane in which vehicles are in waiting, either local streets or private travel lane with parking (usually an intermittent parking pattern) on both sides.

RECREATIONAL VEHICLE: A vehicle designed and intended for temporary occupancy during leisure time/ recreation activities, either self-propelled or designed to be carried on the chassis of another vehicle or pulled by another vehicle. Such unit shall not exceed eight (8) feet in width and shall not be designed or intended for full-time residential occupancy. The term recreational vehicles shall include, among others, such commonly named vehicles as travel trailer, travel camper, pickup camper, tent camper, and motor home.

RIDING STABLE, PRIVATE: Any building or structure used or designed for the care of horses for personal use. It shall be located on a lot of not less than one acre for the first horse and not less than 25,000 additional square feet for each additional horse stabled.

RIDING STABLE, PUBLIC: Any building or structure used for the boarding, breeding, or care of three (3) or more horses, shall be located on a lot of not less than one acre for the first horse and not less than 25,000 additional square feet for each additional horse stabled, other than horses used for farming or agricultural purposes. A public riding stable may include areas and facilities for training, riding, or driving of horses and for the offering of lessons to teach the riding and driving of horses.

ROAD: See **STREET**

ROADSIDE STAND: A temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family, and its use shall not cause the zoning of the property to change, nor shall its use be deemed a commercial activity, but such stand, if of a permanent character, shall not be more than one (1) story high nor larger than 20 feet by 20 feet, must be set back from the nearest highway right-of-way line by at least 25 feet and must provide off street parking.

ROOF: The outside top covering of a building (See Figure II-A).

ROOM: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing 1,2, or 3 bedroom units and including a "den", "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

RUBBISH: The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combination thereof.

SECONDARY DWELLING UNIT: An additional dwelling unit located within the principal dwelling on the lot, in a freestanding building or above a residential garage (commonly known as mother-in-law suites).

SELF-STORAGE FACILITY: A building or group of buildings in a controlled access site, where individual stalls or lockers are rented to tenants for purposes of storage of goods and wares.

SETBACK: The minimum horizontal distance required between the front line of the building, excluding steps and unenclosed porches, and the existing or proposed right-of-way lines based upon the projections of the Township Master Plan, or adopted Transportation Plan of the County (see Figure II-B).

SIGN: The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to show an individual, firm, profession, or business, and are visible to the general public. (See Figure II-I)

Sign Regulations: For the purpose of this Article, the following definitions shall apply in addition to the definitions set forth in Article 10 of this Ordinance:

1. Abandoned Sign: See Obsolete Sign.
2. Alteration: Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.
3. Animated Sign: A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
4. Awning or Canopy: A retractable, foldable, collapsible or fixed shelter constructed of non-rigid or rigid materials on a supporting framework that projects from the exterior wall of a building.

5. Awning or Canopy Sign: A sign attached directly to, or painted or otherwise inscribed upon an awning or canopy.
6. Banner Sign: A fabric, plastic, or other temporary sign made of non-rigid material without an enclosing structural framework.
7. Billboard: See off-premise sign. A structure for the permanent display of off-premises advertising. Off Premises advertising is any commercial message referring or relating to an enterprise or business that is not conducted on the premises where the sign is located.
8. Building Identification Sign: A non-electric sign that serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.
9. Business Center: Any group of three (3) or more commercial establishments which: a) are under one (1) common ownership or management; or b) have a common arrangement for the maintenance of the grounds and are connected by party walls, partitions, covered canopies or other structural members to form one (1) continuous structure; or c) share a common parking area; or d) otherwise present the appearance of one (1) continuous commercial area.
10. Construction Sign: A temporary sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
11. Day: For the purpose of this Ordinance, a calendar day rather than a business day.
12. Directional Sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
13. Election Sign: Designed, used or intended to induce voters to vote for either the passage or defeat of a measure appearing on the ballot of any election, or for either the election or defeat of a candidate for nomination or election to any public office in any election.
14. Electronic Ready Board (ERB), Electronic Message Center (EMC) or Changeable Message Sign (CMS): The portion of a sign on which copy is changed manually or electronically. Electronic reader boards are defined as a changeable message sign and further include dynamic message signs (DMS), electronic billboards (EBB), light emitting diode (LED) displays, and other similar signs.
15. Entranceway Sign: A sign used to identify an approved plat, condo, or Planned Development project that is located on private property or within the right-of-way as permitted in the site plan review process and in accordance with this Article.
16. Flashing Sign: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such is in use. Any moving, illuminated sign shall be considered a "flashing sign."
17. Foot candle: A unit of incident light quantity measured with a luminance meter.

18. Freestanding/Pole/Pylon Sign: A sign which is erected upon or supported by the ground on one (1) or more poles, uprights or braces which do not have the appearance of a solid base.
19. Government Sign: Any sign erected by or for the United States or any subdivision or agency thereof, or the State of Michigan or any political subdivision or agency thereof.
20. Ground or Monument Sign: A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.
21. Historic or Landmark Sign: A sign constructed to identify and in accordance with a designation by the National Register of Historic Places or a government sign identifying an officially designated landmark.
22. Illegal Sign: A sign erected without a permit or which does not comply with all regulations in effect at the time of its construction or use; an obsolete sign; a sign that is unsafe or is a danger to the public.
23. Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on business affiliations.
24. Logo: A graphical element, symbol, emblem, icon, or other device that, with or without its logotype, forms a trademark or commercial brand.
25. Institutional Sign: A sign, which by symbol or name identifies an institutional use permitted within a zoning district and may also provide the announcement of services or activities to be held therein.
26. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
27. Marquee Sign: A sign attached directly to, or painted or otherwise inscribed upon a marquee.
28. Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
29. Obsolete Sign: A sign that advertises a product that is no longer made or that advertises a business that has closed.
30. Off-Premise Sign: A sign, which identifies a use or advertises products and services not available on the site or parcel on which the sign is located (e.g. billboards, garage sale signs, residential open house signs, business or institutional signs that are not located on the premises of the identified function.)

31. Non-conforming Sign: A sign or other identification or advertising structure which was lawfully erected and maintained prior to the adoption of this Ordinance, and which subsequently does not comply completely with the Zoning Ordinance.
32. Political Sign: A temporary sign used in connection with an expression of a political opinion or message, or an official Whiteford Township, school district, county, state, or federal or referendum sign.
33. Portable Sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building, including signs with wheels, A-frame signs, signs mounted on vehicles, air and gas filled balloons, pennants, streamers, ribbons, pinwheels, non-governmental flags and searchlights.
34. Poster Panel (aka Sandwich Board) Sign: A portable advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.
35. Projecting Sign: A sign that protrudes from the top of the ground floor over the sidewalk, required setback, right-of-way, or promenade.
36. Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
37. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
38. Roof Sign: A sign erected above the roof line of a building.
39. Sign: A device, structure, fixture, display or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
40. Temporary Sign: A sign constructed of cloth, canvas, fabric, wood, plastic or other light temporary material, with or without a structural frame that is intended for a specific, short-term use. Such signs include, but are not limited to, onsite real estate signs used for the purpose of advertising the premise for sale, rent or lease; help wanted signs, onsite garage sale signs; political signs; seasonal signs; non-commercial signs which contain non-commercial information or directional messages; and construction signs.
41. Vehicle Sign: A sign that is attached to, painted on, or otherwise displayed on a vehicle that is parked on or adjacent to any property, the principal purpose which is to attract attention to the product sold or business located on the property.
42. Wall Sign (Parallel): A sign painted or attached directly to and parallel to the exterior wall of a building.
43. Wall Sign (Perpendicular): A permanent sign attached directly to and perpendicular to the exterior wall of a building.

44. Window Sign: A temporary sign installed on or inside a window or inside a building and intended to be viewed from the exterior of the building.

SOIL REMOVAL: The removal of any kind of soil or earth matter, including top soil, sand, muck, stones, gravel, clay or similar materials, or combination thereof, in such manner as not to result in a quarry excavation as herein defined except common household gardening and general farm care.

STATE LICENSED RESIDENTIAL FACILITY: Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 116 of 1973, Public Act 218 of 1979, Public Act 73 of 2014 or similar law. These acts provide for the following types of residential structures:

1. **ADULT FOSTER CARE FACILITY.** A governmental or non-governmental establishment having as its principle function the receiving of adults, 18 years of age or older, for foster care in accordance with Public Act 218 of 1974, as amended, Public Act 73 of 2014 and the Adult Foster Care Administrative Rules. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an on-going basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility. The following four (4) types of Adult Foster Care Homes are provided by these rules:

- a. **ADULT FOSTER CARE HOME.** A private residence with the approved capacity to receive not more than six (6) adults who shall be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- b. **ADULT FOSTER CARE SMALL GROUP HOME.** An adult foster care facility with the approved capacity to receive not more than twelve (12) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
- c. **ADULT FOSTER CARE LARGE GROUP HOME.** An adult foster care facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.
- d. **ADULT FOSTER CARE CONGREGATE FACILITY.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care. Local zoning approval is required prior to issuance of a license.

2. **FOSTER FAMILY HOME.** A private residence that houses four (4) or fewer foster children, up to age 19, under constant child care and supervision.

3. **FOSTER FAMILY GROUP HOME.** A private residence that houses five (5) or six (6) foster children, up to age 19, under constant care and supervision.

STORY: That part of a building included between the surface of one floor and the surface of the next floor, or if there is a floor above, then the ceiling next above. A basement shall not be counted as a story. (See Figure II-C)

STREET: A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property. (See Figure II-J)

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

SWIMMING POOL: Any structure or container located either above or below grade designed to hold water to a depth of greater than 36 inches, intended for use as a place for swimming or bathing.

TEMPORARY USE OR BUILDING: A use or building permitted by the Board of Appeals to exist during a specified period of time.

TOWNSHIP BOARD: Whenever in the Ordinance appear the words "Township Board", it shall mean the Township Board of Whiteford Township.

TRADITIONAL NEIGHBORHOOD DISTRICT: A compact, mixed use neighborhood where residential, commercial and civic buildings are within close proximity to each other.

TRAFFIC IMPACT STUDY: The analysis of the potential traffic impacts generated by a proposed project. This type of study and level of analysis will vary dependent upon the type and size of the project - Traffic Impact Assessment, Rezoning Traffic Impact Study, Traffic Impact Statement, and Regional Traffic Impact Study.

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

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause unnecessary or undue hardship (use variances) or practical difficulties (non-use variances) owing to circumstances unique to the individual property on which the variance is granted. A variance is not an exception.

WIND FACILITY: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines. For purposes of the Article, the following additional terms are defined.

1. **UTILITY-GRID (COMMERCIAL) WIND FACILITY:** A wind facility of equal to or greater than 100 kW in total nameplate generating capacity. A Utility Grid wind facility is designed and built to provide electricity to the electric utility grid.

2. **HEIGHT:** The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

a. **Horizontal Axis Wind Turbine Rotors:** The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.

b. **Vertical Axis Wind Turbine:** The distance between the ground and highest point of the wind turbine generator.

3. **ON-SITE (NON-COMMERCIAL) WIND FACILITY:** A wind facility of less than 100 kW in total nameplate generating capacity. Primarily intended to serve the needs of the consumer.
4. **MICRO-WIND FACILITY:** A wind facility of 2kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less. Primarily built to power a specific need on the owner's property, deficient of any connection to the utility grid.
5. **RATED NAMEPLATE CAPACITY:** The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.
6. **ROTOR:** An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
7. **ROTOR DIAMETER:** The diameter of the circle described by the moving rotor blades.
8. **SHADOW FLICKER:** Alternating changes in light intensity caused by the moving blade of a wind energy facility casting shadows on the ground and stationary objects.
9. **SUBSTANTIAL EVIDENCE:** Such evidence as a reasonable mind might accept as adequate to support a conclusion.
10. **WIND MONITORING DEVICES, METEOROLOGICAL TOWERS OR ANEMOMETERS:** A tower, including all accessory facilities, temporarily erected for no more than two (2) years, equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.
11. **WIND TURBINE:** A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

WIRELESS COMMUNICATION FACILITY OR FACILITIES: Shall mean all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals or other wireless communications services, and include wireless communications equipment, wireless communications support structures, and wireless communications equipment compounds, as defined herein. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, ham amateur radio facilities, private/stand-alone satellite dishes, essential services structures and facilities, and governmental facilities which may be subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Article, the following additional terms are defined:

1. Attached Wireless Communications Facilities shall mean wireless communication equipment attached to an existing wireless communications support structure or in an existing wireless communications equipment compound.
2. Substantial change in physical dimensions means one or more modifications of the height, width, length, or area of a wireless communications facility at a location, the cumulative effect of which is to materially alter or change the appearance of the wireless communications facility.

3. Wireless communications equipment means the equipment and components, including antennas, transmitters, receivers, base stations, equipment shelters or cabinets, emergency generators, and power supply, coaxial and fiber optic cables used in the provision of wireless communications services, but excluding wireless communication support structures.
4. Wireless communications equipment compound means a delineated area surrounding or adjacent to the base of a wireless communications support structure within which any wireless communications equipment related to that support structure is located.
5. Wireless Communication Support Structures or Support Structures shall mean structures designed to support or capable of supporting wireless communication equipment. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, utility poles, wood poles and guyed towers, buildings, or other structures with such design capability.
6. Collocation shall mean the location by two (2) or more cellular communication providers of cellular communication facilities on a common wireless communication support structure.

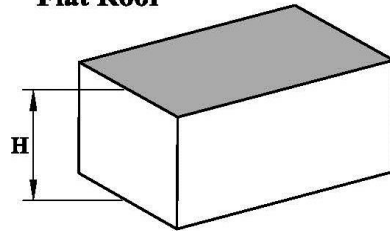
YARDS: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein (see Figure II-B):

1. **FRONT YARD:** An open space extending the full width of the lot, the depth of which is the minimum required horizontal distance between the front lot line and the nearest point of the main building.
2. **REAR YARD:** An open space extending the full width of the lot, the depth of which is the minimum required horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
3. **SIDE YARD:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the minimum required horizontal distance from the nearest point on side lot line to the nearest point of the main building.

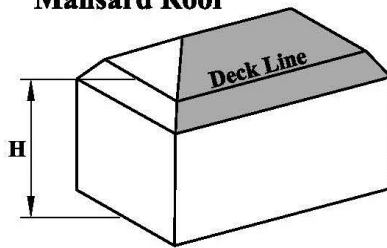
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Figure II-A
Building Height/Roof Types

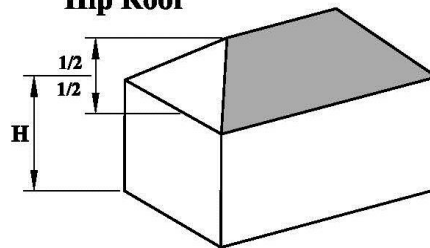
Flat Roof



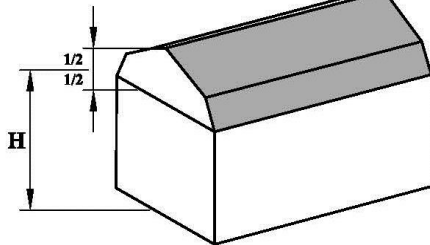
Mansard Roof



Hip Roof



Gambrel Roof



Gable Roof

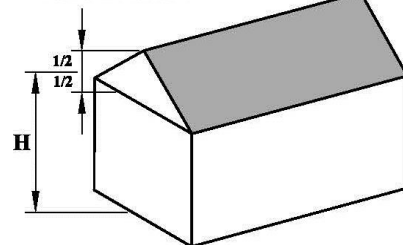


Figure II-B
Lot and Setback Terms

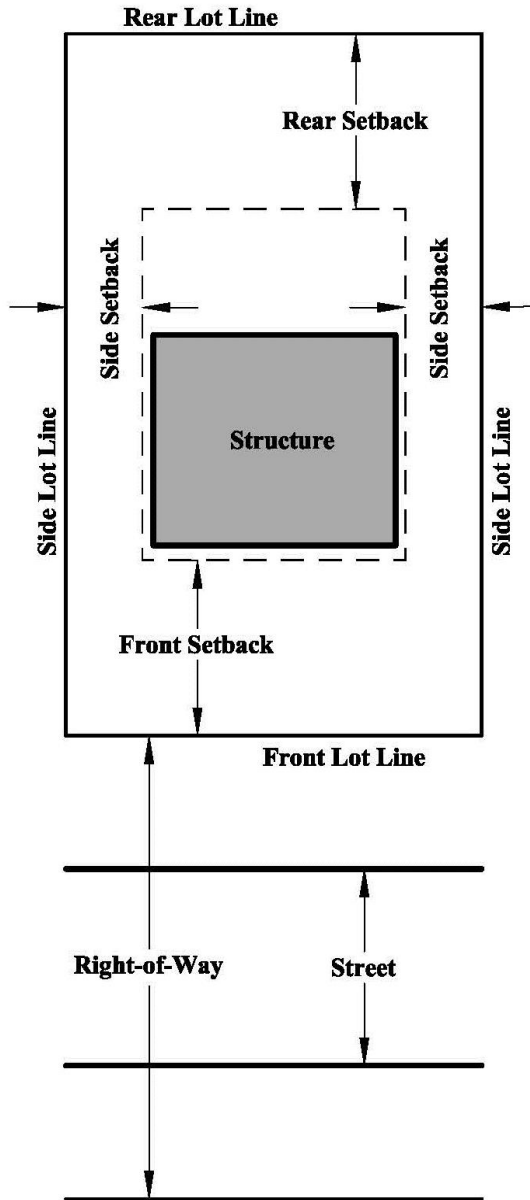
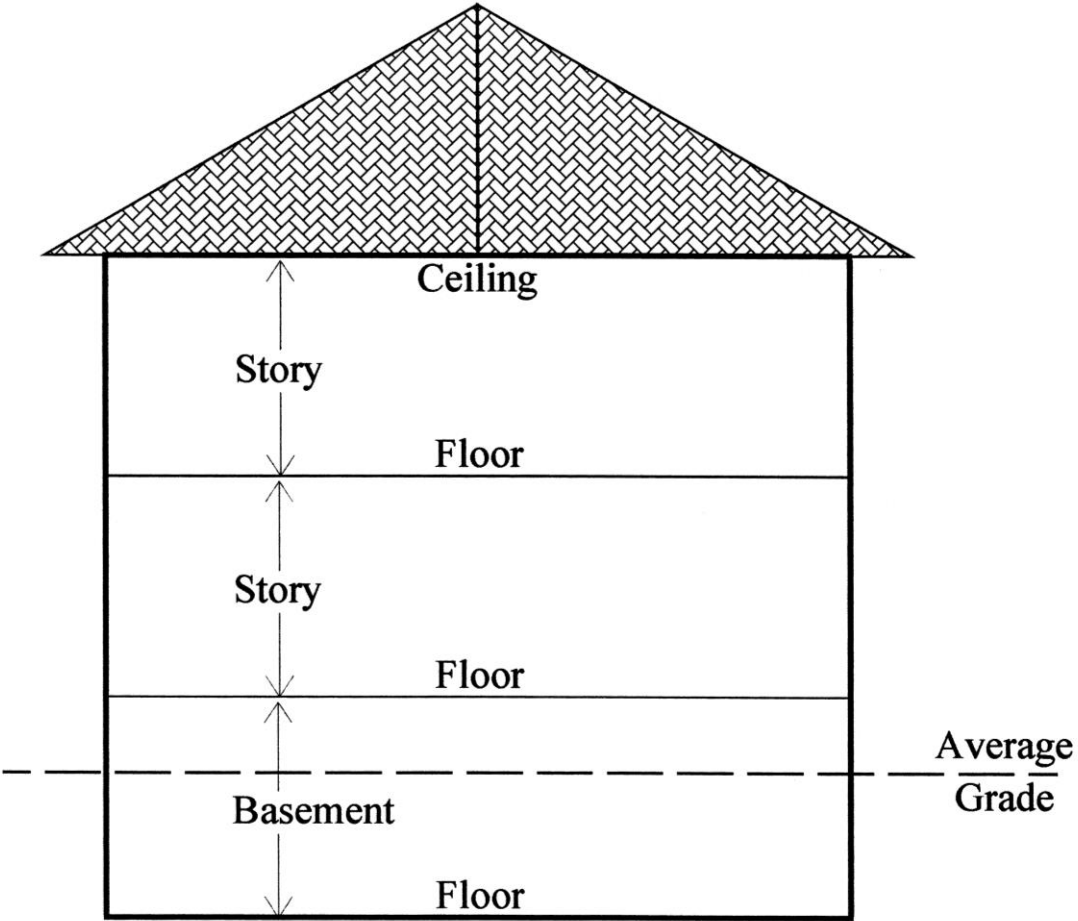


Figure II-C
Story



(See page 21 for definition of "Story")

ARTICLE III - ADMINISTRATION AND ENFORCEMENT

SECTION 3.01 – PURPOSE

It is the purpose of this article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of the provisions of this Ordinance and amendments thereto. If deemed necessary, a Zoning Administrator may be appointed by the Board of Trustees. The duties and responsibilities of the Zoning Administrator shall be determined by the Board of Trustees and the laws of the State of Michigan.

SECTION 3.02 - COMPLETION OF CONSTRUCTION

Nothing in this ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance.

Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and be of no effect 365 days following the effective date of adoption or amendment of this ordinance, unless a permit for the actual construction of a new building has been issued by the Building Official.

Where a building permit has been issued in accordance with the law within 365 days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed, subject thereafter to the provisions of *ARTICLE XI, NON CONFORMITIES*, if applicable.

Any basement, cellar, garage, or any incomplete structure without an occupancy permit in use as a dwelling on the effective date of adoption or amendment of this ordinance shall not be used as a dwelling for more than 12 months following said date, unless said structure has been completed in conformance with the regulations of the district in which located.

SECTION 3.03 - RECORDS

The Building Official shall maintain a record of all certificates and permits and said record shall be open for public inspection.

SECTION 3.04 - SPECIAL APPROVAL USES

Any use lawfully existing at the effective date of adoption or amendment of this ordinance and which is permitted as a special approval use in a district under the terms of this ordinance shall be deemed a valid conditional use and shall, without further action, application, or review be considered a valid conditional use. Expansion of such uses or change to another special

approval use after the effective date of this ordinance shall require a special approval use permit as provided in *ARTICLE VI, STANDARDS FOR SPECIAL APPROVALS USES*.

SECTION 3.05 - ZONING BOARD

Unless otherwise specified herein, all powers, duties, and responsibilities for a zoning board as provided by the Township Zoning Enabling Legislation Act 184, P.A. of 1943, as amended, are hereby transferred to the Whiteford Township Planning Commission in accordance with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006, MCL 125.3101 et seq., as amended.

SECTION 3.06 - FEES

The Township Board shall establish a schedule of fees for administering this Article. The schedule of fees shall be posted on public display in the office of the Building Official and may be changed only by the Township Board. No certificate or permit shall be issued unless required fees have been paid in full.

SECTION 3.07 – PERFORMANCE GUARANTEES

In the interest of ensuring compliance with the provisions of this Ordinance, protecting the natural resources and the health, safety and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan is required, the Township may require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including, but not limited to, roadways, lighting, utilities, sidewalks, safety paths, drainage, fences, screens, walls, landscaping, and widening strips.

1. The term "performance guarantee," as used herein, means a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Township.
2. Where the Township requires a performance guarantee, said performance guarantee shall be deposited with the Township prior to the issuance of a building permit by the Township for the development and use of the land. Upon the deposit of the performance guarantee, the Township shall issue the appropriate building permit and the Township shall thereafter deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account to the applicant.
3. The approval shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
4. In the event the performance guarantee deposited is a cash deposit or certified check, the Township shall rebate to the applicant fifty percent (50%) of the deposited funds when seventy-five percent (75%) of the required improvements are completed as confirmed by the Township, and the remaining fifty percent (50%) of the deposited funds when one hundred percent (100%) of the required improvements are completed as confirmed by the Township.

5. Upon the satisfactory completion, as determined by the Township, of the improvement for which the performance guarantee was required, the Township shall return to the applicant the performance guarantee deposited and any interest earned thereon.

In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including, specifically, the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use the performance guarantee or a portion thereof to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. In the alternative, the Township may retain the amount deposited for the performance guarantee if the applicant fails to cooperate with the Township and said amount shall be deemed forfeited by the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Township to insure completion of an improvement associated with the proposed use prior to the Township conditional approval, the Township may, at its discretion, waive the requirement that applicant deposit with the Township a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

SECTION 3.08 - VIOLATIONS AND PENALTIES

1. MUNICIPAL CIVIL INFRACTION; NUISANCE PER SE.

- a. Any person or anyone acting on behalf of said person who should violate the provisions of this Ordinance, or who fails to comply with the regulatory measures or conditions adopted by the Board of Appeals, Planning Commission or the Township Board, shall be responsible for a municipal civil infraction pursuant to the Whitford Township Municipal Civil Infraction Ordinance, and any amendments thereto.

SECTION 3.09 – PUBLIC NOTICE

When notice of a Township action is required, such notice shall comply with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., and the Open Meetings Act, MCL 15.261 et seq.

Except as otherwise provided below, notices of hearings regarding zoning amendments, conditional uses, and matters before the Board of Appeals shall be provided as required by the Zoning Enabling Act, as follows:

1. **Newspaper Notice.** A notice shall be published in a newspaper of general circulation in the Township at least fifteen (15) days before the hearing.

2. **Notice Requirements.** At least fifteen (15) days before the hearing, notices shall be mailed or hand-delivered to the following:
 - a. The applicant and the owner(s) of the property, if the applicant is not the owner.
 - b. All persons to whom real property is assessed within three hundred (300) feet of the boundary for the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the Township.
 - c. The occupants of any structures within three hundred (300) feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the Township, except as set forth in Section 3.12.2.d.
 - d. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
 - e. The notice under Section 3.12 is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service, or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
3. **Exemption.** Actions exempt from notification:
 - a. Requirements for individual notice to property owners shall not apply to Ordinance text amendments.
 - b. Requirement for individual notice as set forth in Section 3.12.2 does not apply to any group of adjacent properties numbering eleven (11) or more that is proposed for rezoning.
4. **Content of Notice.** The notices shall:
 - a. Describe the nature of the request.
 - b. Identify any property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification (including illustrations) may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.

SECTION 3.10 – ADMINISTRATIVE REZONING

Whiteford Township, at its own initiative, may change the zoning classification of a property. The intended purpose and objectives of changing the zoning classification are to better reflect the use of the property after a split, to be better able to regulate activities on a property, create more uniform enforcement of the Zoning Ordinance and keep the zoning map up-to-date.

1. In initiating an administrative rezoning, the Township shall follow the following procedure:
 - a. The Township shall send notice of its intent to rezone the property as required by statute.
 - b. The Township shall review the master plan and make any necessary changes to the master plan prior to or concurrently with the administrative rezoning.
 - c. The Township shall hold a public hearing on the intended rezoning.

ARTICLE IV - TOWNSHIP ZONING DISTRICTS

SECTION 4.01 – ESTABLISHMENT OF DISTRICTS AND GENERAL DISTRICT PROVISIONS

1. DISTRICTS

For the purpose of this Ordinance, Whiteford Township is hereby divided into the following zoning districts to be known as, and having the following names and symbols:

AG	Agricultural District – 5 acres or more with a minimum of 250 foot of frontage
R-1	Single-Family Rural Residential District – 2.00 to 4.99 acres with a minimum frontage of 200 feet and a maximum depth of 660 feet.
R-2	Low Density Residential District – 1.00 to 1.99 acres with a minimum frontage of 125 feet and a maximum depth of 500 feet.
R-3	Medium Density Residential District - 20,000 Square Feet to 43,559 Square Feet with a minimum frontage of 75 feet, and with municipal water and sewer.
R-4	High Density Residential - meets the criteria described in section 4.09 – R-4
R-5	Multiple-Family Residential District - meets the criteria described in section 4.10 – R-5
TND	Traditional Neighborhood Development - meets the criteria described in section 5.05 - TND
B-1	Local Business District
B-2	General Business District
M-1	Limited Industrial District
M-2	General Industrial District
EX	Extractive District
PUD	Planned Unit Development District

SECTION 4.02 - OFFICIAL ZONING MAP

- 1. Provision For** — The zoning districts as provided herein are bounded and defined as shown on a map entitled “Official Zoning Map of Whiteford Township”. The official zoning map, with all explanatory matter thereon, is hereby made part of this Ordinance.
- 2. Identification of Official Zoning Map** — The official zoning map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, under the following words: “This is to certify that this is the Official Zoning Map referred to Whiteford Township Zoning Ordinance” together with the effective date of this ordinance.
- 3. Changes to Official Zoning Map** — If, in accordance with the procedures of this Ordinance and the Michigan Zoning Enabling Act, Public Act No. 110 of 2006, MCL 125.3101 et seq., as amended, a change is made in a zoning district boundary, such change shall be entered onto the Official Zoning Map by outlining the area or parcel of land that was rezoned, along with the new zoning district symbol and local amendment number. There shall also be recorded in the box labeled “Revisions” the following information: 1) date when the amendment was made, 2) the Local Zoning Amendment Identification Number, and 3) the initials of the amending person. For the purposes of this section only the Township Supervisor or Township Clerk may make such changes(s).

4. **Authority of Official Zoning Map** — Regardless of the existence of purported copies of the official zoning map which, from time to time, may be made or published, the official zoning map shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township. The official zoning map shall be located in the office of the Township Clerk and shall be open to public inspection.
5. **Replacement of Official Zoning Map** — In the event that the official zoning map is updated, becomes damaged, destroyed, lost, or difficult to interpret because of the nature and the number of changes made thereto, the Township Board may by ordinance adopt a new official zoning map which shall supersede the prior zoning map. The new official zoning map may update parcel splits, changes in zoning classifications, or correct drafting or other changes, errors or omission on the official zoning map. The new official zoning map shall be identified by signature of the Township Supervisor, attested by the Township Clerk, with the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Whiteford Township, adopted on (date) which replaces and supersedes the Official Zoning Map which was adopted on (date)".

Unless the prior official zoning map has been lost or has been totally destroyed the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

6. **Rules for Interpretation** — Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map the following rules for interpretation shall govern:
 - a. A boundary indicated as approximately following the center line of a highway, alley, or easement shall be construed as following such centerline.
 - b. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
 - c. A boundary indicated as approximately following a municipal boundary of a city, village, or township shall be construed as following such line.
 - d. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.
 - e. A boundary indicated as following a shore line shall be construed as following such shore line, and in the event of change in the shore line shall be construed as following the shore line existing at the time the interpretation is made.
 - 1) The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.
 - f. A boundary indicated as parallel to, or an extension of, features in paragraphs a-f preceding shall be so construed.
 - g. A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.

- h. Where a physical or cultural feature existing on the ground is at variance with that shown on the official zoning map or any other circumstances not covered a-h preceding, the Board of Appeals shall interpret the location of the zoning district boundary.
- i. Where a district boundary line divides a lot which is in single ownership at the time of adoption of this ordinance, the Board of Appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed 50 feet beyond the district line into the remaining portion of the lot.

SECTION 4.03 – MINIMUM REQUIREMENTS

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structures, or uses throughout each district. Wherever the requirements of this ordinance are at variance with the requirements of any other adopted rules or regulations, ordinances, deed restrictions, or covenants, the most restrictive or those imposing the higher standards shall govern.

1. Scope of Regulations.

- a. Except as otherwise may be provided in *Article XII* herein by the Board of Appeals, every building or structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this ordinance shall comply with all regulations which are applicable in the zoning district in which such use, building, or structure shall be located.
- b. No part of a yard or other open space, off-street parking or loading space required about or connected with any use, buildings, or structure for the purpose of complying with this ordinance shall be included in the yard, open space, off-street parking or loading space similarly required for any other use, building or structure.
- c. No yard or lot existing on the date of adoption of this ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet the least minimum requirements established herein. No off-street parking or loading areas shall be reduced below the required size or number of spaces.
- d. No structure shall be erected within 50 feet of the center line of a county drain or other drain as shown on the county drainage map.
- e. Non-conforming lots of record may be utilized as set forth in *SECTION 11.02*, herein.

2. Permitted Uses.

Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts or are similar to such listed uses. All other uses are prohibited.

3. Accessory Uses and Buildings.

Accessory uses are permitted as listed in the various zoning districts or as similar to such listed uses, and only if such uses are clearly incidental to the permitted principal uses. Other accessory uses, not listed, are permitted if customarily incidental to such principal permitted and conditional uses.

No accessory building shall be erected in any district except as permitted in *SECTION 8.01*, herein. A building attached to a principal building of a lot shall be considered a structural part thereof, shall comply with the provisions of the district in which it is located, and shall not be considered an accessory building. No accessory building shall be used prior to occupancy of the principal building or use.

4. Special Approval Uses.

Special approval uses are permitted as listed in each Zoning District. The required standards are set forth in *ARTICLE VI*, herein. Additional requirements for certain conditional uses are set forth in *ARTICLE VIII*, herein.

5. Yard Measurements.

Yards shall be measured from the exterior faces of a structure to lot lines. Roof overhangs and cornices which project one (1) foot or less from the exterior face shall not be included in the yard measurement. Yards shall be measured from the outer edge of a roof overhang or cornice, less one (1) foot, if the roof overhang or cornice extends more than one (1) foot from the exterior face of the structure. Front and corner side yards shall be measured from existing right-to-way lines. All required yards shall be located parallel and adjacent to property lines.

6. Required Frontage on Dedicated Right-of-Way.

No building and/or lot of record shall be created that does not have the minimum frontage on a duly dedicated public right-of-way for the zoning district in which the property is located, as set forth in Section 4.16.

7. Number of Residences on a Lot.

- a. There shall be only one (1) single-family residence permitted per lot in all single-family residential zoning districts, notwithstanding subsection b below.
- b. For all development subject to site plan review, more than one (1) principal building per lot may be permitted to the extent that the proposed plan for such purpose is found by the Planning Commission as part of site plan review to conform with the intent, and with all standards and requirements of this Ordinance.

8. Flood Plain Overlay.

- a. All Districts shall be subject to the Flood Plain Overlay District requirements set forth in Section 5.02.

SECTION 4.04 – EXEMPTIONS FROM AREA, PLACEMENT AND HEIGHT REGULATIONS

1. The following structures may be located anywhere on any lot: Open and unroofed terraces, patios, porches and steps; awnings, flag poles; recreation equipment; outdoor cooking equipment; solid fences, screens or walls less than four feet in height; fences, screens or walls having at least 50% of their surface area open when viewed from the perpendicular; mailboxes; and light poles, subject to the provisions of *SECTION 9.02*, herein, *Visibility at Intersections*.
2. The following structures and appurtenances shall be exempt from the height regulations of this ordinance: spires, belfries, chimneys, ventilators, skylights, water tanks, public utility transmission and distribution lines and related structures, radio and television broadcasting and receiving antennae, silos, parapets, and other appurtenances usually required to be placed above roof level and not intended for human occupancy.
3. An entrance structure, including but not limited to walls, columns or gates, may be placed in a subdivision, mobile home park, apartment or other residential development without regard to yard requirements provided that the location of such a structure shall be approved by the Planning Commission before a building permit shall be issued. The location of such a structure shall conform to the provisions of *SECTION 9.02* herein, *Visibility at Intersections*.
4. Signs identifying the development by name and address may be mounted on an entry structure or made a structural part thereof, provided that such signs shall conform to all sign regulations, except yard regulations of the district in which located, and to the provisions of *ARTICLE X, SIGN REGULATIONS*.

SECTION 4.05 - AG AGRICULTURAL DISTRICT

1. Intent

The purpose of the AG District is to preserve and protect the decreasing supply of prime agricultural land. The AG District is designed to apply to rural agricultural areas of the Township which should not be developed for urban purposes in the foreseeable future and control indiscriminate infiltration of urban development in agricultural areas which adversely affects agricultural operations. The district also provides for the establishment of uses which require large land areas and which, because of their nature, can be developed in rural areas. The AG agricultural district will not permit uses which would create a premature demand for urban services. All parcels in the Agricultural District shall be at least 5 acres in size and have a minimum frontage of 250 feet.

2. Principal Uses Permitted

In an AG Agricultural District, no building or land shall be used and no building shall be erected except for one of the following uses unless otherwise provided in this Ordinance:

- a. General and specialized farming.
- b. Public and private stables.
- c. One-family detached dwellings subject to the provisions of Section 5.04 Home occupations, subject to the provisions of *Section 8.06*.

- d. Places of Worship, subject to the provisions of *Section 8.11*.
- e. Public, parochial and other private schools offering courses in general education and not operated for profit, subject to the provisions of *Section 8.11*.
- f. Public utility and public service buildings and uses.
- g. Greenhouses.
- h. Public or private day use parks and recreation areas, golf courses and driving ranges, not including uses providing facilities for staying or camping overnight or longer.
- i. A farm market or roadside stand as defined and regulated by the Right to Farm Act.
- j. Adult foster care family home, foster family home and foster family group home, subject to the provision of *Section 8.02*.
- k. Nature preserves and forestry.
- l. Micro-wind facility, subject to the provisions of *Section 8.19*.
- m. Accessory buildings and uses subject to the provisions of *Section 8.01*.
- n. On parcels of land five (5) acres or larger, any agri-business can be done pursuant to the Right to Farm Act.

3. Special Approval Uses

The following uses may be permitted subject to compliance with *ARTICLE VI, STANDARDS FOR SPECIAL APPROVAL USES*:

- a. Commercial kennels, on a contiguous parcel five (5) acres or more in area, subject to the provisions of *Section 8.08*.
- b. Cemeteries.
- c. Migratory labor camps when said facility is provided as temporary housing for workers and their families during the season in which they are employed in the planting, harvesting or processing of crops or other essential but temporary agriculturally related employment, and provided further that said facility is accessory to the farm on which said worker is employed.
- d. Private clubs, gun clubs, country clubs, and recreation areas and facilities, on a contiguous parcel of five (5) acres or more in area, subject to the provisions of *Section 8.09*.
- e. Veterinary hospitals or clinics, provided the use is carried on within a completely enclosed building, or shall be no closer than 200 feet to property currently occupied by a residential dwelling.
- f. Television and radio towers, subject to the regulations of *SECTION 8.13*.

- g. Airports, subject to the regulations of *SECTION 8.14*.
- h. On-site Wind Facility, subject to the regulations of Section 8.20.
- i. Bed and breakfast, subject to the regulations of Section 8.21.
- j. Accessory buildings and uses subject to the provisions of Section 8.01.
- k. All special approval uses permitted in the AG Agricultural District, subject to all requirements of this section.
- l. Ambulance, fire, police station.
- m. Bulk feed and fertilizer outlets.
- n. Places of worship subject to the provisions of Section 8.11.
- o. Public and private schools, subject to the provisions of Section 8.11.
- p. Government buildings.
- q. Group day care homes, day care centers, and nursery schools subject to the provisions of 8.04.
- r. Accessory buildings and uses customarily incident to any of the above permitted uses.

4. Area And Size Requirements

See *ARTICLE V, SCHEDULE OF REGULATIONS*, limiting the height and size of buildings, and the minimum of lot by permitted land use.

SECTION 4.06 – R-1, SINGLE-FAMILY RURAL RESIDENTIAL DISTRICT

1. Intent

The purpose of the R-1 District is to permit a degree of development of a rural non-farm nature in areas not expected to have public facilities in the near future. The district shall permit a dwelling on parcels between 2.00 and 4.99 acres with a minimum frontage of 200 feet and maximum depth of 660 feet.

Principal Uses Permitted

1. In Single-Family Rural Residential Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:
 - a. Single-family detached dwellings.
 - b. Public and private schools, subject to the provisions of *Section 8.11*.
 - c. Municipal buildings and publicly owned and operated libraries, parks, parkways and recreational facilities but not including public land or buildings devoted solely to the

- storage and maintenance of equipment and materials and public service facilities.
- d. Places of Worship, subject to the provisions of *SECTION 8.11*.
 - e. Home occupation, subject to the provisions of *SECTION 8.06*.
 - f. Manufactured homes when developed on individual lots in accordance with the provisions of *SECTION 9.01*.
 - g. Adult foster care family home, foster family home and foster family group home, subject to the provisions of *Section 8.02*.
 - h. Private stables.
 - i. The raising — as a hobby — of chickens, rabbits, sheep, goats, pigeons and similar animals, but not pigs, unless they are raised as a school or 4-H project.
 - j. Accessory structures and uses subject to the provisions of *8.01*.

2. Special Approval Uses

The following uses may be permitted subject to compliance with *ARTICLE VI, STANDARDS FOR SPECIAL APPROVAL USES*:

- a. Group day care homes, day care facilities and nursery schools, subject to the provisions of *Section 8.04*.
- b. Adult foster care small group home and adult foster care large group home, subject to the provisions of *Section 8.02*.
- c. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
- d. In compliance with *Section 8.03*, temporary buildings and uses for construction purposes for a period not to exceed one (1) year.
- e. Private non-commercial recreation uses.
- f. Accessory structures and uses customarily incident to the above permitted uses subject to the provisions of *8.01*.

3. Site Plan Review

All principal and special approval uses listed above are subject further to the requirements and provisions of *ARTICLE VII, SITE PLAN REVIEW*, and any other applicable regulations included in this Ordinance.

4. Area And Size Requirements

See *ARTICLE V, SCHEDULE OF REGULATIONS* limiting the height, size of buildings the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

SECTION 4.07 – R-2, LOW DENSITY RESIDENTIAL DISTRICT

1. Intent

The purpose of the R2 District is to permit a degree of development of a rural non-farm nature in areas not expected to have public facilities in the near future. This district also allows the opportunity to satisfy individual housing preferences and shall permit a dwelling on a 1 to 1.99 acre parcel with a minimum frontage of 125 feet and a maximum depth of 660 feet.

2. Principal Uses Permitted

In Low Density Residential Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

- a. One-family detached dwellings.
- b. Public, parochial and private schools, offering courses in general education, and not operated for profit.
- c. Publicly owned and operated libraries, parks, parkways and recreational facilities.
- d. Churches and other facilities normally incidental thereto, subject to the provisions of *Section 8.11*.
- e. Home occupation, subject to the provisions of *Section 8.06*.
- f. Public Uses including administrative and cultural buildings and structures, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.
- g. Private pools shall be permitted as an accessory use within the rear yard or a side yard, subject to the provisions of *Section 8.26*.
- h. Historic sites or structures.
- i. Manufactured homes when developed on individual lots in accordance with the provisions of *Section 9.01*.
- j. State licensed residential facilities licensed pursuant to Act 218, P.A. of 1979, as amended.
- k. Family day care, group day care, or child care facilities licensed in accordance to Act 116, P.A. 1973, as amended.
- l. Accessory structures and uses customarily incidental to the above permitted uses subject to the provisions of 8.01.
- m. Open Space Development, subject to the regulation of Section 4.16 and Article VI.
- n. The raising of animals such as female chickens, ducks, rabbits, pigeons and similar animals for a school or 4-H project; provided however, roosters shall not be permitted.

Animals such as sheep, goats, pigs, cows, large livestock and other similar animals shall be prohibited.

3. Conditional Uses Permitted Subject to Special Approval

The following uses may be permitted after review and approval of the site plan by the Township Board and under such conditions as the Township Board may impose after finding that the use is not injurious to the District and environs; is not contrary to the spirit and purpose of this Ordinance; is not incompatible with already existing uses in the area; would not interfere with orderly development of the area; and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.

- a. Nursery school, day nurseries and child care centers; provided that for each child so cared for, there is provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least one thousand (1,000) square feet and shall be screened from any adjoining lot in any residential district.
- b. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
- c. Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.
- d. Private non-commercial recreation uses.
- e. Accessory structures and uses customarily incidental to the above permitted uses subject to the provisions of 8.01.

4. Site Plan Review

All principal and special approval uses listed above are subject further to the requirements and provisions of *ARTICLE VII, SITE PLAN REVIEW*, and any other applicable regulations included in this Ordinance.

5. Area and Size Requirements

See *ARTICLE V, SCHEDULE OF REGULATIONS* limiting the height, size of buildings the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

6. Flood Plain Overlay Zone Regulations

All principal and special approval uses are subject further to the requirements and provisions of *Section 4.15 Flood Plain Overlay Zone Regulations*.

SECTION 4.08 – R3, MEDIUM DENSITY RESIDENTIAL

1. Intent

The purpose of the R3 District is to encourage the establishment of medium-low density single and two family dwellings not to exceed 3.3 dwelling units per gross acre in areas served by public water and sewer. Lot size shall be from 20,000 to 43,559 square feet with a minimum frontage of 75 feet and must be connected to municipal sewer and municipal water.

2. Principal Uses Permitted

In R3 Residential Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

- a. All other principal uses permitted by right in R2 District except that home occupations shall not be permitted in the R3 District,
- b. Two-family dwellings,
- c. Accessory structures and uses customarily incident to the above permitted uses.

3. Conditional Uses Permitted Subject to Special Approval

The following uses may be permitted after review and approval of the site plan by the Township Board and under such conditions as the Township Board may impose after finding that the use is not injurious to the District environs; is not contrary to the spirit and purpose of this Ordinance; is not incompatible with already existing uses in the area; would not interfere with orderly development of the area; and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic. The property must be served by municipal water and sewer.

- a. Nursery schools, day and child care centers; provided that for each child so cared for, there is provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least one thousand (1,000) square feet and shall be screened from any adjoining lot in any residential district.
- b. Public utility buildings, telephone exchange buildings, electric transformer stations when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
- c. Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.
- d. Private non-commercial recreational uses.
- e. Accessory structures and uses customarily incidental to the above permitted uses.
- f. Open Space Development, subject to the regulation of Section 4.16 and Article VI, if the property is served by a public sewer system.

4. Site Plan Review

All principal and special approval uses listed above are subject further to the requirements and provisions of *ARTICLE VII, SITE PLAN REVIEW*, and any other applicable regulations included in this ordinance.

5. Area and Size Requirements

See *ARTICLE V, SCHEDULE OF REGULATIONS* limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

6. Flood Plain Overlay Zone Regulations

All principal and special approval uses are subject further to the requirements and provisions of *Section 4.15, Flood Plain Overlay Zone Regulations*.

SECTION 4.09 - R4, HIGH DENSITY RESIDENTIAL

1. Intent

The purpose of the R-4 District is to permit the development of mobile home parks in a well-planned environment. It is the intent of the Ordinance that mobile home parks be located in areas which are served adequately by essential services. The location of a mobile home park must be situated so that it abuts upon a designated major thoroughfare.

2. Principal Uses Permitted

In a R4 no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise specified in the Ordinance:

- a. One office building in each mobile home park, to be used exclusively for conducting the business operations of the mobile home park.
- b. Utility buildings for laundry facilities and auxiliary storage space for mobile home residents.
- c. Recreation area, playgrounds, community swimming pool, community meeting room, and open space for use by mobile home park residents.
- d. Display and sale of mobile homes and limited commercial activity in conformance with *SECTIONS 8.16 and 8.17*.
- e. Accessory structures and uses subject to the provisions of Section 8.01.

3. Special Approval Uses

The following uses may be permitted subject to compliance with *ARTICLE VI, STANDARDS FOR SPECIAL APPROVAL USES*:

- a. All principal uses permitted subject to special approval in R-1, R-2, and R-3 Residential Districts.

4. Expansion Of Mobile Home Parks

It shall be unlawful to construct, alter or extend any mobile home park except where permitted by this ordinance and pursuant to a valid permit issued by the State of Michigan and a building permit issued by the Township of Whiteford.

5. Area and Size Requirements

- a. Park size and mobile home density. The minimum site size for mobile home parks shall be no more than 7 acres, with no less than 50 percent (50%) mobile home lots completed and ready for occupancy before the first occupancy is permitted, unless otherwise restricted or expanded by Court ruling. Average density shall not exceed five (5) mobile home units per acre of the total developed park site.
- b. Mobile home lots in all parks shall conform to the following standards and requirements:
 - 1) Setbacks. All mobile homes and accessory buildings shall be set back not less than 50 feet from any park boundary line, including the future right-of-way line of abutting streets and highways as designated on the Township's Master Plan.
 - 2) Required yards. There shall be required front, side, and rear yards, free and clear of structures and open to the sky, excepting required utility meters and the like, in the following minimums: Main Entrance side - 15 feet; Rear yard - ten (10) feet. There shall be a minimum of twenty (20) feet between mobile homes including any attachments thereto, such as canopies and awnings.
 - 3) Area devoted to mobile home lots. The area devoted to mobile home lots shall not exceed 50% of the total developed gross land area of the mobile home park.
 - 4) Minimum lot size. All mobile home lots shall have a minimum width of 50 feet and a minimum area of 4,000 square feet, with exception of lots for use by double width trailers which shall have a minimum area of 6,000 square feet. Area of such mobile home lots shall be computed exclusive of streets and roadways, public sidewalks, other required facilities, recreation space and other common green areas.
 - 5) Site coverage. Maximum site coverage of a mobile home lot by the mobile home and all attachments thereto and any accessory buildings shall be 35% of the lot area.
 - 6) Mobile home height limits. Maximum height of mobile home shall be one and one-half (1 ½) stories or 20 feet.

6. Design and Layout

- a. Street Layout. (1) Streets and roadways within the mobile home park shall provide for easy access to each lot by mobile home residents, visitors, school buses, police and emergency equipment, but shall be so designed as to discourage the use of such roadways for through traffic. (2) Dead end streets shall not be allowed, excepting cul-de-sacs not more than 450 feet in length and terminating with an adequate turn-around having a minimum of 28 foot pavement and a minimum centerline radius of 42 feet.
- b. Pads, mats or platforms. Each mobile home lot shall be provided with a concrete pad, or mat or platform, not less than four (4) inches in depth, or of equal bearing strength if reinforced concrete is used. No mobile home shall be placed upon a pad which is of lesser length or width than such mobile home.
- c. Skirting, canopies and awnings.

- 1) Each mobile home must be skirted within 30 days after placement in a mobile home park.
 - 2) Such skirting shall be of 26 gauge metal, aluminum or other non-corrosive metal or material of equal strength and so constructed and attached to the mobile home as to deter and prevent the entry of rodents, flies, bugs, and other insects. Properly screened ventilators of adequate size shall be provided. Storage of flammable materials under any mobile home is prohibited.
 - 3) Canopies and awnings may be attached to mobile homes, but they shall not exceed 12 feet in width or the length or height of the mobile home. All canopies shall be erected only over a durable surface such as concrete, timber or brick.
 - 4) A permit shall not be required for construction or erection of canopies or awnings which are open on three (3) sides. However, a building permit shall be required from the Building Official before construction or erection of any screened, glassed, or otherwise enclosed awning or canopy.
- d. Utility cabinets. Each mobile home may be provided with one metal cabinet. All utility cabinets shall be uniform as to size and location throughout the mobile home park. All cabinets shall be kept clean and shall be maintained in good conditions and kept painted a neutral color and shall contain a minimum of 100 cubic feet of storage.
- e. Walks, stoop and patio. A concrete walk shall be provided from each regularly used mobile home entrance to the common sidewalk and to the parking area for that mobile home.
- 1) Further, a concrete pad at least four (4) inches in thickness shall be provided as a support for all steps leading into a mobile home.
 - 2) Outdoor concrete patios shall be a minimum of four (4) inches thick.
- f. Vehicle travel lanes. All roadways and driveways shall be hard-surfaced and so constructed as to handle all anticipated park loads, adequately drained and lighted for safety and ease of movement of vehicles, and shall conform to the minimum standards of the Monroe County Road Commission for subdivision streets. All roads shall have curbs and gutters and sidewalks along each side upon which mobile home lots front. Minimum pavement width shall be 28 feet for all roads. No on-street parking shall be permitted. In order to facilitate deceleration of vehicles and turning of traffic, whenever a street or roadway intersects with a major thoroughfare, such street or roadway shall be four lanes wide at the intersection and have a minimum pavement width of at least 40 feet for a distance of at least 100 feet from the pavement edge of the major thoroughfare and tapering for an additional distance of at least 50 feet to normal width, and an access lane at least ten (10) feet wide shall be constructed along the nearest pavement edge of the major thoroughfare and extending in both directions from the intersection a distance of at least 100 feet and tapering for an additional distance of 50 feet to the said pavement edge.

- g. Walkways. Public sidewalks meeting the specifications of the Township Engineer shall be provided on the street side of each mobile home site. All public walks, such as from mobile homes to service buildings and along streets and drives, shall be at least four (4) feet in width. Walks used in common by one (1) to three (3) units, connecting said units to a common area or public walk, shall be at least 36 inches in width.
- h. Minimum off-street requirements. Adequate hard surfaced paving shall be required for off-street parking, vehicle storage and access in accordance with the following requirements:
 - 1) Each unit shall be provided with off-street parking as herein provided. If said parking spaces are provided solely on the individual mobile home lots a minimum of two (2) parking spaces per mobile home lot shall be provided.
 - a) Any mobile home lot which does not have two (2) off-street parking spaces provided thereon shall have additional off-street parking provided in parking compounds conveniently located within 100 feet of said lot and readily accessible to the mobile home lots they are intended to serve. Each lot shall have a minimum of one exclusive off-street parking space.
 - b) The total number of off-street parking spaces in the park, including those serving community buildings, recreation areas, etc., shall not be less than three (3) times the number of mobile home lots.
 - 2) Sufficient space shall be provided, in accord with acceptable standards of the Township Planning Commission, to fit the scale of the contemplated use and activity to be developed.
 - 3) Each parking space shall have a minimum width of ten (10) feet and a minimum depth of twenty (20) feet. All parking spaces and parking compounds shall be surfaced with an asphaltic or concrete surfacing in accordance with specifications approved by the Township Engineer. Drainage facilities shall be provided to dispose of all surface water.
- i. Utilities and other services.
 - 1) All mobile home parks shall be serviced by municipal water and sewage systems approved by the Michigan Department of Public Health and Whiteford Township. Connections to each mobile home lot shall meet the requirements of the Monroe County Health Department. Fire hydrants shall be located at intervals of not more than 350 feet to the specifications of the Township Engineer and as required by the Township Fire Department.
 - 2) The plumbing connections to each mobile home lot shall be constructed so that all lines are protected from freezing, from accidental bumping or from creating any type of nuisance or health hazard.
 - 3) Storm drainage facilities shall be so constructed as to protect those who will reside in the mobile home park, as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure positive drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.

- 4) All utility lines shall be underground. When meters are installed they shall be uniformly located.
- 5) If LP gas or oil is used, it shall be stored in a central storage facility only.
- 6) Facilities for the storage and disposal of trash and garbage in a sanitary manner shall be provided in each mobile home park. Containers shall be provided in sufficient number and capacity to properly store all refuse. All refuse shall be stored in insect-tight, water-tight, rodent proof containers, which shall be located not more than 150 feet from each mobile home lot. Refuse collection stands shall be provided for all refuse containers. Such stands shall be so designed as to prevent the container from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around same. No incinerators will be allowed. Provision shall be made by the park management for collection of all garbage and refuse.
- 7) Street and yard lights, attached to poles approved by the Township Planning Commission, shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be related to buildings, trees, walks, steps, and ramps.
- 8) No exterior television antenna shall be permitted, except that a central antenna may be provided with underground connections to individual mobile homes.
- 9) Fire extinguishing equipment. Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order of such height, size, and number and so located within the park as to satisfy applicable regulations of the State Fire Marshall. No open fire shall be permitted except in barbecue grills complying with the specifications of the Whiteford Township Burning Ordinance 61.
- 10) On-site laundry drying space. Where outdoor drying space is required or desired, individual clothes drying facilities on each lot of the collapsible umbrella type of hanging apparatus shall be allowed in the rear yard only, with the park management providing a concrete-embedded socket on each site.
- 11) Mail delivery. Central mail delivery shall be provided pursuant to postal regulations at an office conveniently located in the mobile home park.
- 12) Greenbelt. A greenbelt planting strip of not less than 20 feet in width shall be placed along the perimeter of the mobile home park where it abuts a public right-of-way or an area zoned in any residential classification. The greenbelt shall be developed with a mixture of hardy deciduous and coniferous plant material and maintained thereafter in a neat and orderly manner. Withered and/or dead plant material shall be replaced within a reasonable period of time, but no longer than one growing season. Excluded from such plantings shall be the following plant material: Ailanthus (Tree of Heaven), box elders, poplars, soft maples (red and silver), willows, Chinese elm, catalpa and horse chestnut.
- 13) Fences. Fences shall be required along all mobile home park property lines. Said fences shall be at least four (4) feet and not more than six (6) feet in height,

except within 35 feet of the future right-of-way line of an abutting street as designated on the Township's Master Plan of Thoroughfares, where the height shall be three (3) feet. Said fence shall consist of chain link material anchored securely to steel posts, or a wall of ornamental construction may be substituted therefore.

14) Common green areas. A minimum of 25% of the total developed gross land area of the mobile home park shall be developed as common green areas devoted to recreational uses, greenbelts, etc. All open areas shall be maintained in a neat and orderly manner by the park management.

15) Recreational Vehicle Storage. A fenced-in and locked area shall be provided adequate to store recreational vehicles, boats, etc. of park residents.

j. Commercial Activities Within the R-4 District

1) Vending machines for sale of sundry items may be located in mobile home park office buildings, utility buildings, and buildings primarily intended for recreational or community use.

2) Laundry and dry cleaning facilities, either automatic coin operated or operated by attendants and for use only by residents of the particular mobile home park, located in utility buildings designated on the approved detailed park site plan.

3) Sale of mobile homes located in mobile home parks by the individual owners thereof.

4) Commercial sales of mobile home units, provided that such activity shall be limited to the mobile home park office building and to the display of mobile homes for sale on designated mobile home lots. Such lots shall be designated on the approved detailed park site plan.

k. Inspection Of Mobile Home Parks

1) The Building Official is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance and regulations issued hereunder.

2) The Building Official shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance and regulations issued hereunder.

3) The Building Official and Township Treasurer shall have the power to inspect the register containing a record of all residents of the mobile home park.

4) It shall be the duty of the owners or occupants of mobile home parks, or the person in charge thereof, to give the Building Official and Township Treasurer free access to such premises at reasonable times for the purpose of inspections.

- 5) A building permit shall be required for a mobile home which shall hereafter be placed or relocated in an approved mobile home park. Application for such building permit shall be made by the owner of the mobile home or his agent, who shall pay to the Township a fee based on the market value of the mobile home, which fee shall be computed at the same rate as the fees set forth in the Township Building Permit Fee Schedule. The Building Official shall inspect such mobile home and shall issue an occupancy permit upon ascertaining that it has been approved by the American National Standards Institute, that it has a living area of not less than 480 square feet, that its placement within the park is in conformity with the requirements of this ordinance, and that all connections to water, sewer and other utilities have been properly made. No mobile home shall be occupied for dwelling purposes until such occupancy permit has been issued. Compliance with this requirement shall be the joint and several responsibility of the owner of the mobile home and of the person, firm, partnership, or corporation operating the mobile home park wherein said mobile home is placed or relocated. Whenever a mobile home is occupied prior to issuance of an occupancy permit, an additional amount equal to the building permit fee shall be payable by the operator of the mobile home park, but the payment of such additional fee shall not relieve any person from fully complying with the requirements of this ordinance or from any other penalties prescribed herein. An occupancy permit, in the form of a decal or tag, shall be prominently displayed on the mobile home at all times so as to be readily visible from the park street or roadway, said permit decal or tag to be furnished and installed and/or removed by the Building Official only.
- 6) To insure compliance with the foregoing requirement, every person, firm, partnership or corporation operating a mobile home park in Whiteford Township shall submit to the Building Official on or before January 5, of each year, a complete listing of every mobile home in such mobile home park on the last day of the preceding month. Such listing shall be verified by the mobile park operator, shall be in lot number order and shall include the name of the occupant of each such lot, the date upon which the mobile home was placed on the lot, the manufacturer's designation, serial number or other identification, and the length and width thereof. There shall be also submitted to the Township Treasurer, on or before the fifth day of each month following the date upon which the first complete listing is required to be submitted as aforesaid, a report of all mobile homes placed in, relocated within or removed from such mobile home park during the preceding month. Such report shall be verified by the mobile home park operator and shall include the lot number, name of the occupant, exact date of placement, relocation or removal, and the manufacturer's designation, serial number or other identification, and the length and width of each such mobile home.

SECTION 4.10 – R5, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

1. Intent

The R5 District is established to provide for more intensive residential use of land. A variety of dwelling types are accommodated including: duplexes, townhouses, row houses, terrace and garden apartments, and condominiums. This district to be used only in those areas of the Township which are served by public water and sanitary sewer facilities. By providing for higher

intensity development through a multiple-family residential district, open space and natural features can be preserved for visual relief and enhancement.

2. Principal Uses Permitted

- a. Two-family dwellings.
- b. Multiple-family dwellings.
- c. Municipal buildings and publicly owned and operated libraries, parks, and recreational facilities.
- d. Municipal buildings and uses.
- e. Places of worship, subject to the provisions of *SECTION 8.11*.
- f. Public and private schools, subject to the provisions of Section 8.11.
- g. State licensed residential facilities.
- h. Micro-wind facility subject to the provision of Section 8.20.
- i. Accessory structures and uses subject to the provisions of *SECTION 8.01*.

3. Special Approval Uses

The following uses may be permitted subject to compliance with *ARTICLE VI, STANDARDS FOR SPECIAL APPROVAL USES*:

- a. Rental offices as accessory to a multiple family dwelling unit project.
- b. Group day care homes, day care facilities and nursery schools subject to the provisions of Section 8.04.
- c. A hospital, nursing or convalescent home.
- d. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.

4. AREA AND SIZE REQUIREMENTS

See *ARTICLE V, SCHEDULE OF REGULATIONS* limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

SECTION 4.11 - B-1, LOCAL BUSINESS DISTRICT

1. Intent

The purpose of B-1 District is to encourage the establishment of areas for convenience shopping and service needs which tend to meet the daily needs of persons residing in immediate residential areas. Activities in this district are often able to be located on small parcels of land.

2. Principal Uses Permitted

In a Local Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas, such as: groceries, meats, dairy products, baked goods, or other foods, drugs, dry goods, clothing and notions, or hardware.
- b. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watch, radio, television, computer, shoe and etc.), tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries and dry cleaners.
- c. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
- d. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.
- e. Medical office, including clinics.
- f. Restaurants or other places serving food or beverages, except those having the character of a drive-in.
- g. Banks, credit unions, savings and loan associations, and similar uses; drive-in facilities as an accessory use only.
- h. Post office and similar governmental office buildings, serving persons living in the adjacent residential area.
- i. Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations.
- j. Other uses similar to the above uses.
- k. Accessory structures and uses customarily incident to the above permitted uses.

3. Special Approval Uses

The following uses may be permitted subject to compliance with *ARTICLE VI, STANDARDS FOR SPECIAL APPROVAL USES*:

- a. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on the premises where produced.
- b. Self-storage facility subject to the standards set forth in *Section 8.22*.

- c. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

4. Required Conditions

- a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- b. All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being subject to special conditions in *SECTION 8.16*, shall be conducted within completely enclosed buildings.

5. Area And Size Requirements

See *ARTICLE V, SCHEDULE OF REGULATIONS* limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

SECTION 4.12 - B-2, GENERAL BUSINESS DISTRICT

1. Intent

The purpose of the B-2 District is to encourage the establishment of areas for general business uses to meet the needs of diversified regional business markets. Activities in this district are often large space users and the customers using such facilities generally do not make frequent purchases.

2. Principal Uses Permitted

In a General Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Any principal uses permitted in the B-1 District, subject to the regulations applicable in the following sections:
- b. All retail business, service establishments or processing uses as follows:
 - 1) Any retail business whose principal activity is the sale of merchandise in an enclosed building.
 - 2) Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
 - 3) Theaters, assembly halls, or similar places of assembly when conducted completely within enclosed buildings.
 - 4) Business schools or private schools operated for profit.
- c. Private clubs, fraternal organizations and lodge halls.

- d. Bus passenger station.
- e. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and provided that all buildings are set back at least 200 feet from abutting residential districts on the same side of the street.
- f. New car, truck or boat sales provided that the main use is carried out within an enclosed building with open-air display of new or used vehicles as an accessory only and the provisions of Section 8.16 are met.
- g. Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.
- h. Indoor tennis or racquet court facilities, indoor ice or roller skating arenas, and other similar uses which require large structures such as are normally found in industrial districts.
- i. Self-storage facility subject to the standards set forth in Section 8.22.
- j. Accessory structures and uses customarily incident to the above permitted uses.

3. Special Approval Uses

The following uses may be permitted subject to compliance with *ARTICLE VI, STANDARDS FOR SPECIAL APPROVAL USES*:

- a. Retail sale of plant material not grown on the site and garden supplies, subject to the provisions of Section 8.16.
- b. Hotel or motel.
- c. Establishments for the operation of coin-operated amusement devices (arcades) or other similar indoor recreation uses.
- d. Outdoor sales space for exclusive sale of new or used automobiles, house trailers, boats, or rental of trailers, boats or automobiles, all subject to the following provisions of Section 8.16.
- e. Vehicle wash when completely enclosed in a building, subject to the provisions of 8.10.
- f. Restaurant.
- g. Automotive-vehicular service station, subject to the provisions of Section 8.10:
- h. Vehicle repair, including engine and body repair, subject to the provisions of Section 8.10:
- i. Outdoor recreation establishments.
- j. Accessory structures and uses customarily incident to the above permitted uses.

4. Area And Size Requirements

See *ARTICLE V, SCHEDULE OF REGULATIONS* limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

SECTION 4.13 - M-1, LIMITED INDUSTRIAL DISTRICT

1. Intent

The purpose of the M-1 District is to permit development of wholesale activities, and industrial establishments which operate entirely within enclosed structures, generate little industrial traffic and whose external physical effects are confined to the area of the district. Such establishments shall be free of hazardous or objectionable elements such as fire, explosions, toxic and noxious matter, noise, odor, dust, smoke or glare. An additional purpose of the M-1 District is to permit development of research facilities and activities to serve the needs of commerce, industry, science and education. Offices and prototype manufacturing operations in support of, and incidental to, research activities are considered acceptable in this district. A low intensity of land coverage and a minimum of nuisance factors such as noise, offensive odors, heat, glare and other environmental disturbances, are principal characteristics of this district. This district is further designed to act as a transitional use between heavy industrial uses and other less intense business and residential uses.

2. Principal Uses Permitted

In a Limited Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Office uses whose operation is related to industrial operations.
- b. Research and testing facilities and experimental laboratories.
- c. Public service facility.
- d. Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use), and trucking facilities.
- e. The compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge and machine shop.
- f. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials; canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, shell textiles, grains, tobacco, wax, wood and yarns.
- g. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- h. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products.

- i. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs (excluding large stampings).
- j. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- k. Building material sales.
- l. Building contractor storage yards for equipment and materials.
- m. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail.
- n. Mail order house and wholesale establishment.
- o. Equipment repair
- p. Auto engine and body repair; undercoating shops when completely enclosed.
- q. Trade or industrial school, industrial clinic designated to serve the industrial area.
- r. Self-storage facility, subject to the standards set forth in *Section 8.22*.
- s. Micro-wind facility, subject to the provisions of *Section 8.20*.

3. Special Approval Uses

The following uses may be permitted subject to compliance with *ARTICLE VI, STANDARDS FOR SPECIAL APPROVAL USES*:

- a. Undercoating shops, metal plating, buffing and polishing, subject to appropriate measure to control the type of process to prevent noxious results and or nuisances.
- b. Lumber mills.
- c. Incineration of garbage or refuse.
- d. Foundry where accessory to a principal use.
- e. Trade or industrial school, industrial clinic designated to serve the industrial area.
- f. Agriculture.
- g. Adult Entertainment Businesses in accordance with *SECTION 8.18*.
- h. On-site wind, utility-grid and meteorological towers subject to the requirements of *Section 8.20*.

4. Required Conditions

All operations and activities, except for off-street parking, loading or open storage of materials or equipment used, pursuant to industrial use, shall be conducted within a completely enclosed building.

5. Area And Size Requirements

See *ARTICLE V, SCHEDULE OF REGULATIONS* limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

SECTION 4.14 - M-2, GENERAL INDUSTRIAL DISTRICT

1. Intent

The purpose of the M-2 District is to permit development of major manufacturing, assembly, processing, fabrication and warehousing activities. These activities may require extensive space and external physical effects will be felt to some degree by surrounding districts. These activities may generate heavy or extensive traffic and may require extensive community facilities.

2. Principal Uses Permitted

In a District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

- a. Any principal use permitted in Sec. 4.14.2 of the M-1 District.
- b. Battery manufacturing.
- c. Metal plating, buffing, polishing, stamping, extrusion and molding.
- d. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of paris.
- e. Manufacture, processing, packaging or treatment of paint and varnish products.
- f. Foundry.
- g. Lumber and planing mills.
- h. Micro-wind facility, subject to the provision of *Section 8.19*.
- i. Accessory structures and uses customarily incident to the above permitted uses.

3. Special Approval Use

The following uses may be permitted by special approval of the Township Board, after consultation with the Planning Commission:

- a. Adult Entertainment Businesses in accordance with Section 8.17.

- b. Extraction storage & processing of soil, clay, gravel, peat and other mineral resources subject to the requirements of Sec. 4.15 and Sec. 8.23.
- c. On-site wind, utility grid and meteorological towers.

4. Area And Size Requirements

See *ARTICLE V, SCHEDULE OF REGULATIONS* limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

SECTION 4.15 – EX, EXTRACTIVE DISTRICT

1. Intent

The purpose of the EX District is to provide land for the commercial mining, processing, and storage of soil, sand, clay, gravel or other mineral resources, peat and similar material and to provide land for filling. This district is designed to assure that these resources and operations are managed and regulated and all land be reclaimed so as not to create a hazard or nuisance which either immediately or in the future, adversely affects the health, safety, or general welfare of the community. Excavations in regard to building construction, pond or other similar activities are not included in this section.

It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to engage in or conduct extractive operations, or strip any top soil, sand, clay, peat, gravel or similar material, or to use lands for filling within the unincorporated area of Whiteford Township except in conformity with this ordinance and any other applicable ordinances or regulation of Whiteford Township. Special approval by the Township Board shall be a condition precedent to such operations except as herein provided and shall be limited to the time specified in the decision granting special approval.

2. Principal Uses Permitted

In an EX District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

- a. Extraction, storage and processing of soil, sand, clay, gravel, peat or other mineral resources, subject to the provisions of Section 8.23.
- b. Agriculture.
- c. Essential services.
- d. Accessory buildings and uses customarily incidental to any above permitted use or any approved Special Approval Use.

3. Special Approval Uses

The following uses may be permitted by special approval of the Township Board, after consultation with the Planning Commission:

- a. The filling of land with anything other than natural sand, soil or clay.

- b. The construction and operation of those processes and operations that utilize the products and materials being extracted and processed, such as cement and asphalt manufacturing plants adjacent stone quarries.

4. Operations Not Requiring Special Approval

The following operations may be carried on in any zoning district without special approval:

- a. Excavation or filling for building construction purposes, pursuant to a duly issued building permit under the Whiteford Township Building Code.
- b. Where the moving, grading or leveling of the afore mentioned material is carried on by the land owner for the immediate use or development of the land upon which these substances are found, provided, however, that where sand, gravel, top soil, or other substances are removed from the site where found to another site of different ownership special approval and full compliance with the requirements of all applicable ordinances.

5. Site Plan Review

All principal and special approval uses listed above are subject further to the requirements and provisions of *ARTICLE VII, SITE PLAN REVIEW*, and any other applicable regulations included in this ordinance.

6. Area And Size Requirements

See *ARTICLE V, SCHEDULE OF REGULATIONS* limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

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SECTION 4.16 - SCHEDULE OF DISTRICT REGULATIONS

GENERAL CROSS REFERENCE TO TEXT ARTICLE OR SECTION	LOT SIZE		MAXIMUM HEIGHT OF BUILDINGS (Stories/Feet)		SEE SECTIONS –ARTICLE IV AND FOOTNOTES BELOW				MIN. FLOOR AREA ⁽²⁾ (Sq.Ft.)	MAX. % OF LOT TO BE OCCUPIED BY
					MINIMUM YARD SETBACK DIMENSIONS (Feet)					
ZONING DISTRICT	AREA (Sq. Ft.)	WIDTH (Feet)	STORIES	FEET	FRONT	REAR	ONE SIDE YARD	SUM OF SIDE YARDS	PER DWELLING UNIT (B)	PRINCIPAL & ACCESSORY BUILDINGS
AG	At least 5 Acres	250	2 ½	35	35 ⁽¹⁾	50 ⁽¹⁾	25 ⁽¹⁾	50 ⁽¹⁾	720	-----
R-1 – RURAL RESIDENTIAL	2.00 – 4.99 Acres	With min. frontage of 200 Ft. and a Max. depth of 660 ft.	2 ½	35	35	35	10 ⁽⁴⁾	25	1,200	35
R-2, LOW DENSITY RESIDENTIAL	1.00 – 1.99 Acres	With min. frontage of 125 ft. and a max. depth of 500 feet	2 ½	35	35	35	10 ⁽⁴⁾	25	900	35
R-3, MEDIUM DENSITY RESIDENTIAL	20,000 sq.ft. to 43,559 sq.ft. Public water and sewer required	Minimum frontage of 75 ft.	2 1/2	35	35	35	10 ⁽⁴⁾	25	900	35
R-4 – HIGH DENSITY RESIDENTIAL	Well planned Mobile home community Public Sewer and Water Required	To meet all standards in the ordinance Section 4.09								
R-5, MULTIPLE-FAMILY RESIDENTIAL (3)	3 Acres Public Sewer and Water Required	150	2 ½	35	35	35	50	70	900	35 ⁽⁶⁾
B-1, LOCAL BUSINESS	20,000	100	2 ½	35	25	25	10	20	-----	50
B-2, GENERAL BUSINESS	20,000	100	3	45	50	50	10	20	-----	50
M-1, LIMITED INDUSTRIAL	5 ACRE	330	3	45	50	50	50	100	-----	50
M-2 GENERAL INDUSTRIAL	5 ACRE	330	3	45	100	50 (S)	50	100	-----	50
EX, -EXTRACTIVE	20 ACRES	660	-----	-----	4.15/8.23				-----	-----
PUD, PLANNED UNIT DEVELOPMENT	20 ACRES	330	3	45	-----				-----	-----
TRADITIONAL NEIGHBORHOOD DEVELOPMENT	Refer to Article IV, Township Zoning Ordinance, Section 5.05									

SECTION 4.17 - FOOTNOTES

- 1. The minimum floor area per unit shall not include basements, attached garages, breezeways, unenclosed porches, enclosed porches, or the interior area of utility rooms.
- 2. Multiple Family Dwelling Standard
 - a. The minimum lot area required for each dwelling unit contained within a multiple family development shall be as follows:

For each:	Lot Area Per:
Efficiency Unit/	
One Bedroom Unit	3,500 square feet
Two Bedroom Unit	4,000 square feet
Three Bedroom Unit	4,500 square feet
Extra Bedroom, Over Three	500 square feet

- b. The required minimum floor area for apartment dwelling units shall be as follows:

Efficiency Unit	450 square feet
One Bedroom Unit	600 square feet
Two Bedroom Unit	750 square feet
Three Bedroom Unit	900 square feet
Extra Bedroom, Over Three	150 square feet

- c. For a multiple family development, the minimum perimeter setback shall be thirty-five (35) feet.
- 3. On a corner lot which borders on a residential district, there shall be provided a setback of twenty (20) feet on the side on residential street.
- 4. No permanent building shall be permitted to be constructed nearer than 50 feet from the centerline of an open county drain.
- 5. Total impervious percentage of entire parcel cannot exceed 60%. This impervious area includes buildings, sidewalks, driveways, roadways, detention basin and any other hard surface areas.

ARTICLE V - DEVELOPMENT OPTIONS

SECTION 5.01 - PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

1. Purpose

The purpose of these regulations is to provide an alternative residential/commercial environment, with a greater flexibility in the building placement, building density, type, and lot area than would normally be permitted in individual zoning districts. A PUD is intended to provide a mixture of single family, two family and multiple family residential housing, along with compatible commercial uses, on larger lots or tracts of land. A PUD is also intended to provide for the preservation of unique natural or cultural features and open space and to encourage an efficient use of land with the provision of public utilities. The provisions contained herein are considered the minimum requirements for residential and nonresidential uses to ensure, promote, and protect the public health, safety, and welfare of Whiteford Township residents.

2. Planned Unit Development Standards

The following standards shall apply to all lands and land uses within a PUD Zoning District and are provided to ensure appropriate, fair, and consistent decision making.

- a. All land uses allowed by right or special approval within the R-1, R-2, R-3, B-1 and B-2 Districts may be permitted within the PUD as principal or accessory uses, subject to adequate public health, safety and welfare protection mechanisms being designed into the development, as provided in this section.

The subject property for the PUD development must be a minimum of twenty (20) acres in area. No more than twenty percent (20%) of any PUD may be used for nonresidential land use.

- b. The applicant for a PUD development must demonstrate the following as a condition to being entitled to Planned Unit Development treatment:
 - 1) Grant of the PUD Development will result in one of the following:
 - (a) A recognizable and material benefit to the users of the project and the Township of Whiteford where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the Planned Unit regulations; or,
 - (b) Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or
 - (c) A nonconforming use shall, to a material extent, be rendered more conforming, or less offensive to the zoning district in which it is situated.
 - 2) The proposed type and density of use shall not result in an unreasonable increase in the need for, or burden, public services, facilities, roads and utilities.
 - 3) The proposed type and density of use must be complementary to the character and density pattern of the surrounding area.

- c. The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership and/or control, upon due notice to the Planning Commission.
- d. To provide for current and future control and maintenance of recreation facilities, open spaces, private roads, and other common areas within the development, an association with by-laws and other restrictions to ensure compliance with these regulations shall be established.
- e. Within the limits of the development, all public and/or private utilities, including communication and electric systems shall be placed underground. Exceptions may be granted only in those instances where said systems can be effectively screened.
- f. When determined necessary, landscaping shall be provided so as to ensure the proposed uses will be adequately buffered from one another and from surrounding public or private property pursuant to *SECTION 9.06*, of this Ordinance. The Planning Commission may, if deemed appropriate, require more or less landscaping than this section for PUDs.
- g. Major natural, historical, and architectural features of the district shall be preserved. If the applicant can prove it is in the public interest to impair or destroy the feature, the Planning Commission may grant an exception after taking into account the local, state, and national concern for preservation and the provisions and standards of Public Act No. 451 of 1994, as amended, the Natural Resources and Environmental Protection Act.
- h. All lands and land uses proposed for a PUD District shall have a perimeter with setbacks equal to that required for the predominant land use on-site for that use and the district within which it is normally located.
- i. Provisions applicable to lot size, lot width, lot coverage, setback, parking and loading, general provisions and other regulations for land uses within a PUD District shall be equal to that required for said use and the district within which it is normally located. However, to provide an incentive for quality and variety in design and to stay consistent with the Planned Unit Development concept, departures from compliance with the regulations provided for may be granted at the discretion of the Planning Commission as part of the approval of a PUD. Such departures may be authorized on the condition that there are features or planning mechanisms deemed adequate by the Planning Commission, designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought.
- j. The Planning Commission may authorize an increase in allowable density for the Planned Unit Development up to ten percent 10%, provided the proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities, and utilities, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.

It must be demonstrated by the applicant that the resulting development would be a substantial benefit to all or a significant portion of users and the surrounding area. Such additional density shall only be permitted if compliance with other PUD regulations can be maintained.

- k. No less than 20% percent of the gross area of the site shall be provided as park or open space. Open space may include parks, nature and recreation area, wooded lots, schools, golf courses, water areas, and any use of a similar nature. At least 19% of the open space shall be preserved as a park, nature, recreation, or actual open area, as opposed to a school, golf course, water area, or the like. The Planning Commission may modify the requirements regarding open space when the character of the development makes such requirements burdensome or impractical, i.e. where no residential development is planned.

3. Review And Approval Procedures

- a. Rezoning Required:

The grant of a planned unit development shall require rezoning by way of amendment of this Ordinance.

- b. Pre-application Conference:

Prior to the submission of an application for Planned Unit Development zoning, a Pre-application Conference shall be held with the applicant, Township Supervisor, Township Clerk, Planning Commission Chairman, and Building Official in attendance, together with such consultants or technical staff as deemed necessary.

- c. Purpose of Conference:

- 1) To explain the review and approval process, requirements, timetable and fees, etc. to the applicant, while the applicant indicates the scope and general concept of their proposal. It is intended to alleviate any unnecessary delays.
- 2) The applicant shall provide at least the following information at said conference.
 - (a) A sketch plan of the proposed development with sufficient detail to convey the concept.
 - (b) A legal description of the property under consideration.
 - (c) Total acres involved in project.
 - (d) Approximate number and type of residential units, if any.
 - (e) Approximate number and type of nonresidential units, if any.
 - (f) Approximate number of acres occupied by each type of use.
 - (g) Approximate number of acres preserved as open or recreational space.
 - (h) Identify all known natural resources and natural features.
- 3) The Township Board may waive the pre-application conference requirement for Planned Unit Developments that are exclusively residential in terms of land use.

4. Preliminary Development Plan Review

- a. Within 90 days of the Pre-application Conference, the applicant shall submit an application for PUD zoning to the Township Clerk pursuant to procedures in the Whiteford Township Zoning Ordinance, accompanied by ten (10) copies of a Preliminary Site Plan containing all criteria indicated in *ARTICLE VII SITE PLAN REVIEW* of this Ordinance.
- b. Upon receipt of an application and Preliminary Site Plan, the Township Clerk shall refer the application and Site Plan to the Whiteford Township Planning Commission for review and approval.
- c. The Planning Commission shall consider the following during its review to ensure conformity by the proposed development.
 - 1) Whether or not the proposed development best serves the intent of this Ordinance, and the public health, safety and welfare.
 - 2) Whether or not the proposed development meets the intent and objectives of the Township's Land Use Plan.
 - 3) Whether or not the community will receive a beneficial effect as a result of the proposed development, where said benefits would otherwise be unlikely.
 - 4) Whether or not the proposed development meets all provisions contained in *ARTICLE VII, SITE PLAN REVIEW*, and all the PUD provisions contained in the Article.
 - 5) Whether or not the proposed new development has adequate facilities such as water, sewer, and roadways to service the area.
 - 6) The Planning Commission shall be entitled to make reasonable inquiries and request additional information in order to evaluate the proposed development.
- d. Within 45 days after submittal of the application and Preliminary Development Plan to the Township by the applicant, the Township Planning Commission shall review the preliminary plan, and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review, the Planning Commission shall provide the applicant with written comments, which shall be part of the official minutes of the Planning Commission.

5. Final Plan Review

- a. Within six (6) months following receipt of the Planning Commission comments on the preliminary plan, the applicant shall submit to the building official copies of a final plan conforming with Article VII the number of copies shall be specified by the building official. This plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing before the Planning Commission, and otherwise acted upon by the Planning Commission, the county, and the Township Board, as and to the extent provided by law. With and in addition to the regular report submitted by the Planning Commission in connection with a rezoning application, the Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project, including, without limitation, recommendations with respect to matters on which the Township Board must exercise discretion.
 - 1) All criteria and documentation approved as part of Preliminary Development Plan.

- 2) A written statement describing:
 - (a) The natural features which will be retained or modified including vegetation drainage, hillsides, streams, wetlands, wildlife, and water.
 - (b) Any proposed phasing of the PUD shall be indicated in terms of both physical location of the separate phases and shall receive approval of the Planning Commission.
 - i. The planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of services, facilities, open space, and shall contain all necessary components of the PUD regulations.
 - ii. In developments which include residential and nonresidential uses, phasing shall contemplate that at least thirty-five percent (35%) of all proposed residential units are completed concurrent with the first phase of any nonresidential construction; completion of at least 75% of all proposed residential construction prior to the second phase of nonresidential construction; and completion of 100% of all residential construction prior to the third phase of nonresidential construction.
 - (c) The method that will be used to service the development with water and sanitary sewer facilities and to control drainage on and from the site.
- 3) A written description and map showing how the impact of the construction phase would be mitigated, including, but not limited to, the following:
 - (a) Access routes for construction vehicles.
 - (b) Measures to be taken to mitigate against any physical damage by such vehicles including the effects of weight and soil on road surfaces.
 - (c) Location of sites and area to be used for temporary construction facilities such as batch plants, storage yards, and sales offices.
 - i. A statement of the applicant's intentions in regards to future selling or leasing of all or portions of the PUD, such as land areas, dwelling units or buildings, etc.
 - ii. Other information as may be reasonably required in order to evaluate the proposed development.
- b. In the process of reviewing the Final Development Plan, the following shall be considered:
 - 1) Whether or not the Final Development Plan conforms to the Preliminary Development Plan submitted and approved.
 - 2) Whether or not the Final Development Plan meets all provisions contained in *SECTION 5.01.2*.
 - 3) Whether or not all applicable provisions of this Ordinance have been met. Wherever conflicts occur between provisions of this Article and provisions of any other Article of this Ordinance, the provisions of this Article shall apply to the lands within a Planned Unit Development District.

6. Approval Procedures For Final Plan

- a. Upon completion of the public hearing and conclusion of deliberations based on findings regarding standards as set forth herein, the Township Planning Commission shall make a recommendation to approve, approve with conditions, or deny the application. Such recommendation shall be forward to the Township Board.
- b. The Township Board shall review the application and the recommendation of the Township Planning Commissions thereon, and shall approve, approve with conditions, or deny the application. The Township Board shall attach appropriate conditions to its approval of a Planned Unit Development application.
- c. When an applicant receives Final Development Plan approval from the Township Board, it shall constitute approval for PUD zoning on the site requested. The applicant must develop the site exactly as approved by the Planning Commission. Any deviation or alternate development or use of said site shall negate approval of the PUD zoning.

7. Other Standards

- a. All dedications of public rights-of-way or planned public or private open spaces shall be made prior to any construction taking place on the site.
- b. There shall be an advance payment of fees at the time of the Pre-application Conference and at the time of filing of the Preliminary Development and Final Development Plan. The amount of such fees shall be established by the Township Board.
- c. In those instances where platting is required by law, review and approval of the plats shall comply with current state and local procedures.
- d. The Planning Commission, may require reasonable performance guarantees to ensure completion of improvements. These guarantees may take the form of a cash or corporate surety bond or other suitable financial guarantees.
- e. All reasonable conditions imposed to protect the health, safety, and welfare of individuals in the project and those immediately adjacent shall be made a part of the record of approved Planned Unit Development. The Township Clerk shall keep a special record of all PUD development plans and approved conditions.
- f. Upon approval by the Planning Commission of a Planned Unit Development, the land uses, design layout, streets, densities, and other proposals of the approved Final Development Plan shall become an integral part of the Zoning Ordinance.

SECTION 5.02 - FLOOD PLAIN OVERLAY ZONE

1. Intent

It is the purpose of these regulations to significantly reduce hazards to persons and damage to property as a result of flood conditions in the Township of Whiteford and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA), as published in the Federal Register, Volume 41, No. 207, Tuesday, October 26, 1976, and re-designated as 44 CFR 31177, May 31, 1979 and all amendments thereto.

2. The Objectives Of Flood Plain Overlay Zone

- a. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
- b. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;
- c. The prevention of private and public economic loss and social disruption as a result of flood conditions;
- d. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
- e. To ensure that the public has access to information indicating the location of land areas subject to periodic flooding; and
- f. To preserve the ability of flood plains to carry and discharge a base flood.

3. Delineation Of The Flood Plain Overlay Zone

The flood plain overlay zone shall overlay existing zoning districts delineated on the official White Township Zoning Map. The boundaries of the flood plain area zone shall coincide with the boundaries of the area indicated as within the limits of the of the 100 year flood as shown on the Flood Insurance Rate Map(s) for the Township of Whiteford, Michigan (Monroe County), currently in effect and as may be amended. The Flood Insurance Rate Map(s) is adopted by reference, appended, and declared to be a part of this Ordinance. The term flood hazard area as used in this ordinance shall mean the flood hazard overlay zone.

Where there are disputes as to the location of a flood hazard overlay zone boundary, the Zoning Board of Appeals shall resolve the dispute in accord with *SECTION 12.02*.

In addition to other requirements of this ordinance applicable to development in the underlying zoning districts, compliance with the requirements of this section shall be necessary for all development occurring within the flood plain overlay zone. Conflicts between the requirements of this section and other requirements of this ordinance or any other ordinance shall be resolved in favor of this section, except where the conflicting requirement is more stringent and would further the objectives of this section to a greater extent than the requirements of this section. In such cases, the more stringent requirements shall be applied.

4. Principal Uses Permitted

Within the flood plain overlay zone, no land shall be used except for one or more of the following uses:

- a. Grazing and agriculture, pasture land and animal grazing;
- b. Harvesting of a native or wild crop permitted by law such as wild rice, marsh hay, berries and seeds;
- c. Harvesting of trees;

- d. Parks, picnic areas, playgrounds, play fields, athletic fields, golf courses, bridle paths, nature paths and trails;
- e. Wildlife preserves;
- f. Fishing, trapping and hunting in compliance with current laws and regulations;
- g. Historic sites and structures;
- h. Swimming beaches, fishing and boating docks in accord with the provisions of the Natural Resources and Environmental Protection Act, Public Act No. 451 of 1994, Part 301, Inland Lakes and Streams;
- i. Required open space or lot area for structural uses that are landward of the overlay zone.

5. Accessory Structures And Uses

Within the flood plain overlay zone, no structure shall be used except for one or more of the following uses and only in a manner consistent with the requirements of permitted uses and accessory structures in the underlying district, and with the following: off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility lines, pump houses, bleachers, bank protection structures, signs, fences, gazebos and similar outdoor equipment and appurtenances, provided each of the following requirements are met:

- a. The structure would not cause an increase in water surface elevation, obstruct flow or reduce the impoundment capacity of the flood plain.
- b. All equipment and structures shall be anchored to prevent flotation and lateral movement.
- c. Compliance with these requirements is certified by an engineering finding by a registered engineer.

6. Filling And Dumping

Dredging and filling and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the flood plain, the flow and impoundment capacity of the flood plain will be maintained or improved, and unless all applicable state regulations are met including but not limited to approvals pursuant to: The Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, being MCL 324.101-324.99904.

7. General Standards For Flood Plain Reduction

No building or structure shall be erected, converted or substantially improved or placed, and no land filled or structure used in a flood plain district unless a zoning compliance permit, or variance from the Zoning Board of Appeals, is obtained, which approval shall not be granted until a permit from the Department of Environmental Quality, under authority of Public Act 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, Act 451, P.A. of 1994 being MCL 324.3101 to 324.3133, has been obtained. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

- a. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
- b. The Building Official, or his representative, shall review development proposals to determine compliance with the standards in this section.
- c. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.
- d. The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.
- e. Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.

8. Disclaimer Of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this Article shall not be considered a guarantee or warranty of safety from flood damage.

This ordinance does not imply that areas outside the flood hazard area will be free from flood damage. This ordinance does not create liability on the part of the Township of Whiteford, or any officer or employee thereof, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 5.03 - OPEN SPACE DEVELOPMENT OPTION

1. Purpose

These regulations are intended to provide flexibility and certain zoning requirements to preserve the natural features in open space that might be lost through more traditional subdivision development. Only land that is zoned at a density equivalent to two or fewer dwelling units per acre where not served by public sewer and three or fewer units per acre where served by public sewer are subject to the provisions of this section.

Open space community shall promote the following objectives:

- a. Maintain the rural character of the Township;
- b. Maintain an image of open space within the Township;
- c. Preserve open space within the Township;
- d. Preserve natural resources within the Township;
- e. Preserve agriculture and farming within the Township;
- f. Achieve a balance between farming, open space, and residential growth within the Township.

2. Site Design Requirements

In order to comply with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006, et seq., as amended, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of the Ordinance, land zoned for residential development may be developed, at the option of the land owner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, not more than 50% of the land, if all of the following apply:

- a. The land is zoned at a density equivalent of two or fewer dwelling units per acre; or, if the land is served by a public sewer system, three or fewer dwelling units per acre;
- b. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land;
- c. Not less than 30% of the land area preserved as open space shall be buildable area;
- d. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension;
- e. The development option provided pursuant to this section has not previously been exercised with respect to the subject property;
- f. Minimum Lot Size. Lot sizes shall be determined by the State and County Health Departments' regulations or standards;
- g. Density Requirements. The land is zoned at a density equivalent to two or fewer dwelling units per acre; or, if the land is served by a public sewer system, three or fewer dwelling units per acre;
- h. Minimum Open Space. A minimum of 50% of the gross land area shall be set aside for open space uses.

3. Definitions

- a. **Adjusted parcel acreage:** Net parcel area after the acreage of 70% of all lakes, ponds, streams, regulated wetlands, property within a 100-year flood plain, and 100 percent of property used for public rights-of-way and utility easements are deducted;
- b. **Density:** Equals the number of dwelling units situated on or to be developed on the adjusted acreage parcel. Density of a site shall be based upon the total dwelling unit count achieved from a concept layout plan prepared by the applicant and accepted by the Township showing the subject site as a single-family detached development meeting the design requirements established for the zoning district in which it is located. Actual density shall also be determined by compliance with all setbacks, parking open space, and other site design requirements. The resulting development yield, determined through such computation shall be distributed throughout not more than 50% percent of the subject site's buildable area. All remaining land area shall perpetually remain in an undeveloped state;

- c. **Open Space Preservation Area:** Any undeveloped land area within the boundaries of the parcel within an open space residential development, which is designed and intended to conserve on a permanent basis environmental features for the common use or enjoyment of the residence of the development or the public or dedicated to an agricultural use. Such open space may contain accessory structures and improvements appropriate for recreational purposes, as provided by ordinance, subject to approval by Planning Commission prior to any construction such as recreational trails, picnic areas, children's play areas, greenways, or lineal parks. The following are not considered open space by this definition:
 - 1) Golf courses;
 - 2) The area of any street right-of-way proposed to be dedicated to the public;
 - 3) Access easements for private roads or underground or overhead utilities;
 - 4) The required setback surrounding an existing residential structure that is not located on an individual lot or condominium site;
 - 5) Parking and loading areas.

4. Eligibility Criteria

In selecting the open space development option, the applicant must present a proposal for residential development that meets each of the following:

- a. **Open Space.** To be eligible for open space overlay option, the proposed development shall contain no less than 50% of the land area that will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restricted covenant, or other legal means that runs with the land;
- b. **Unified Control.** The proposed development shall be under single ownership or control such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed;
- c. **Protection from Development in Perpetuity.** The applicant shall guarantee to the satisfaction of the Township that all open space preservation areas will remain perpetually in their undeveloped state as required. Further, subdivision open space lands or their use for other than recreation, conservation, or agricultural shall be prohibited;
- d. **Density Impact.** The proposed type and density use shall not result in an unreasonable increase in the need for or impact upon public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted in this zoning ordinance, and shall not place an unreasonable impact upon the subject site and surrounding land, surrounding property owners and occupants, and/or the natural environment;
- e. **Master Plan.** The proposed development shall be consistent with and further the implementation of the Township Master Plan, as maybe amended;
- f. **Access.** The open space shall have direct access to an approved public roadway.

5. The Review Process

- a. Development under this section shall require site plan review and approval, pursuant to *ARTICLE VII, SITE PLAN REVIEW* of the Whiteford Township Zoning Ordinance, as amended;
- b. The Planning Commission shall determine that the plan submitted meets all applicable regulations of the State Land Division Act and the Township Subdivision Regulations;
- c. The Planning Commission shall confirm the accuracy and feasibility of open space development, as proposed by the applicant;
- d. Upon approval of the open space development, the applicant may undertake the process for subdivision or site condominium approval or parcel division per state law and Township ordinance;
- e. Upon denial, the applicant may submit a new application for open space development.

6. Ownership Of Open Space

- a. The dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the Township and approved by the Township Board, such as the following:
 - 1) Condominium Association;
 - 2) Homeowners' Association;
 - 3) Dedication in fee simple;
 - 4) Dedication of easements; or
 - 5) Transfer to a public or private conservation organization.
- b. The following specific requirements are associated with each of the various methods:
 - 1) Condominium: The open space may be controlled through the use of condominium agreements. All open space land shall be held as "common element". Such land shall not be eligible for sale to another party except for transfer to another method of ownership permitted under this section, and then only where there is no change in the open space;
 - 2) Homeowners' Association: The open space may be held in common ownership by a homeowners' association;
 - 3) Dedication in fee-simple: The municipality may, but shall not be required to, accept any portion or portions of the open space provided the following conditions are met:
 - a) Such land shall be freely accessible to the public;
 - b) There shall be no cost to the municipality involved;
 - c) The municipality agrees to and has access to maintain such lands;
 - d) The open space shall be in an acceptable condition to the municipality at the time of transfer with regard to size, shape, location, and improvement.

- 4) Dedication of Easements: The Township, County, or State may accept, but shall not be required to accept, easements to any portion or portions of the open space. In such cases, the land remains in the ownership of the individual, condominium, or homeowners' association while the easements are held in public ownership. The municipality may accept such easements as it sees fit. In either case, there shall be no cost to the Township, County, or State for acquisition or maintenance. The Township may require this method where it seems that is the most appropriate way of preserving land in open space.
- 5) Transfer to a Public or Private Conservation Organization: With permission of the Township, an individual may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township, or easements, to a private, non-profit organization, among whose purposes is to conserve open space land and/or natural resources provided that the following conditions are met:
 - a) The organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence;
 - b) The conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions;
 - c) A maintenance agreement acceptable to the Township is entered into by the developer and the organization.

7. Applicability Of Other Statutes, Ordinances, And Regulations

- a. The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:
 - 1) The provisions of the Zoning Ordinance that are not in conflict with and preempted by the Michigan Zoning Enabling Act, Public Act No. 110 of 2006, MCL 125.3101 et seq., as amended;
 - 2) The Land Division Act;
 - 3) Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium;
 - 4) Rules relating to suitability of groundwater for on-site water supply for land not served by public water;
 - 5) Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
- b. The land developed under this section shall not be permitted to have a density greater than double that allowed in the zoning district in which the subject property lies not inclusive of the land area preserved as open space.

SECTION 5.04 – SITE CONDOMINIUM PROJECTS

- 1. General Purpose and Intent.** It is the intent of this section to regulate condominium projects in accordance with this Ordinance and any other applicable Township standards and regulations.

2. Approval Requirements. Approval under this section shall be required as a condition to the right to construct, expand or convert a site condominium project in the Township. The approval process shall involve three (3) phases:

- a. Preliminary site plan approval;
- b. Final site plan approval; and
- c. Final engineering plan approval, which also includes final acceptance of Master Deed and Deed Restrictions by Township Attorney prior to recording.

3. Preliminary Site Plan Approval. A developer of a condominium project shall initially submit an application for preliminary site plan approval, in accordance with the requirements and procedures set forth in Section 7.04.

4. Final Site Plan Approval.

- a. Following approval of the preliminary site plan, if the developer desires to proceed with the project, an application for final site plan approval shall be submitted for review in accordance with the requirements and procedures of Section 7.05, and this section.
- b. The application for site plan review shall also include a copy of the proposed master deed, bylaws and any additional documentation to be recorded with the register of deeds, for review and recommendation by the appropriate Township consultants. The master deed shall be reviewed by the Planning Commission, with the advice of the Township consultants as deemed appropriate by the Planning Commission, with respect to all matters subject to regulation by the Township, including without limitation, ongoing preservation and maintenance of drainage, retention, wetland and other natural areas and common areas, and maintenance of landscaping in common area, in the project.

5. Submission of Application for Final Engineering Approval. Following the granting of site plan approval, if the developer desires to proceed with the projects, an application for final engineering approval shall be submitted which shall include plans and information in sufficient detail for the Township, and appropriate consultants, to determine compliance with all applicable laws, codes, ordinances, rules, and regulations for the construction of the project, including, without limitation, the design standards ordinance. A building permit for construction of a unit on a building site shall be issuable at such time as final engineering plans have been approved, all applicable permits and approvals have been secured from other governmental entities, and all improvements of the project have been constructed; provided, however, the Planning Commission may determine that certain improvement need not be constructed prior to issuance of building permits on the condition that the applicant has deposited a suitable performance guarantee, as set forth in Section 3.07.

6. Additional Regulations Applicable to Site Condominium Projects.

- a. Each building site shall meet the requirements for street access set forth in Section 9.03.
- b. Prior to the issuance of building permits for units, the developer shall demonstrate approval by county and state entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply and sewage disposal.
- c. Prior to issuance of certificates of occupancy, the developer shall demonstrate approval by and other governmental entities having jurisdiction, and the director of building and planning shall determine that all improvements have been completed in accordance with approved plans. If the director determines that temporary certificate of occupancy may be issued prior to full completion, such a temporary certificate of occupancy may be granted for a specified period on the condition that a suitable performance guarantee, as set forth in Section 3.07.

- d. With respect to each building envelope within sixty (60) days following final inspection of the improvement, the developer shall submit to the director an as-built survey, including dimensions between each improvement from any wetland, floodplain and/or floodway. The corners of each building site shall be staked in the customary manner in connection with the survey performed for the project by a registered land surveyor or professional engineer.

Any proposed amendment of a master deed which would involve any subject matter reviewed or reviewable under this section shall be reviewed and approved by the Planning Commission and Township Board prior to recordation.

SECTION 5.05 – TRADITIONAL NEIGHBORHOOD DEVELOPMENT

1. Principles and Objectives

The intended definition of a traditional neighborhood development means: compact, mixed use neighborhood where residential, commercial and civic buildings are within close proximity to each other. It is a planning concept that is based on traditional small town and city neighborhood development principles. Traditional neighborhood development is, in part, a reaction to the often inefficient use of land and infrastructure and lack of a sense of community in many newer developments.

Compact Development Traditional neighborhood developments are compact. Compact development patterns (for both residential and commercial uses), can promote a more efficient use of land and lower the costs of providing public infrastructure and services.

Compact development also means the development is designed for the human scale. The human scale is defined as the relationship between the dimensions of the human body and the proportion of the spaces which people use. (Nelessen, 135). This includes paying attention to walking distances, the height of buildings, the design of street lights and signs, sidewalks, and other features.

Compact development can also promote social interaction by including civic spaces such as parks and public buildings. It also means residential, commercial, and civic buildings are within close proximity of each other that can encourage people to walk between the various uses.

Mixed Uses Traditional neighborhood developments are designed to include a mixture of uses. This means that nonresidential land uses, such as commercial, civic and open space, are mixed with residential land uses. Mixing land uses can broaden the tax base of a community. Mixing uses also helps promote walking between the various uses. Different modes of transportation are promoted in the community such as walking, bicycles, transit, and automobiles.

Mixed use also provides a community center or focus. For example, the community center may be a public facility such as a park, recreational facility, school, or library, or it may be a retail area. Mixed use also means promoting a mix of housing types and sizes to accommodate households of all ages, sizes, and incomes. This means varying lots sizes and densities, and allowing other types of housing such as attached single-family residences, townhomes, duplexes, four plexes, and specialty housing for seniors. Mixed use may also mean that housing is provided in the same building above commercial uses such as shops or offices.

Multiple Modes of Transportation Traditional neighborhood developments provide for access generally by way of an interconnected network of circulation systems that facilitate walking, bicycling, and driving. Streets are designed to promote the safe and efficient use of different transportation modes. The interconnected street pattern is meant to limit the use of isolated cul-de-sacs that force the major circulation pattern of a community onto a few major roads. Short blocks in traditional grids create multiple routes and more direct ones for pedestrians, bicyclists, and motorists. Independent networks of sidewalks and bikeways complement the street network. Traditional neighborhoods are also meant to be “pedestrian friendly.” Given the compact design of the neighborhood, streets will be narrower than what is required in conventional subdivision ordinances. Narrow streets and other “traffic calming” techniques help slow traffic down to promote pedestrian safety. Front porches and other amenities like, street trees, can also encourage walking. The mixed uses of traditional neighborhood developments will also promote walking if shops, offices, and public services and facilities are within walking distance.

Responsive to Cultural and Environmental Context Significant cultural and environmental features of a site (amenities as well as constraints such as, wetlands, critical wildlife areas, and highly erodible soils) should influence the way the site is developed. Developments with a clear “sense of place” require careful design and siting of buildings, streets, and other infrastructure. This includes the provision of adequate open space, neighborhood parks and playgrounds. Environmentally responsive stormwater management systems (at a minimum that which is required by the Monroe County Drain Commission (MCDC), the use of indigenous vegetation, and the energy conservation measures in the design and orientation of structures also help create “sustainable developments.”

The historic and architectural character of the community are important design influences.

2. General Provisions

a. Purpose. The purpose of this ordinance is to allow the optional development and redevelopment of land in Whiteford Township consistent with the design principles of traditional neighborhoods. A traditional neighborhood:

- 1) Is compact;
- 2) Is designed for the human scale;
- 3) Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;
- 4) Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
- 5) Incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments;
- 6) Retains existing buildings with historical features or architectural features that enhance the visual character of the community (if any);
- 7) Incorporates significant environmental features into the design;
- 8) Is consistent with Whiteford Township’s comprehensive master plan.

b. Applicability.

The traditional neighborhood development ordinance is an alternative set of standards for development within Whiteford Township for new development of 15 acres or more contiguous to existing development, redevelopment or infill development of 10 acres or more.

c. Fees.

The Whiteford Township Board may, by resolution, establish fees for the administration of this ordinance. Contact the Township for the required fees.

3. Application Procedure and Approval Process

Prior to the submittal for a Traditional Neighborhood Development, the following steps shall be completed according to the procedures outlined in this section:

- a. the applicant shall have had a pre-application conference;
- b. a Preliminary Site Plan and a request for rezoning to a Traditional Neighborhood
- c. Development District shall be approved by the Whiteford Township Board; a Final Site Plan shall be approved by the Whiteford Township Board.

4. Pre-Application Conference.

Prior to submitting an application for a Traditional Neighborhood Development project, the applicant shall schedule an appointment and meet with the Township Professionals to discuss the procedure for approval of a Traditional Neighborhood Development project, including submittal requirements and design standards.

5. Preliminary Site Plan

a. Preliminary Site Plan Process. Following the pre-application conference, the applicant shall submit a preliminary site plan to the Township Professionals together with a request for rezoning to a Traditional Neighborhood Development District. The preliminary site plan shall comply with general Site Plan requirements in Article VII as well as the additional requirements for a Traditional Neighborhood Development detailed in Article V, Section 5.06.

b. Preliminary Site Plan Submittal Requirements. The purpose of the preliminary site plan is to establish the intent, density, and intensity for a proposed development. In addition to the general Site Plan requirements, the Preliminary Site Plan for a Traditional Neighborhood Development shall include identification of the architectural style(s) of the Traditional Neighborhood Development and the accompanying site design style(s). The design style of the Traditional Neighborhood Development shall be conveyed with drawings or computer simulations of typical proposed building elevations (including dimensions of building height and width, and facade treatment).

6. Final Site Plan. The purpose of the Final Site Plan is to establish a detailed development proposal. The Final Site Plan can be proposed, reviewed, and acted upon as whole or in part or phases.

a. Final Site Plan Process. Following approval of the Preliminary Site Plan, the applicant shall submit a Final Site Plan to the Township Professionals.

b. Final Site Plan Submittal Requirements. The applicant shall submit a series of plans, maps, and written materials which comply with the Final Site Plan requirements in Article VII as

well as the additional requirements for a Traditional Neighborhood Development detailed in Article V, Section 5.06.

6. **Amendments to the Final Site Plan.** Minor changes to the Final Site Plan adopted by the Whiteford Township Board may be approved by the Planning Commission, provided that the changes do not involve:
 - a. Increases or decreases of less than 10% in floor area of structures or number of dwelling units.
 - b. Change in exterior building material.
 - c. Alteration of any conditions attached or modification to the Final Site Plan made by the Whiteford Township Board.

A major change to a Final Site Plan which is less restrictive than any conditions of approval for the initial Final Site Plan, shall require approval by a majority vote of all members of the Whiteford Township Board.

7. **Subdivision of Land.**

If the Traditional Neighborhood Development involves the subdivision of land as defined in Whiteford Township's Land Division Ordinance No. 42, or other similar ordinance, the applicant shall submit all required land division documents in accordance with the requirements of the ordinance. If there is a conflict between the design standards of the ordinance and the design guidelines of this ordinance, the provisions of this ordinance shall apply.

8. **Ownership and Maintenance of Public Space.** Provision shall be made for the ownership and maintenance of streets, squares, parks, open space, and other public spaces in a Traditional Neighborhood Development by dedication to Whiteford Township.

9. **Design Standards**

- a. **Neighborhood Uses.** In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A traditional neighborhood development should consist of a mix of residential uses, a mixed use area, and open space as provided below:

- 1) **A mix of residential uses** of the following types can occur anywhere in the traditional neighborhood development. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the Traditional Neighborhood Development.

- a) Single-family detached dwellings, including manufactured homes;
- b) Single-family attached dwellings, including duplexes, townhouses, row houses;
- c) Multi-family dwellings, including senior housing;
- d) Secondary dwelling units (granny flats) - special approval only by Township Board.
- e) Special needs housing, such as community living arrangements and assisted living facilities.

2) **Mixed use area**, of commercial, residential, civic or institutional, and open space uses as identified below. All residents should be within approximately 1/4 mile or a 5 minute walk from existing or proposed commercial, civic, and open space areas. Individual businesses should not exceed 6000 square feet in size.

b. Commercial uses.

- 1) Food services (neighborhood grocery stores; butcher shops; bakeries; restaurants, not including drive-throughs; cafes; coffee shops; neighborhood bars or pubs);
- 2) Retail uses (florists or nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artisans);
- 3) Services (day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning);
- 4) Accommodations (bed and breakfast establishments, small hotels or inns).

c. Residential uses.

- 1) Single-family attached dwellings, including duplexes, townhouses, row houses;
- 2) Multifamily dwellings, including senior housing;
- 3) Residential units located on upper floors above commercial uses or to the rear of storefronts;
- 4) "Live/work" units that combine a residence and the resident's workplace;
- 5) "Special needs" housing, such as community living arrangements and assisted living facilities.

d. Civic or institutional uses.

- 1) Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;
- 2) Places of worship;
- 3) Educational facilities.

e. Open space uses.

- 1) Central square;
- 2) Neighborhood park;
- 3) Playground.

f. **Open space** uses identified below should be incorporated in the traditional neighborhood development as appropriate. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than central locations.

- 1) Environmental corridors;
- 2) Protected natural areas;
- 3) Community parks;
- 4) Streams, ponds, and other water bodies;
- 5) Storm water detention/retention facilities.

11. **Development units.** The number of residential dwelling units and the amount of nonresidential development (excluding open spaces) shall be determined as follows:

a. In areas devoted to mixed residential uses:

- 1) The number of single family attached and detached units shall be 5-8 dwelling units per net acre
- 2) The number of multi-family units shall be 5-8 dwelling units per net acre

- 3) Secondary dwelling units shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of secondary dwelling units shall not be more than 10 percent of the total number of single family attached and detached units.

b. In mixed use areas:

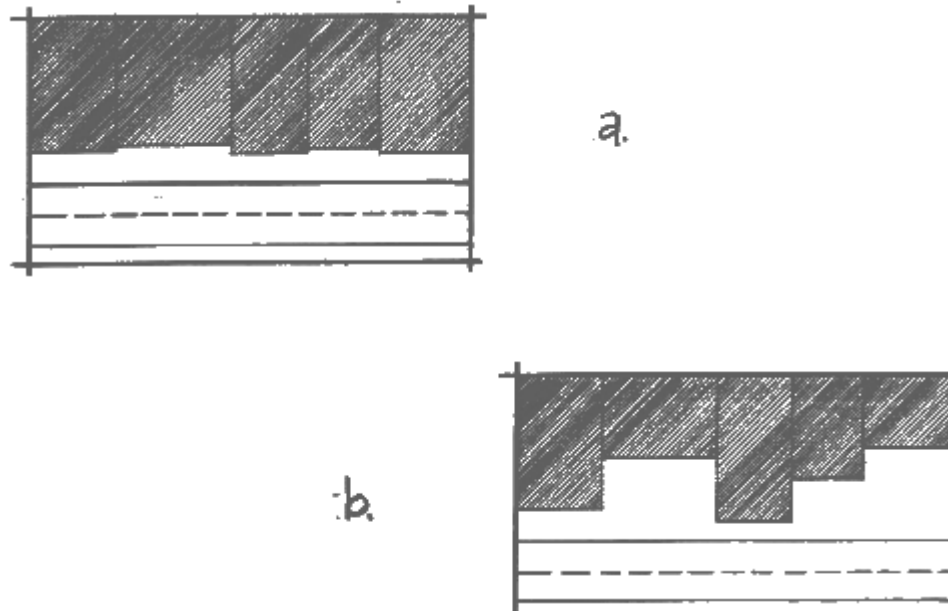
- 1) The number of single-family and multi-family dwelling units permitted shall be calculated the same as above plus an additional number of units not to exceed 10 percent of the amount permitted above.
- 2) All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than 10 dwelling units or 10 percent, whichever is greater.
- 3) The total ground floor area of nonresidential development uses, including off-street parking areas, shall not exceed 25 percent of the traditional neighborhood development.

12. **Open Space.** At least 10-20 percent of the gross acreage of the Traditional Neighborhood Development must be open space. Open space may include undevelopable areas such as steep slopes and wetlands, and storm water detention and retention basins. At least 25 percent of the open space must be common open space dedicated to the public for parkland. 90 percent of the lots within the areas devoted to mixed residential uses shall be within a 1/4 mile or a 5 minute walk from common open space.

13. **Lot and Block Standards.**

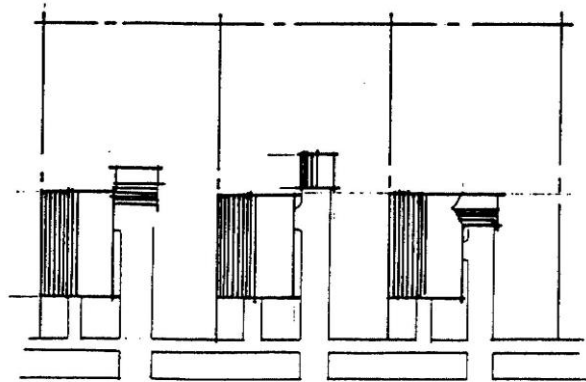
- a. **Block and lot size diversity.** Street layouts should provide for perimeter blocks that are generally in the range of 200-400 feet deep by 400-800 feet long. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.
- b. **Lot Widths.** Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.
- c. **Building Setback, Front -Mixed Use Area.** Structures in the mixed use area have no minimum setback. Commercial and civic or institutional buildings should abut the sidewalks in the mixed use area.

Figure 1. Plan-view diagrams showing two alternatives for building setbacks from the street right-of-way in mixed-use areas. Relatively uniform setbacks (a) are preferable to widely varying building setbacks (b).



- 1) **Building Setback, Front -Areas of Mixed Residential Uses.** Single-family detached residences shall have a building setback in the front between 0 and 25 feet. Single-family attached residences and multifamily residences shall have a building setback in the front between 0 and 15 feet.
- 2) **Building Setback, Rear -Areas of Mixed Residential Uses.** The principal building on lots devoted to single-family detached residences shall be setback no less than 30 feet from the rear lot line.
- 3) **Side Setbacks.** Provision for zero lot-line single-family dwellings should be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.

Figure 2. Plan-view diagram of the zero-lot line concept. A large side-yard on each parcel is created by uniformly eliminating one of the side-yard setbacks.



14. **Circulation Standards.** The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use area, and open space of the traditional neighborhood development and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the traditional neighborhood development. The circulation system shall be ADA compliant.
15. **Pedestrian Circulation.** Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the Traditional Neighborhood Development. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides in accordance with the specifications listed in Table 1.
 - The following provisions also apply:
 - a. Sidewalks in residential areas. Clear and well-lighted sidewalks, 5 feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk.
 - b. Sidewalks in mixed use areas. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of 5 feet in width.
 - c. Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
 - d. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.

16. **Bicycle Circulation.** Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, 4 foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be 14 feet.

17. **Motor Vehicle Circulation.** Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “queuing streets,” curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.

a. Street Hierarchy. Each street within a traditional neighborhood development shall be classified according to the following (arterial streets should not bisect a traditional neighborhood development):

- 1) Collector. This street provides access to commercial or mixed -use buildings, but it is also part of Whiteford Township's major street network. On-street parking, whether diagonal or parallel, helps to slow traffic. Additional parking is provided in lots to the side or rear of buildings.
- 2) Sub collector. This street provides primary access to individual residential properties and connects streets of lower and higher function. Design speed is maximum 25 mph.
- 3) Local Street. This street provides primary access to individual residential properties. Traffic volumes are relatively low, with a design speed of maximum 20 mph.
- 4) Alley. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties.

Table 1: Attributes of Streets in a Traditional Neighborhood Development

	Collector	Subcollector	Local Street	Alley
Average Daily Trips	750 or more	750-1500	Less than 250	Not applicable
Right-of-Way	76-88 feet	48-72 feet	35-50 feet	12-16 feet
Auto travel lanes	Two or three 12 foot lanes	Two 10 foot lanes	Two 10 foot lanes, or one 14 foot (queuing) lane	Two 8 foot lanes for two-way traffic, or one 12 foot lane for one-way traffic
Bicycle lanes	Two 6 foot lanes combined with parking lanes	4 foot lanes with no parking, or 6 foot lanes combined with parking lanes	None	None
Parking	Both sides, 8feet	None, one, or both sides, 8 feet	None or one side, 8feet	None (access to individual drives & garages outside Right-of-way)
Curb and gutter	Required	Required	Not required	
Planting strips	Minimum 6 feet	Minimum 6 feet	Minimum 6 feet	None
Sidewalks	Both sides, 5 feet minimum	Both sides, 3-5 feet	Both sides, 3-5 feet	None

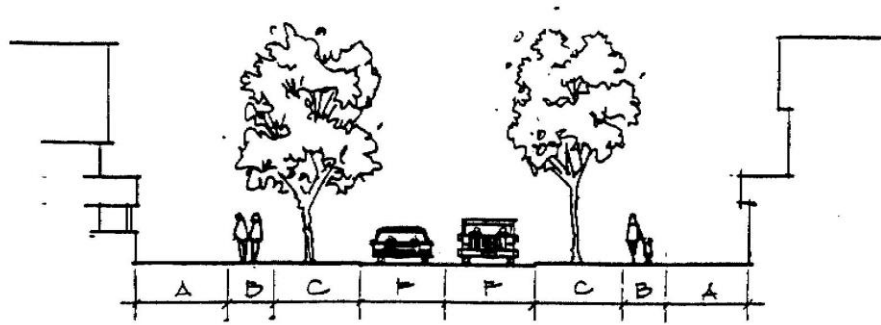


Figure 3a. Schematic sketch of a typical local street cross-section. Table 1 lists the recommended dimensions of each component: A) building setback from street right-of-way; B) walkway; C) planting area; F) travel lane.

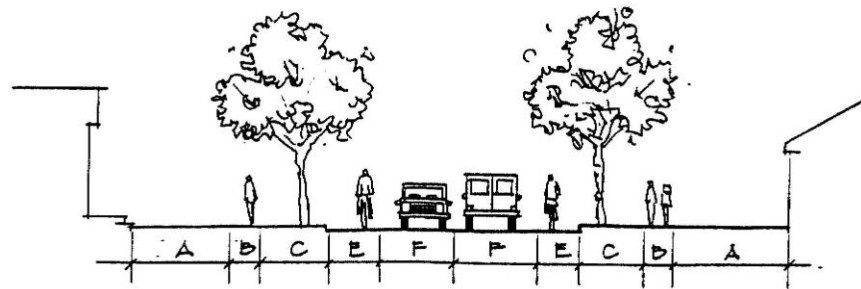


Figure 3b. Schematic sketch of a typical sub-collector street cross-section. Table 1 lists the recommended dimensions of each component: A) building setback from street right-of-way; B) walkway; C) planting area; E) bicycle lane; F) travel lane.

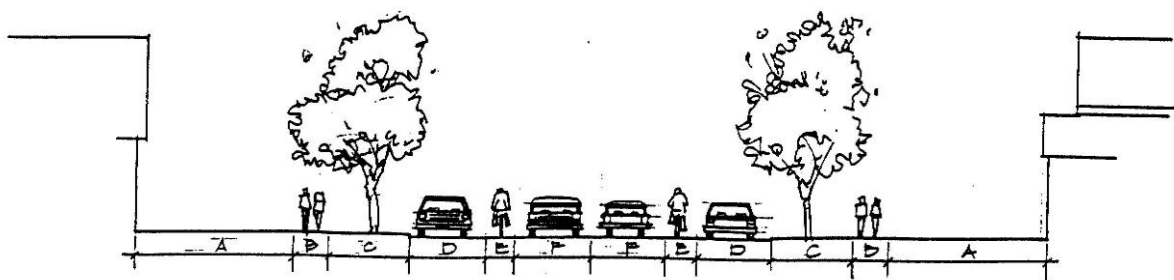


Figure 3c. Schematic sketch of a typical collector street cross-section. Table 1 lists the recommended dimensions of each component: A) building setback from street right-of-way; B) walkway; C) planting area; D) parking lane; E) bicycle lane; F) travel lane.

b. Street Layout. The traditional neighborhood development should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:

- 1) Intersections shall be at right angles whenever possible, but in no case less than 75 degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence) which significantly reduces accidents without the use of traffic controls.
- 2) Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of 15 feet for local streets and 20 feet for intersections involving collector or arterial streets. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of 10 feet.
- 3) Curb cuts for driveways to individual residential lots shall be prohibited along arterial streets. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or multifamily residential uses. Clear sight triangles shall be maintained at intersections, as specified below, unless controlled by traffic signal devices:
- 4) The orientation of streets should enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.

c. intersection of: minimum clear sight distance:

local street and collector 120 feet

collector and collector 130 feet

collector and arterial 50 feet

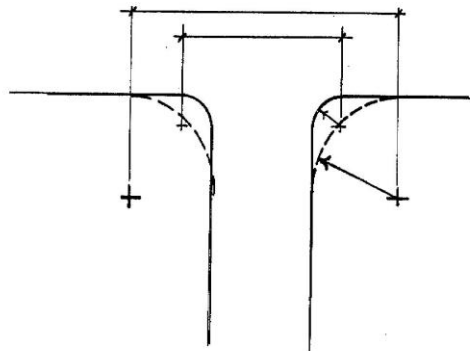


Figure 4. Plan-view diagram of a street intersection. Reducing the radius of street corners slows turning vehicle traffic and shortens pedestrian crosswalks.

d. Parking requirements. Parking areas for shared or community use should be encouraged. In addition:

- 1) In the mixed use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in section
 - a) 4.8.
- 2) A parking lot or garage may not be adjacent to or opposite a street intersection.
- 3) In the mixed use area, a commercial use must provide one parking space for every
 - a) 500 square feet of gross building area.
- 4) Parking lots or garages must provide not less than one bicycle parking space for every 10 motor vehicle parking spaces.
- 5) Adjacent on-street parking may apply toward the minimum parking requirements.
- 6) In the mixed residential areas, parking may be provided on-site. One off-street parking space with unrestricted ingress and egress shall be provided for each secondary dwelling unit.
- 7) Multi-family uses must provide one parking space for every dwelling unit and 0.5 parking space for each additional bedroom.

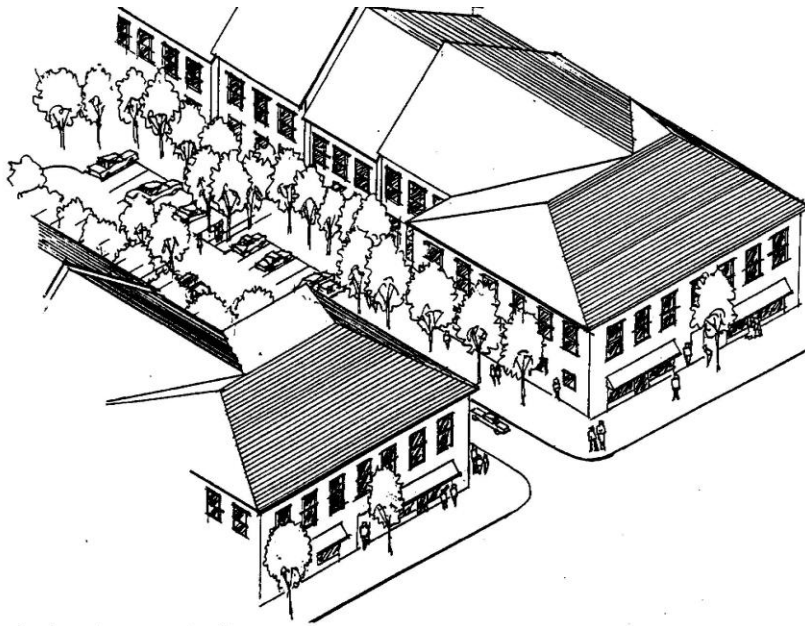


Figure 5. Aerial perspective sketch of a mixed-use area integrating commercial (ground floor) and residential (second story) uses. A relatively narrow gap in the continuous street wall (created by the mixed-use buildings) provides access from the street to a landscaped, pedestrian-friendly parking lot.

e. Service access. Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas.

- f. Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.

18. **Architectural Standards**. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

a. **Guidelines for Existing Structures**

- 1) Existing structures, if determined to be historic or architecturally significant, shall be protected from demolition or encroachment by incompatible structures or landscape development.
- 2) The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant structures.

b. **Guidelines for New Structures**

- 1) Height. New structures within a Traditional Neighborhood Development shall be no more than 3 stories for single-family residential, or 3 stories for commercial, multifamily residential, or mixed use.

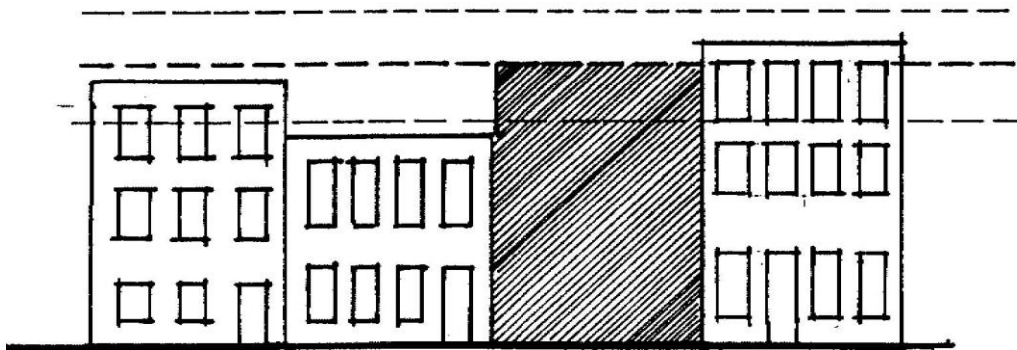


Figure 6. Schematic elevation sketch of a mixed-use streetscape. To create a visually unified streetwall, buildings should be no more than 30% taller nor 30% shorter than the average building height on the block.

c. Entries and Facades

- 1) The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.
- 2) The front facade of the principal building on any lot in a Traditional Neighborhood Development shall face onto a public street.
- 3) The front facade shall not be oriented to face directly toward a parking lot.
- 4) Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences. For commercial buildings, a minimum of 50 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
- 5) New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.

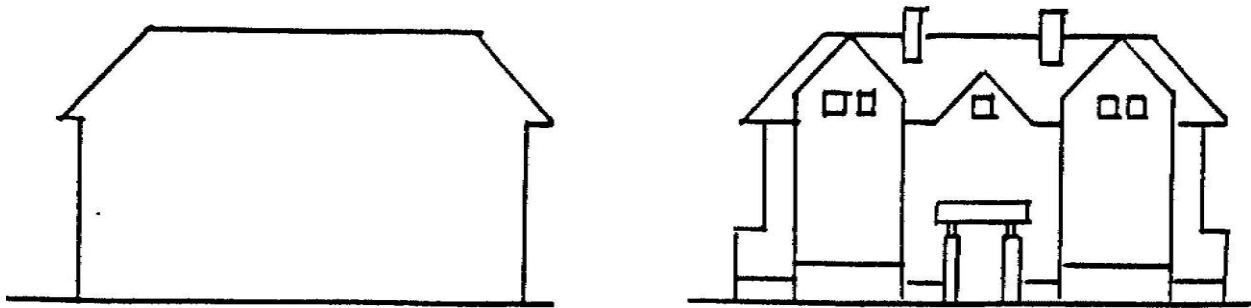


Figure 7. Schematic elevation sketches of two multi-storied buildings with equal heights and widths. Architectural details such as porches, windows, and roof dormers articulate a building's facade (right) which enhances visual quality and contributes to a human-scaled development.

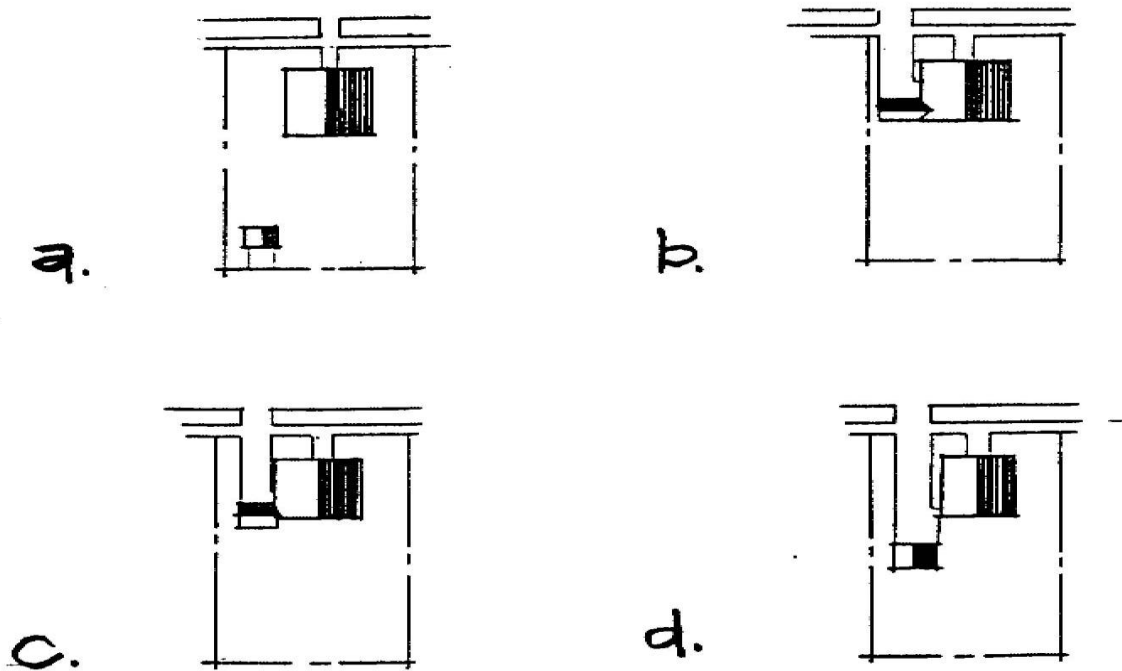


Figure 8. Plan-view diagrams of four alternative garage locations on a single-family housing lot: a) detached garage is accessed from an alley; b and c) attached garage is accessed from the local street, d) detached garage, behind the house, is accessed from the local street.

- 6) **Guidelines for garages and secondary dwelling units.** Garages and secondary dwelling units may be placed on a single-family detached residential lot within the principal building or an accessory building provided that the secondary dwelling unit shall not exceed 800 square feet.
- 7) **Guidelines for exterior signage.** A comprehensive sign program is required for the entire Traditional Neighborhood Development which establishes a uniform sign theme. Signs shall share a common style (e.g., size, shape, material). In the mixed use area, all signs shall be wall signs or cantilever signs. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed 8 square feet.

8) **Guidelines for lighting.**

- a) Street lighting shall be provided along all streets. Generally more, smaller lights, as opposed to fewer, high-intensity lights, should be used. Street lights shall be installed on both sides of the street at intervals of no greater than 75 feet. Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society. Current standards require LED lighting.
- b) Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.

19. **Landscaping and Screening Standards.** Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this ordinance, it shall be at least 3 feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than 50 percent opaque behind a continuous landscaped area, a masonry wall, or a hedge.

- a. Street trees. A minimum of one deciduous canopy tree per 40 feet of street frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.
- b. Parking area landscaping and screening.
 - 1) Parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:
 - a) A landscaped area at least 5 feet wide along the public street or sidewalk.
 - b) Screening at least 3 feet in height and not less than 50 percent opaque.
 - c) One tree for each 25 linear feet of parking lot frontage.
 - I. Parking area interior landscaping. The corners of parking lots, "islands," and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
 - II. In large parking lots containing more than 200 spaces, an additional landscaped area of at least 300 square feet shall be provided for each 25 spaces or fraction thereof, containing one canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.

20. Installation and Maintenance of Landscaping Materials.

- a. All landscape materials shall be installed to current industry standards.
- b. Maintenance and replacement of landscape materials shall be the responsibility of the property owner. Landscape maintenance should incorporate environmentally sound management practices, including the use of water- and energy-efficient irrigation systems such as drip irrigation, and pruning primarily for plant health and public safety, replacing dead materials annually.

21. Materials. All plant materials must meet the minimum standards set by the the American National Standards Institute in ANSI Z60.1 American Standard for Nursery Stock. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive species. Plant materials shall comply with the following standards:

- a. Minimum plant size shall be as specified as follows (for the purpose of determining tree trunk size, the diameter shall be measured 6 inches above ground level):
Plant Type Minimum Size Evergreen tree 6 feet in height Deciduous canopy tree 22 inches caliper at dbh* Small deciduous tree 12 inches caliper at dbh*
Evergreen or deciduous shrubs 18 -24 inches in height

*dbh = diameter at breast height

- b. Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought and salt.
- c. Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified above.

Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within 2 years.

ARTICLE VI - STANDARDS FOR SPECIAL APPROVAL USES

SECTION 6.01 - STATEMENT OF PURPOSE

This section provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the community.

SECTION 6.02 - SPECIAL APPROVAL PROCEDURES

The application for a Special Approval Use shall be submitted and processed under the following procedures:

1. An application shall be submitted through the Township Clerk on a special form for this purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board. The Township Board may waive the special approval fee if the applicant plans to locate within an existing building.

In the event the allowance of a desired use requires both a rezoning and permission for a special approval use, both requests may be submitted jointly, subject to the following:

- a. The Ordinance procedures for each shall be followed as specified.
 - b. All applicable standards and specifications required by the Ordinance shall be observed.
2. A completed site plan as specified in *ARTICLE VII, SITE PLAN REVIEW*, shall accompany the application.
 3. The building official shall review the proposed application to determine if all required information has been supplied, and then forward completed applications and supporting data to the Planning Commission.
 4. Upon receipt of the application for a special approval use permit, the Planning Commission shall hold a public hearing, in accordance with the provisions of Section 3.12.
 5. Upon conclusion of the public hearing procedures, the Planning Commission may deny, approve, or approve with conditions a special approval use permit. The decision of the Planning Commission shall be incorporated in a statement of findings and conclusions relative to the special approval use and shall be sent promptly to the building official and the applicant.

SECTION 6.03 - BASIS OF DETERMINATIONS

The Planning Commission shall review the proposed special approval use in terms of the standards stated in this section, and shall establish that such use and the proposed location meet the following standards:

1. Will be harmonious and in accordance with the general objectives or any specific objectives of the Township's Master Plan.
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
3. Will not be directly or indirectly hazardous or disturbing to existing or future uses, ecosystems, waterways, wetlands, etc.
4. Will be an improvement in relation to property in the immediate vicinity and to the Township as a whole.
5. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately for any such service or facility.
6. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.
7. Will be consistent with the intent and purposes of this Article.

SECTION 6.04 - CONDITIONS AND SAFEGUARDS

The Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, the protection of individual property rights, and ensuring that the purposes of this Article and the general spirit and purpose of the district in which the special approval use is proposed will be observed. Special approval use permits may be issued for specific time periods, as determined by the Planning Commission.

SECTION 6.05 – VOIDING ACTION

Unless otherwise specified by the Planning Commission, any special approval use permit granted under this section shall be null and void unless the development proposed shall be operational within one (1) year of the date of special use approval. The building official shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared.

A special use permit may be suspended or revoked according to the following procedure:

1. Conditions which may give rise to a suspension or revocation proceeding include, but are not limited to, the following:
 - a. The special approval use was not constructed in conformance with the approved plans, or the property is not being used in conformance with the approved special use; or the approved special use is not operational within two (2) years of the date of special use approval; or
 - b. Compliance with the special use permit and any conditions have not been consistently demonstrated and administrative attempts to secure compliance have been unsuccessful; or
 - c. The special use permit is issued erroneously on the basis of incorrect or misleading information supplied by the applicant and/or his/her agent; or
 - d. The operation of the use granted by special use permit has created a risk or danger to the public health, safety, or welfare; or

- e. The special use is a violation of any provision of this ordinance or other township, county, state or federal regulations.
2. If the building official or designee determines that a condition for suspension or revocation of the special use permit exists, the building official shall prepare a report in writing specifying the specific factual details for the violation and which support the suspension or revocation of the special use permit.
3. The building official or designee shall file the report so prepared with the Township Supervisor, who shall provide a copy to the Township Board, and serve a copy of such report upon the permittee or its authorized agent or employee personally or by regular mail and certified mail, return receipt requested.
4. After the Supervisor submits the report to the Township Board, the Township Clerk shall schedule a hearing within a reasonable period of time after Township Board's receipt of the report to consider the alleged violation. Notice of the hearing(s) shall be served by the Township Clerk upon the permittee or its authorized agent or employee personally or by regular mail and certified mail, return receipt requested not less than seven (7) days before a scheduled hearing date, and such notice shall advise the permittee of its right to be represented by legal counsel at the hearing before the Township Board.
5. At all such hearings, the permittee shall have the legal right to defend against the allegations made by way of confronting any adverse witnesses, by being able to present witnesses in his/her behalf, by being allowed to present arguments, personally or through legal counsel in his/her own behalf.

SECTION 6.06 – REAPPLICATION

No application for a special approval use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the Planning Commission.

ARTICLE VII - SITE PLAN REVIEW

SECTION 7.01 - AUTHORITY FOR SITE PLAN REVIEW

The Township Planning Commission shall have the authority to review and to approve or reject a preliminary site plan. The Township Board shall have the authority to review and approve or reject a final site plan submitted in conformance to an approved preliminary site plan. In addition to the standards set forth herein, an applicant shall comply with the Township Building and Site Plan Submittal Guide, which is attached hereto as Exhibit "A".

SECTION 7.02 - DEVELOPMENT AND USES REQUIRING SITE PLAN REVIEW

The following buildings, structures, and uses require site plan review:

1. A building containing three (3) or more dwelling units;
2. Two (2) or more multiple-family buildings on a lot or parcel of land, or on a combination of lots under one ownership;
3. A mobile home park;
4. Any principal non-residential building or structure permitted in residential districts and any principal building or structure, except farm buildings and structures, permitted in agriculture districts;
5. Any building with a floor area greater than 500 square feet, or additions thereto, in any business and industrial districts;
6. More than one (1) building or structure, except a sign, on a lot or parcel, or combination of lots under one ownership, in any business and industrial district;
7. Any principal use in any non-residential district which does not involve a building, including but not limited to outdoor sales, outdoor displays, and storage, including storage of wrecked vehicles;
8. Public utility buildings and structures, but not including poles, towers, and telephone buildings; or
9. Any parking lot or addition thereto containing five (5) or more parking spaces;
10. Any Special Approval Use;
11. Any use or change of use other than farming of land zoned agricultural, open space recreation or resource conservation;
12. Any change or variation in the layout of the use of property for which a site plan review would be required if it was a new use.

The Building Official shall not issue a building permit for construction of, or addition to, any one of the above listed buildings or structures until a final site plan therefore has been approved and is in effect. A use, not involving a building or structure, as above listed, shall not be commenced or expanded, nor shall the Building Official issue an occupancy permit for such use until a final site plan has been approved and is in effect.

No grading, removal of trees or other vegetation, land filling or construction of improvements shall commence for any development which requires site plan approval until a final site is approved and is in effect, except as otherwise provided in this Article.

SECTION 7.03 – PREAPPLICATION PROCESS

Pre-Application Process – Any person with legal interest in applying for a preliminary site plan approval should present a detailed conceptual description of the intended project to the Whiteford Township Board. After careful review of all ideas and plans presented by the potential applicant, the Board will offer recommendations and considerations to the applicant. The Board's suggestions should be taken into account before submitting a preliminary site plan to the Township Clerk. The Pre-Application Process does not in any way determine or promote the likelihood of approval or denial of the preliminary site plan by the Township Planning Commission.

SECTION 7.04 - PRELIMINARY SITE PLAN

1. **Application.** Any person with legal interest in a lot may make an application for preliminary site plan approval therefore by filing completed forms, payment of the review fee, and eight (8) copies of the preliminary site plan drawing(s) with the Township Clerk. The Clerk, upon receipt of the application, shall transmit the preliminary site plan drawings to the Planning Commission prior to its next regular meeting.
2. **Information Required.** Each preliminary site plan submitted for review shall provide the following information.
 - 1) Location and description of site; dimensions and area;
 - 2) General topography; soil information;
 - 3) Property owner's name and address, applicant's name, address, and interest in property; owner's signed consent for preliminary site plan approval application if applicant is not the owner;
 - 4) Scale, north arrow, date of plan, section number;
 - 5) Proposed buildings/structures: location, outline, general dimensions, distances between, floor area, number of floors, height, number and type of dwelling units (where applicable);
 - 6) Location and size of open areas, recreation areas;
 - 7) Proposed streets/drives: general alignment, right-of-way, (where applicable), surface type, and width;
 - 8) Proposed parking: location and dimensions of lots, dimensions of spaces and aisles, angle of spaces, surface type, number of spaces;

- 9) Existing zoning classification of property; required yards; dwelling unit schedule, density of development, and lot area per dwelling unit for residential projects; lot coverage (percent) and floor area ratio; location and size of required transition and landscape strips, if applicable;
 - 10) Areas of intended filling, cutting; outline of existing buildings/structures and drives; existing natural and manmade features to be retained or removed;
 - 11) Adjacent land uses; location of adjacent buildings; drives/streets;
 - 12) Location, area of development phases; building program for each phase; projected schedule of development, by phase, if applicable;
 - 13) Location and width of easements on site;
 - 14) General description of proposed water, sanitary sewer, and storm drainage systems; and
 - 15) Approval from the Whiteford Township fire chief(s) that the development as proposed allows proper access for firefighting equipment and the fire suppression system is adequate.
3. In addition to the above general criteria, land uses for sites with known or suspected environmental sensitivity, for developments of high intensity and/or traffic generation, and for subdivisions over 25 lots. The Township Planning Commission may also require the following:
- a. Environmental Impact Analysis (EIA) natural environment with regard to:
 - 1) Surface water impacts,
 - 2) Groundwater impacts,
 - 3) Air quality,
 - 4) Soil Engineering Index and features.
 - b. Traffic Impact Study (TIS) when:
 - 1) The request is located along any corridor identified or a Minor Arterial and above in the Whiteford Township Master Plan, and / or
 - 2) The request would permit uses that would generate 100 or more directions, trips during peak hours, or at least 750 trips per day.
 - c. Government Approvals – Applicant shall also attach to their application for preliminary site plan approval proof of granted permits and approvals from the Monroe County Road Commission, Monroe County Drain Commission, Monroe County Health Department, Michigan Department of Environmental Quality and any other federal, state or county permits and/or approvals for the construction, and operation of the proposed project.
4. **Site Plan Submission Deposit.** Each applicant submitting a preliminary site plan to the planning commission for review shall post a cash deposit. The required deposit amount shall be determined by the Township engineer and will vary depending upon the size, complexity and projected construction cost of the project to be reviewed. The

applicant's deposit will cover the Township's expense in review of the preliminary site plan by township professionals. The cost of this review will be drawn from the deposit made by the applicant and either billed from time to time during review and construction, refunded upon project completion or transferred to the cash bond required under the final site plan review process.

5. **Standards for Review.** In reviewing a preliminary site plan the Planning Commission shall consider the following standards:
 - a. That all required information has been provided and the applicant has complied with the Township Building and Site Plan Submittal Guide;
 - b. That the proposed development as shown in the preliminary site plan conforms to all regulations of the zoning ordinance for the district(s) in which it is located;
 - c. That the applicant is legally authorized to request site plan review;
 - d. That the movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient;
 - e. That the proposed development will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area;
 - f. That natural resources will be preserved to a maximum feasible extent, and that the development as proposed will not cause soil erosion or sedimentation; and
 - g. That the proposed development is adequately coordinated with improvements serving the subject property and with other developments.
6. **Planning Commission Action.** The Planning Commission shall study the plan and shall, within sixty (60) days of the filing date, recommend approval or denial of the preliminary site plan. The Planning Commission shall transmit a report to the Township Board with its recommendation, setting forth the conclusions of its study and the reasons for its recommendation. The time limit may be extended upon a written request by the applicant and approval by the Planning Commission.
7. **Effect of Approval.** Approval of a preliminary site plan by the Planning Commission shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The Township Board may, at its discretion, and with appropriate conditions attached, authorize issuance of permits by the Building Official for grading and foundation work on the basis of an approved preliminary site plan. The conditions to be attached to such permit issued for grading and foundation work shall include, but are not limited to, provisions for control of possible erosion, for exempting the Township from any liability if a final site plan is not approved, and for furnishing a bond for restoration of the site if work does not proceed to completion.
8. **Expiration of Approval.** Approval of a preliminary site plan shall be valid for a period of 180 days from the date of approval by the Planning Commission and shall expire and be of no effect unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period. The Clerk shall, within ten (10) days of the date of approval of the preliminary site plan by the Planning Commission, transmit a written certification of such approval to the applicant. If a final site plan is submitted for only a part of the area included in the approved site plan, successive final site plans shall be filed at intervals no longer than two (2) years from the date of approval of the previously approved final site plan. 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.

SECTION 7.05 - FINAL SITE PLAN

- 1. Application.** Following approval of a preliminary site plan, the applicant shall submit eight (8) copies of a final site plan and other data and exhibits hereinafter required, the review fee, and a completed application form to the Township Clerk. The Clerk, upon receipt of the application, shall transmit the final site plan drawing(s) to the Planning Commission prior to its regular meeting.
- 2. Information Required.** Each final site plan submitted for review shall provide the following information and shall meet the following specifications:
 - a. The site plan shall be of a scale not greater than one (1) inch equals 20 feet nor less than one (1) inch equals 200 feet, and of such accuracy that the Planning Commission can readily interpret the plan. More than one (1) drawing shall be included as part of a final site plan where required by the Planning Commission for clarity.
 - b. Scale, north arrow, name and date of plan, section numbers; date of any revisions thereto.
 - c. Name and address of property owner and applicant; interest of applicant in property; name and address of developer.
 - d. Name and address of designer. A detailed site plan shall be prepared by a registered architect or, civil engineer in the State of Michigan.
 - e. A vicinity map; legal description of site; dimensions and lot area. Where a metes and bound description is used, lot line angles or bearings shall be indicated on the plan and the lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor.
 - f. Existing topography (minimum contour interval of two feet); existing natural features such as trees, wooded areas, streams, marshes, ponds and other wetlands; clear indication of all natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy, individual deciduous trees of six (6) inch diameter or larger and individual evergreen trees six (6) feet in height or higher, not a part of a group of trees, are to be accurately located on the plan.
 - g. Existing buildings, structures, and other improvements, including drives, utility poles and towers, easements, pipelines, excavation ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain and to be removed; deed restrictions, if any.
 - h. Owner, use, and zoning classification of adjacent properties; location and outline of buildings, drives, parking lots, other improvements on adjacent properties;
 - i. Existing public utilities on or serving the property; location and size of water lines and hydrants; location, size and inverts for sanitary sewer and storm sewer lines; location of manholes and catch basins; location and size of wells, septic tanks and drain fields.

- j. Name and right-of-way of existing streets on or adjacent to the property, surface type and width; spot elevations of street surface, including elevations at intersections with streets and drives of the proposed development. Define if public or private road.
- k. Zoning classification of the subject property; location of required yards; total site area and floor area; total ground floor area and lot coverage (percent); floor area ratio. In the case of residential units, the plan shall note dwelling unit density, lot area per dwelling unit, and a complete schedule of the number, size, and type of dwelling units.
- l. Grading plan, showing finished contours at a minimum interval of two (2) feet, and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at the property lines.
- m. Location and exterior dimensions of all proposed buildings and structures, location to be referenced to property lines or a common base point; distances between buildings; height and feet in stories; finished floor elevations and contact grade elevations.
- n. Location and alignment of all proposed streets and drives; rights-of-way where applicable; surface type and width, and typical cross section of same showing base and sub-base materials, dimensions, and slopes; location and typical details of curbing; turning lanes (where applicable) with details; location, width, surface elevations and grades of all entries and exits; curve-radii.
- o. Location and dimensions of proposed parking lots; number of spaces in each lot; dimensions of spaces and aisles; drainage pattern of lots; typical cross-section showing surface, base, and sub-base materials; angle of spaces.
- p. Location, use, size and surface of proposed improvements of open spaces and recreation areas, maintenance provisions for such areas.
- q. Location, width, and surface of proposed sidewalks and pedestrian ways.
- r. Location and type of proposed screens and fences; height, typical elevation and vertical section of screens, screening materials and dimensions.
- s. Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosure, showing materials and dimensions.
- t. Location, type, size, area, and height of proposed signs.
- u. Layout, size of lines, culverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed utilities, location and size of retention ponds, and degree of slope of sides of pond, calculations for sizing of storm drainage facilities, location of electricity and telephone poles and wires, location and size of surface mounted equipment for electricity and telephone services, location and size of underground tanks where applicable, location and size of outdoor incinerators, location and size of wells, septic tanks, and drain fields, if on-site facilities are to be used Final engineering drawings for all site improvements such as, but not limited to water, sanitary sewer and storm sewer systems, streets, drives, and parking lots, retention ponds and other ponds or lakes, retaining walls, are to be submitted to and approved by the Township Engineer prior to Township Board approval of the final site plan. If on-site water and sewer facilities are to be used, a letter of approval of same

by the Monroe County Health Department shall be submitted prior to Township Board approval.

- v. Landscape plan showing location and size of plant materials in compliance with the Landscape Ordinance 9.06.
- w. Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations and permitting for such measures per Michigan Department of Environmental Quality (MDEQ) and Monroe County Drain Commission (MCDC).
- x. Location of proposed retaining walls, and dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties, where applicable.
- y. Location, type, direction, and intensity of outside lighting shall comply with the Lighting Section of this Ordinance.
- z. Right-of-way expansion where applicable; reservation or dedication of right-of-way to be clearly notes; dedication of right-of-way where applicable shall be executed, or provisions made for same prior to approval of the final site plan by the Planning Commission.
 - 1) As-built plans of all existing and site improvements shall be submitted and approved by the Township Building Official and the Township Engineer prior to issuance of occupancy permits or release of performance guarantees, whichever is applicable.
 - 2) Governmental Approvals. Applicant shall also attach to their application for preliminary site plan approval proof of granted permits and approvals from the Monroe County Road Commission, Monroe County Drain Commission, Monroe County Health Department, Michigan Department of Environmental Quality, Michigan Department of Transportation, and any other federal, state or county permits and/or approvals for the construction, and operation of the proposed project.
- aa. Complies with the Whiteford Township Engineering Standards.

3. Site Plan Submission Deposit. Each applicant submitting a final site plan to the Township Board for review shall post a cash deposit. Such cash deposit shall be credit for any remaining money deposited during preliminary site plan review. The required deposit amount shall be determined by the Township engineer and will vary depending upon the size, complexity and projected construction cost of the project to be reviewed. The applicant's deposit will cover the Township's expense in review of the final site plan by township professionals. The cost of this review will be drawn from the deposit made by the applicant and either billed from time to time during review and construction or refunded upon project completion.

4. Standards for Review. In reviewing the final site plan, the Township Board shall determine whether the plan meets the following specifications and standards:

- a. That the final site plan conforms to the preliminary site plan as recommended by the Planning Commission;
- b. That all required information is provided;

- c. That the plan complies with all zoning ordinance regulations;
- d. That the plan, including all engineering drawings, meet specifications of the Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services;
- e. That the plan meets all specifications of this Article;
- f. That any grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring property; and
- g. That erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities or services.

5. Township Board Action. The Board shall study the final site plan and shall within sixty (60) days of the filing date approve or reject the final site plan. This time limit may be extended upon written request by the applicant and approval by the Township Board. The Board may suggest and/or require changes or modifications in the proposed site plan as are needed to gain approval. The Township Board may refer the site plan back to the Planning Commission for additional comments and may include in its study of the site plan consultation with other government officials and departments and public utility companies that might have an interest in or be affected by the proposed development. All engineering drawings and plans shall be approved by the Township Engineer before a final site plan shall be approved. Upon Board approval of a final site plan, the applicant and owner(s) of record, and the Township Clerk shall sign five (5) copies of the approved site plan. The Township Clerk shall transmit two such signed copies of the approved final site plan and any conditions attached to such approval to the Building Official and one signed copy each to the Planning Commission Secretary, and to the applicant. One signed copy shall be retained in the Board's files. If the final site plan is rejected, the Board shall notify the applicant in writing of such action and reasons therefore within ten (10) days following such action.

6. Effect of Approval. Approval of a final site plan authorizes issuance of a building permit or, in the case of uses without buildings or structures, issuance of a certificate of occupancy.

7. Expiration of Approval. Approval shall expire and be of no effect unless a building permit shall have been taken out within 180 days of the date of approval of the final site plan. Approval of a final site plan shall expire and be of no effect 545 days following the date of approval unless construction has begun on the property in conformance with the approved final site plan.

SECTION 7.06 - COMBINING PRELIMINARY AND FINAL SITE PLANS

An applicant may, at their discretion and risk, with approval of the Township Board, combine a preliminary and final site plan in application for approval. In such a situation the Board may refer the application to the Planning Commission and the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Township Board 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. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.

SECTION 7.07 - AMENDMENT OF APPROVED SITE PLAN

A site plan may be amended upon application and in accordance with procedure and requirements provided in *SECTION 10.03*, herein, for a preliminary site plan. Minor changes in a preliminary site plan may be incorporated into a final site plan without an amendment to the approved preliminary site plan, at the discretion of the Planning Commission. The Planning Commission may require, in case of minor changes in an approved preliminary or final site plan, that a revised preliminary or final site plan drawing(s) be submitted showing such minor changes, for purposes of record. The Planning Commission shall have the authority to determine if a proposed change is a minor or major change and if such change requires an amendment to an approved preliminary or final site plan.

SECTION 7.08 - MODIFICATION OF PLAN DURING CONSTRUCTION

All site improvements shall conform to the approved final site plan. If the applicant makes any changes during construction in the development in relation to the approved final site plan, he shall do so at his own risk, without any assurance that the Planning Commission will approve the changes.

It shall be the responsibility of the applicant to notify the Building Official and the Planning Commission of any such changes. The Building Official or the Planning Commission may require the applicant to correct the changes so as to conform to the approved final site plan or resubmit for complete review of changes for Planning Commission consideration of approval, approved with conditions, or denial of change.

SECTION 7.09 – ADMINISTRATIVE REVIEW OF MINOR SITE PLANS

An administrative review committee, consisting of the Township Supervisor, Planning Commission chairperson, and building official, is hereby authorized to conduct administrative review of minor site plans. The committee will evaluate and consider minor site plans for approval, conditional approval, referral to the Planning Commission, or denial. The committee may ask the Township planner and/or engineer for review comments. The minor site plans shall be subject to all other site plan criteria, requirements, and standards as included in this section. A minor site plan may be applied for in any of the following cases:

1. Accessory uses incidental to a conforming existing use, where such use does not require any variance or site modification.
2. Expansions and/or additions to existing conforming structures or additions of principal buildings and accessory buildings less than 2,000 square feet or not more than ten percent (10%) of the existing floor area, whichever is less.
3. Provision for additional loading/unloading spaces and landscape improvements as required by this Article.

SECTION 7.10 - PHASING OF DEVELOPMENT

The applicant may divide the proposed development into two or more phases. In such case, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, timing, and character of each phase. A final site plan shall be submitted for review and approval for each phase.

SECTION 7.11 - INSPECTION

The Building Official, or his representative shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspection.

The Building Official shall notify the Township, in writing, when a development for which a final site plan is approved has passed inspection with respect to the approved final site plan. The Building Official shall notify the Township Board and the Planning Commission, in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan, and shall advise the Board and Commission of steps taken to achieve compliance. In such case, the Building Official shall periodically notify the Township Board and Planning Commission of progress towards compliance with the approved final site plan and when compliance is achieved.

SECTION 7.12 - FEES

Fees for the review of site plans and inspections as required by this Article shall be established and may be amended by resolution of the Township Board.

SECTION 7.13 - VIOLATIONS

The approved final site plan shall regulate development of the property and any violation of this Article, including any improvement not in conformance of the approved final site plan, shall be deemed a violation of this ordinance as provided in *SECTION 3.11*, herein, and shall be subject to all penalties therein.

ARTICLE VIII - SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 8.01 - ACCESSORY BUILDINGS AND USES

Accessory buildings, except those in conjunction with legally defined farms or specifically stated as being exempt from this Section or as otherwise permitted in this ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to the main building, it shall be subject to, and must conform to, all regulations of this ordinance, applicable to the main building.
2. The total area of all accessory buildings shall not occupy more than twenty-five percent of a required rear yard, plus forty (40) percent of any non-required rear yard; provided that the total square footage of all of the accessory buildings shall not exceed 200 percent of the ground floor area of the main building on parcels of two (2) acres or less. Accessory buildings on parcels 2.1 acres and up to and including 4.99 acres shall not exceed 250 percent of the applicable main structure. On parcels of 5 acres or more with non-Agriculture buildings, the area of all accessory buildings shall not exceed 300 percent of the ground floor area of the main building on the parcel.
3. An accessory building shall not be located closer than sixty (60) feet to the front lot line, except when structurally attached to a main building.
4. No detached accessory building shall be located closer than ten (10) feet to any main building or to any side or rear lot line.
5. The sidewall of a detached accessory building shall not exceed the height of sixteen (16) feet, except for bona fide agricultural buildings in the AG district on parcels of five (5) acres or more. The height of said bona fide agricultural buildings shall not exceed forty (40) feet, except those structures customarily related to the farming operation such as silos, grain legs and storage bins, which may not exceed one hundred and twenty-five (125) feet in height.
6. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot, unless such building is structurally attached to the main building.
7. Accessory buildings which are greater than one hundred (100) square feet shall require a building permit.
8. No detached accessory building shall be constructed in that area of the front yard located between the two side lines of the main building extending from the front of the building to the front lot line.
9. Accessory buildings, structures, and uses shall not be located within a dedicated easement or right-of-way.
10. No accessory building shall be issued a building permit prior to the satisfactory final inspection by the Township of the principal building's foundation and footers.

- 11. All agricultural and farm buildings on property located in the agricultural district shall require a building permit unless the applicant obtains an exemption and submits sufficient evidence to reasonably prove the building is intended to be used for agricultural purposes. Such evidence must include a business plan stating the intended use of the building, whether the building will be accessible to the general public and whether it will be used for retail or storage.
- 12. All accessory buildings on property located in the agricultural district shall be located not less than 100 feet from any dwelling and not less than 25 feet from any lot line or property boundary, and provided that the main farm buildings shall not be less than 150 feet from the front property line. This shall not prohibit the alteration of or addition to an existing barn or other farm buildings, except dwellings, which are located closer to the road and which lawfully existed prior to the enactment of this ordinance.

SECTION 8.02 – ADULT FOSTER CARE FACILITIES

1. Adult foster care family homes serving six (6) persons or less. A state-licensed adult foster care home, foster family home, or foster family group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.

2. Adult foster care small group homes serving between seven (7) and twelve (12) persons.

- a. A site plan, prepared in accordance with Article VII shall be required to be submitted.
- b. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.
- c. The property is maintained in a manner that is consistent with the character of the neighborhood.
- d. One (1) off-street parking space per employee and/or caregiver shall be provided.
- e. Appropriate licenses with the State of Michigan shall be maintained.

3. Adult foster care large group homes serving between thirteen (13) and twenty (20) persons.

- a. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
- b. A site plan, prepared in accordance with Article VII shall be required to be submitted.
- c. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.
- d. The property is maintained in a manner that is consistent with the character of the neighborhood.
- e. One (1) off-street parking space per employee and/or caregiver and one (1) visitor shall be provided.
- f. Appropriate licenses with the State of Michigan shall be maintained.

4. Adult foster care congregate facilities serving more than twenty (20) persons.

- a. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
- b. A site plan, prepared in accordance with Article VII shall be required to be submitted.
- c. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of two thousand (2,000) square feet per adult, excluding employees and/or caregivers.
- d. The property is maintained in a manner that is consistent with the character of the neighborhood.
- e. One (1) off-street parking space per employee and/or caregiver and one (1) visitor shall be provided.
- f. Appropriate licenses with the State of Michigan shall be maintained.
- g. The maximum length of an uninterrupted building façade facing public streets and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
- h. Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

SECTION 8.03 - TEMPORARY DWELLINGS, STRUCTURES AND STORAGE

- 1. Temporary Dwellings** — No cabin, garage, cellar, basement, travel trailer/motor home or any temporary structure whether of a fixed or movable nature may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except as provided in this Section.
 - a. For new dwellings or if a dwelling is destroyed or is damaged by a natural disaster, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a temporary dwelling, including a mobile home, approved by the Township Board may be moved onto the lot, after obtaining a permit therefore from the Building Official for use as a temporary dwelling during replacement or repair of the permanent dwelling. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located, and shall be connected to private water supply and sewage disposal systems approved by the County Health Department or to public water supply and sewage disposal systems. Such temporary permit may be renewed one time only in the same manner as provided for original issuance, but only if the Township Building Inspector certifies to the Township Board that the construction is proceeding diligently and in accordance with the building permit therefor.

- b. The Township Board shall establish a reasonable date for removal of the temporary dwelling, said date not to exceed one (1) year from the date of said destruction or damage. The temporary dwelling shall be removed from the lot prior to the date of occupancy of the replaced or repaired dwelling. A bond in an amount established by the Township Board, shall be provided to insure the removal of the temporary dwelling.
- c. A certificate of occupancy shall not be issued without the prior removal of the temporary dwelling from the lot.
- d. A temporary dwelling permit shall not be issued prior to the owner obtaining any permit(s) for the replacement or repair of the permanent dwelling.
- e. If applicable, work must have begun on the foundation of the permanent dwelling before a temporary dwelling permit shall be issued.
- f. A landowner may continue to use a temporary dwelling lawfully existing prior to the passage of this Ordinance if the landowner annually obtains a permit, the reason for the temporary dwelling continues (i.e. the hardship continues) and the landowner complies with all other sections of this Ordinance. If the landowner fails to obtain a permit or the reason for the temporary dwelling ceases (i.e. the hardship ceases), then the temporary dwelling must be removed within thirty (30) days.

2. Temporary Structures

- a. No structure of a temporary nature, such as a sea container, construction trailer, semi-trailer, cube van, box truck, construction pod or similar structure may be used as a temporary dwelling.
- b. Temporary buildings, structures, and uses related to construction, including construction trailers, trash containers and storage containers are permitted, subject to the following requirements: 1. Temporary construction buildings, structures, and uses shall be clearly incidental to and necessary for construction which has received all necessary building and/ or applicable permits; 2. Temporary construction buildings, structures, and uses shall be removed within fifteen (15) days of issuance of a certificate of occupancy for the primary building or completion of the project.

3. Temporary Storage

- a. Sea containers shall not be permitted to be used for temporary storage in any District.
- b. Vehicles, such as a cube van, box truck, semi-trailer, trailer or similar vehicle may only be used for temporary storage in the M-1 and M-2 Industrial Districts.

SECTION 8.04 – DAY CARE HOMES, DAY CARE CENTERS AND NURSERY SCHOOLS

1. Child Group Day Care Homes.

- a. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
- b. The property is maintained in a manner that is consistent with the character of the neighborhood;
- c. There is provision of an outdoor play area that is at least three thousand (3,000) square

feet and which is not part of the front yard setback. This requirement may be waived by the Planning Commission if a public open space is within five hundred (500) feet of the subject parcel;

- d. All outdoor play areas shall be enclosed by a fence in accordance with Section 10.05 that is designed to discourage climbing, and is at least four feet in height, but no higher than six (6) feet;
- e. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period, with a limitation on activity between the hours of 10:00 p.m. and 6:00 a.m.;
- f. One (1) off-street parking space per employee not a member of the group day care home family shall be provided;
- g. Inspection for compliance with these standards shall be conducted by the Township prior to occupancy and once every twelve (12) months thereafter within ten (10) days of the anniversary of the certificate of occupancy;
- h. No exterior identification sign shall be permitted; and
- i. Appropriate licenses with the state shall be maintained.

2. Child Day Care Centers and Nursery Schools.

- a. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway;
- b. Off-street parking shall be provided at a rate of one (1) space per employee plus one (1) space for every five (5) children intended for maximum enrollment at the facility;
- c. There shall be a fenced, contiguous open space of at least five thousand (5,000) square feet provided within the boundaries of the subject parcel. Said open space shall not be located within a required front setback area. This requirement may be waived by the Planning Commission if public open space is available five hundred (500) feet from the subject parcel;
- d. All outdoor play areas shall be enclosed by a fence in accordance with Section 10.05 that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet;
- e. In single-family residentially zoned districts, a day care center shall only be located on a country primary road or state trunkline; and
- f. Appropriate licenses with the state shall be maintained.

SECTION 8.05 - ESSENTIAL SERVICES

Essential Services shall be permitted as authorized and regulated by law and by the ordinances of Whiteford Township, it being the intention hereof to exempt such essential services from this ordinance.

SECTION 8.06 - HOME OCCUPATION

A home occupation may be permitted within a single-family dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:

1. Not more than one non-family member shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than 20% of the floor area of the dwelling unit may be used for the purposes of the home occupation. (See *SECTION 2.02* definition of Floor Area.)
3. There shall be no change in the outside appearance of the structure or premises, no outside display or other visible evidence of conduct of such home occupation, and therefore shall be no external or internal alterations not customary in residential area.
4. A home occupation shall be conducted within the dwelling unit or within a building accessory thereto.
5. No article shall be sold or offered for sale on the premises except such as it is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.

6. Traffic normally generated by a home occupation shall not be greater in volume than that normally generated by the residence. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall be provided on the premises, off-street, subject to all regulations in *ARTICLE VI, OFF-STREET PARKING AND LOADING REGULATIONS*, and provided the parking spaces shall not be located in the front yard.
7. Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.
8. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interferences which are nuisances to persons off the lot. Any electrical equipment processes which create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
9. Signs not customarily found in residential areas shall be prohibited, provided however, that one non-illuminated name plate, not more than four (4) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises.

SECTION 8.07 - TRANSIENT AND AMUSEMENT ENTERPRISES

Circuses, carnivals, other transient amusement enterprises, music festivals and similar temporary gatherings of people, may be permitted in any zoning district upon approval by the Township Board. Such enterprises may be permitted only on the finding by the Township Board that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, morals or general welfare. The Township Board may require posting of a bond or other acceptable security running to the Township in an amount sufficient to indemnify the Township against all claims incidental to the operation of such activity and compensate any adjoining land owners for any damage resulting from the operation of such activity.

SECTION 8.08 – COMMERCIAL KENNELS

1. Standards.

- a. Commercial kennels shall be subject to the permit and operational requirements of State and County regulatory agencies.
- b. Pet grooming (including bathing, fur and nail trimming, brushing, flea and tick treatment, and similar treatment) shall be permitted for animals being boarded; for animals not being boarded, pet grooming shall be permitted if specifically authorized in the Conditional Use Permit.
- c. The sale of pet and veterinary products shall be incidental to the kennel unless specifically authorized in the Conditional Use Permit.
- d. Veterinary care shall be incidental to the kennel unless specifically authorized in the Conditional Use Permit.
- e. Structures in which animals are kept, as well as animal runs and exercise areas, shall not be located in any required front or rear setback area and shall be located at least two hundred (200) feet from any dwelling on adjacent land.

2. Operations.

- a. All animals shall be kept in an enclosed structure, except for walking and outdoor exercise when accompanied and controlled by an employee of the kennel. The Conditional Use Permit may limit the time during which the animals are permitted out of the building.
- b. An operations and maintenance plan shall be submitted that specifically addresses how noise will be attenuated and waste handled.

SECTION 8.09 – PRIVATE CLUBS, GUN CLUBS, COUNTRY CLUBS AND SIMILAR RECREATIONAL AREAS

1. Physical Barriers

- a. In the case of a club or recreation area where firearms are discharged, such facilities shall employ effective physical barriers and isolation distances to ensure that no projectile shall carry beyond the property line.
- b. The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the site and onto rights-of-way, neighboring properties or lands within the golf course development designed for uses other than the playing of golf.

2. Fencing. The Planning Commission may require that any or all of the property of a club facility be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.

3. Noise. Loud speakers broadcasting voice or music outside of a building shall not be permitted within five hundred (500) feet of any residentially zoned property.

4. Off-Street Parking. All off-street parking shall be in compliance with the standards set forth in Section 9.05 of this Ordinance to provide for adequate parking for golfers as well as for banquets, weddings, golf tournaments, conferences, and other activities.

5. Storage, Service, and Maintenance Areas. All storage, service, and maintenance areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section 9.06.

SECTION 8.10 - AUTOMOBILE SERVICE STATIONS AND VEHICLE REPAIR

1. Location. An automobile service station shall not be located nearer than 500 feet to a school, place of worship, public park or auditorium.

2. Design and Operation.

- a. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection or from adjacent residential districts.
- b. The minimum lot area shall be 43,560 square feet, independent of that part thereof which lies within the adjacent street or roadway, and the same shall be capable of being so arranged so that ample space is available for motor vehicles which are required to be parked temporarily while the driver of the same is awaiting service.

- c. There shall be provided on those sides abutting or adjacent to a residential district, a completely obscuring wood or masonry wall, six (6) feet in height, measured from the surface of the ground, or in lieu thereof, a Greenbelt planting to be maintained at a minimum height of six (6) feet. Pumps must be at least 50 feet from any right-of-way or property line.
- d. The front building setback shall be 80 feet from the right-of-way line of any highway, road or street upon which such service station fronts and the side yard shall be 60 feet from the right-of-way line of any adjoining side road or street.
- e. There shall be no storage of wrecked or disabled motor vehicles, automotive parts or tires on the premises, except within completely enclosed buildings. Outside above ground tanks for storage of gasoline or any inflammable liquid or gases is prohibited.
- f. All work performed on any vehicle shall be entirely within a building.
- g. Parking of trucks, trailers, and other vehicles offered for sale or rent is prohibited, except where such use is permitted by the zoning district regulations and subject to the procedural requirements relative thereto.
- h. The operation of an automobile car wash shall not be permitted when the property is adjacent to a residential district.

SECTION 8.11 - PLACES OF WORSHIP AND SCHOOLS

1. **Location.** No place of worship or school shall be located on a parcel of land less than five (5) acres in area.
2. **Access.**
 - a. Access to the premises from abutting streets shall be limited to curb breaks or entrance drives which are not located within 300 feet of any intersecting street on the same side of the street.
 - b. Results of tests of subsurface soil conditions (test borings) made at the site of any proposed place of worship or school building and certified by a registered civil engineer shall be submitted to the Building Official, along with the written statement of a registered civil engineer or architect that such tests indicate the suitability of the site for the building for which a permit is sought.

SECTION 8.12 – WIRELESS COMMUNICATIONS FACILITIES

1. **Intent.** It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is further the purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of residential neighborhoods and the character, property values, and aesthetic quality of the Township at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, and changes in State and Federal legislation, it is the further purpose and intent of this section to:
 - a. Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.

- b. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- c. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- d. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- e. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, the use of structures which are designed for compatibility, and the use of existing structures.
- f. Implement and provide for compliance with State and Federal legislation through new and amended application, review, and decision standards, requirements and procedures for wireless communication facilities requests.

2. Authorization.

- a. As a Permitted Use Subject to Site Plan Approval. In all Zoning Districts, a wireless communication facility described in this subsection shall be a permitted use subject to the standards and conditions, the application requirements, the collocation requirements, and the procedures set forth herein, and any prior special land use or site plan approval conditions.
 - 1) Wireless communications equipment attached to an existing structure not previously approved and used as a wireless communications support structure and located within a nonresidential zoning district, where there will be no substantial change in physical dimensions of the existing structure.
 - 2) A proposed collocation upon a wireless communication support structure which has been approved by the Township for such collocation but which is not permitted by administrative review under subsection 8.12.2.c.
 - 3) Wireless communication equipment on an existing utility pole structure located within a right-of-way and not previously approved and used as a wireless communications support structure, where there will be no substantial change in physical dimensions of the existing pole.
 - 4) Attached wireless communication facilities that are not permitted by administrative review under subsection 8.12.2.c.
- b. As a Special Use.
 - 1) Unless permitted under subsections 8.12.2.a or 8.12.2.c, wireless communication facilities require approval as a special land use, which shall be subject to the standards and conditions, the application requirements, the collocation requirements, and the procedures set forth herein, and a demonstration of the need for the proposed facility based on one or more of the following factors:
 - a) Proximity to an interstate or major thoroughfare.
 - b) Areas of population concentration.
 - c) Concentration of commercial, industrial, and/or other business centers.

- d) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - e) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - f) Other specifically identified reason creating facility need.
- 2) If it is demonstrated by an applicant that a wireless communication facility necessary to providing services cannot be established as permitted under subsection 8.12.2.a, such wireless communication facility may be considered and permitted elsewhere in the Township as a special land use, subject to the following:
- a) In the application, the applicant shall demonstrate that no existing structure identified in subsection 8.12.2.a can reasonably meet the specifically disclosed service, coverage and/or capacity needs of the applicant. Such demonstration requires identification of all structures and properties considered and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.
 - b) Locations shall be limited to the following sites:
 - (1) Municipally-owned sites.
 - (2) Other governmentally owned sites.
 - (3) Religious or other institutional sites.
 - (4) Public or private school sites.
 - (5) Other sites if: (i) not located in a residential zoning district, and (ii) no sites identified in i – iv, above are available and suitable, as demonstrated in the application and determined by the Planning Commission.
 - c) The applicant's demonstration of good faith efforts to identify and evaluate alternate sites, locations, designs, placements, or features for the proposed facility that would or could be more consistent with the ordinance purposes stated in subsection 8.12.1.
 - d) For each alternate site, location, design, placement, or feature for the proposed facility identified by the applicant or otherwise, the applicant's demonstration that the proposed facility is more consistent with the ordinance purposes stated in subsection 8.12.1, and/or that such alternate is not feasible.
- c. Wireless Communication Equipment as a Permitted Use Subject to Administrative Review by the Building Official.

A proposal for attached wireless communication facilities that satisfies the following criteria does not require special land use or site plan approval. Confirmation that these criteria are satisfied shall be determined by an administrative review *ARTICLE VII* and written certification by the Building Official to the construction code building official prior to issuance of any construction code permits. Such proposals shall also be reviewed for compliance with the standards and conditions in subsection 8.12.3, with the certification to identify any items of noncompliance.

- 1) The existing wireless communications support structure and/or wireless communications equipment compound are in compliance with this ordinance, and if not, are in compliance with a prior approval under this ordinance.

- 2) The proposal complies with the terms and conditions of any prior final approval under this ordinance of the wireless communications support structure and/or wireless communications compound.
- 3) The proposal will not increase the height of the wireless communications support structure by more than 20 feet or 10% of its original height (as first erected without any later additions), whichever is greater.
- 4) The proposal will not increase the width of the wireless communications support structure by more than necessary to the stated and documented purpose of the increase.
- 5) The proposal will not increase the area of the existing wireless communications equipment compound to more than 2,500 square feet.

3. Review Standards and Conditions

- a. All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions.
 - 1) Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
 - 2) Facilities shall be located and designed to be compatible with the existing character of the proposed site and harmonious with surrounding areas.
 - 3) Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
 - 4) Applicants shall demonstrate an engineering justification for the proposed height of the support structure, and an evaluation of alternative designs and locations which might result in lower heights. Support structures shall not exceed the minimum height necessary for collocation by at least two (2) providers, or by a larger number of providers identified and disclosed in the application as intending and contracted or otherwise committed to use of the structure. Except as needed for communication services, and regardless of the number of collocations, wireless communication support structures shall not exceed a height of 140 feet in the R-1 and R-2 districts, 160 feet in the R5, R4 and B-1 Districts, and 199 feet in all other districts. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 - 5) The minimum setback of the support structure and equipment compound from an adjacent boundary of any property shall be equal to 125% of the height of the support structure.
 - 6) There shall be unobstructed access to the support structure and equipment compound, for police, fire and emergency vehicles, and for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.
 - 7) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
 - 8) The equipment enclosure may be located within the principal building, an accessory building, or in an equipment compound with landscaping and screening at least eight (8) feet in height and approved by the Township upon a

demonstration by the applicant that placement of the equipment inside a building is not practical due to site or equipment conditions or constraints. If proposed as an accessory building or equipment compound, it shall conform to all district requirements for principal buildings, including yard setbacks. Where a wireless communication facility is proposed on the roof of a building, any equipment enclosure proposed as a roof appliance or penthouse on the building, shall be designed, constructed and maintained to be architecturally compatible with the principal building. Wireless communication facilities mounted upon the side of a building shall be attached flush against the building surface, and shall not be allowed to protrude more than the depth of the antenna. Such facilities shall blend into the design, contour and color scheme of the building.

- 9) The Township shall review and approve the architecture and color of the support structure and all accessory buildings and structures so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. Lighting is only allowed if required by, and in compliance with the standards of, the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission, other governmental agencies, or the Township as a special use approval condition. Any such requirements and standards shall be documented by the Applicant.
- 10) The support structure and system shall be designed to support, or capable of supporting the proposed wireless communication equipment, which shall be demonstrated by a structural analysis and certification from a registered professional engineer that identifies any modifications to an existing structure necessary to such capability.
- 11) Support structures shall be constructed, and maintained in accordance with all applicable building codes. Any approval or certification under this ordinance shall be subject to and conditioned on the construction code building official's authority to require and be provided with a soils report from a geotechnical engineer, licensed in the State of Michigan, based on actual soil borings and certifying the suitability of soil conditions, and a written engineering certification from the manufacturer or designer of the support system that the support system can safely accommodate attached antennas under expected weather conditions.
- 12) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard. Such plans shall include the names, pager number and email addresses, if any, business and home telephone numbers, mobile telephone numbers, if any, and identity of no fewer than two persons who can be contacted at any hour of the day or night that have full authority to act on behalf of the applicant in the event of a malfunction or emergency. Such list of persons shall be kept current by immediate written notice to the Township of any changes.

4. Application Requirements

- a. All of the following information and documents shall be required for a special land use, site plan, or administrative review application to be considered complete:
 - 1) A site plan prepared in accordance with Article VII shall be submitted, showing the location, size, screening, lighting and design of all buildings and structures.

- 2) The site plan shall also include a detailed landscape plan prepared in accordance with the Zoning Ordinance. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, fencing of a minimum of eight (8) feet in height shall be required for protection of the support structure and security from children and other persons who may otherwise access facilities.
- 3) The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Subsection (f). In this regard, the security shall be posted and maintained in the form of: (1) cash; (2) irrevocable letter of credit; or, (3) other security arrangement accepted by the Township Board.
- 4) A map or plan showing the locations and heights of existing wireless communications support structures in the Township and communities adjoining the Township, and which identifies structures the Applicant is using or has the right to use and the heights at which its antennas are or may be installed.
- 5) The name, address identity, home and business telephone numbers, pager number and email addresses, if any, and mobile phone number, if any, of the person to contact for engineering, maintenance and other notice purposes. This information shall be kept current by immediate written notice of the Township of any changes.
- 6) An application fee in an amount established by Resolution of the Township Board.
- 7) Identification of the dates, nature and conditions of any prior zoning approvals or permits for the property.
- 8) If the application is for a new wireless communication support structure or to place or install additional wireless communications equipment on an existing support structure, a structural analysis and certification to the Township by a registered professional engineer that the structure is designed to support, or capable of supporting the proposed wireless communications equipment. Any modifications necessary to a structure being capable of supporting the proposed equipment shall be specifically identified in the analysis and certification.
- 9) If modifications to a wireless communications support structure are identified in a structural analysis under subsection 8.12.a4(8) above, a written determination by the Township construction code building official that, subject to review of an actual building permit application and plans, the identified modifications would be allowed and that with the modifications, the structure would meet construction code requirements.
- 10) If the application is for a new wireless communications support structure or to increase the height of an existing structure, a written analysis and justification by a registered engineer that the proposed height is the minimum necessary for the provision of personal wireless services and one collocation.
- 11) If the application is for a new wireless communications support structure, identification of all other structures and properties considered for the proposed use and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.
- 12) If the application is for a new wireless communications support structure, identification of possible alternative locations, designs, or features, whether those alternatives were considered, and if so, a factual explanation of why those alternatives are not proposed.

- 13) If the application is for a new wireless communications support structure non-residential zoning districts, identification and submission in written form of the evidence and arguments the Applicant will rely on in claiming that those restrictions prohibit or have the effect of prohibiting it from providing personal wireless services and that its proposal is more consistent with the ordinance purposes stated in subsection 8.12.1, than alternate sites, locations, designs, placements and features.
- 14) Disclosure and copies of all other required governmental permits or approvals and the status and copies of pending applications for those permits or approvals.
- 15) If the application is for a special land use approval, the name, expertise, and relationship to applicant of each licensed or registered professional that has or will provide evidence to support the application, with a summary of that evidence that includes any opinions expressed and the bases for such opinions.
- 16) For each professional opinion disclosed by the applicant as supporting the application, a statement of whether the applicant agrees that it should be subject to separate review by or for the Township, and if so, the type, scope, time, and cost of such a separate review that applicant believes would be reasonable.
- 17) The Applicant's email address, fax number or address to which the Township should direct notices regarding the Application.

5. Collocation

a. Statement of Policy.

It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in subsection 8.12.1, Purpose and Intent, above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in subsection 8.12.1, Purpose and Intent. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

b. Feasibility of collocation.

Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

- 1) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- 2) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

- 3) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- 4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the standards set forth herein.

c. Requirements for Collocation.

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

6. Removal

- a. A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after construction.
- b. A condition of every approval of a wireless communication facility shall be removal of all or part of the facility by users and owners when the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
- c. The situations in which removal of a facility is required, as set forth in subsection 8.12.6.b, may be applied and limited to portions of a facility no longer being used, by written application to and approval of the building official.
- d. If removal of all or part of a facility is required, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the building official.

- e. The required removal of a facility or a portion thereof shall be lawfully completed within 60 days of the period of nonuse under subsection 8.12.6.b. If removal is not completed within that time, after at least 30 days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

7. Procedures

- a. Review and administrative actions on special land use and site plan approval applications.
 - 1) The building official shall promptly review special land use and site plan approval applications to determine if they are administratively complete by inclusion of all information required in subsection 8.12.4. If the application is not complete, no later than 14 business days after receiving it, the building official shall provide a written or electronic notice to the applicant specifying the information necessary to complete the application. Such initial review for completeness by the building official shall be on behalf of the Planning Commission for special land use and site plan approvals.
 - 2) The building official shall review supplemental information submitted in response to an incomplete application notice and notify the Applicant of any remaining deficiencies.
 - 3) An application shall be administratively complete upon the building official's determination or the expiration of 14 business days from receipt of the application without a notice to the Applicant of deficiencies.
 - 4) Upon a special land use or site plan approval application being administratively complete, the building official shall promptly schedule it for a Planning Commission meeting that will allow for a Planning Commission site plan decision or special land use decision after the required public hearing within the time periods in subsection 8.12.7.b below.
 - 5) If the application has disclosed professional opinions supporting the application and the building official or Planning Commission has determined that independent professional review for the Township of any such opinion should be performed, the reasonable costs of such review may be assessed to the Applicant by a written notice from the building official, as a professional review cost to be paid in accordance with the notice.
- b. Decisions on special land use and site plan approval applications.
 - 1) The Planning Commission shall approve or deny a special land use application for a new wireless communications support structure not more than 90 days after it is administratively complete.
 - 2) For all special land use and site plan applications other than new wireless communications support structures, the Planning Commission shall approve or deny the application not more than 60 days after it is administratively complete.
- c. Post-approval costs, fees and administrative actions.
 - 1) Zoning permits to implement and grant the authority allowed by a special land use or site plan approval for wireless communication facilities, and zoning certificates of use and occupancy for such facilities shall be issued subject to and conditioned on all of the following:

- a) Any conditions of the special land use or site plan approval.
- b) Payment of any outstanding professional review costs.
- c) Payment of a permit fee in an amount established by or in accordance with a Resolution of the Township Board.

SECTION 8.13 - TELEVISION AND RADIO TOWERS AND PUBLIC UTILITY MICROWAVES, AND PUBLIC UTILITY T.V. TRANS-MITTING TOWERS.

Radio and television towers, public utility microwaves and public utility T.V. transmitting towers, and their attendant facilities shall be permitted in AG, Districts provided said use shall be located centrally on a continuous open parcel of not less than one and one-half (1 ½) times the height of the tower measured from the base of said tower to all points on each property line.

SECTION 8.14 - AIRPORTS

Airports, landing fields and platforms, hangars, masts and other facilities for the operation of aircraft, shall be permitted in AG Districts provided the land under the approaches shall not be put to any use which might later serve as a basis for an effective argument that the space above should not be used by aircraft, and provided that plans given tentative approval by the Civil Aeronautics Administration be submitted with the request for use.

SECTION 8.15 - DRAG STRIPS AND RACE TRACKS

Drag strips and race tracks shall be permitted in Agricultural Districts when located along a major thoroughfare or abutting an M-1 or M-2 District, and shall further be subject to the following conditions:

1. All parking shall be provided as off-street parking within the boundaries of the development.
2. All access shall be prohibited from roads which have a right-of-way less than 60 feet.
3. All sides of the development not abutting a major thoroughfare shall be provided with a 20 foot buffer strip which shall be developed with plant material and fence or wall so as to obscure from view all activities within the development.
4. Such use shall be located at least one-half (1/2) mile away from any residential district.

SECTION 8.16 – OUTDOOR STORAGE; OUTDOOR DISPLAY AND SALES

1. **General Standards.** The outdoor storage of goods and materials in all districts shall be prohibited unless otherwise specifically permitted herein. For those uses where the outdoor storage of goods, materials, and equipment is permitted either by right or through special approval, the following conditions shall apply:
 - a. The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including a description of materials and the height and typical elevation of the enclosure, shall be provided as part of the site plan as set forth in Article VII.
 - b. Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and the street right-of-way, or in any required side or rear yard;

- c. Such storage shall not be located in any required parking, roads, drives, driveways, or loading space;
- d. Such storage shall be strictly and clearly incidental to the principal use, and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use, shall be permitted for storage. Such storage shall not be permitted as a principal use of a lot; and
- e. The area for such storage shall be screened from view on all sides in a manner as approved by the Planning Commission during the site plan review process. Where there is the need to provide greater containment of materials being stored, the Planning Commission may require the storage area to be enclosed by and obscuring fence at least six (6) feet in height.

2. Outdoor Display and Sales.

- a. Any outdoor display and sales shall be considered as an accessory use to the principal use conducted on the premises solely within the B-2, M-1 and M-2 districts.
- b. The exterior of the premises shall be kept clean, orderly and maintained.
- c. The Township shall not be held liable or responsible for any type of damage, theft, or personal injury that may occur as a result of an outdoor display.
- d. In the administration of these provisions, the building official shall be permitted to refer a request to the Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.
- e. The location of the outdoor display shall meet all required setbacks.
- f. Any outdoor display shall not occupy or obstruct the use of any fire lane, off-street parking or landscaped area required to meet the standards of this Ordinance.
- g. Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with Section 9.06.

SECTION 8.17 - ADULT ENTERTAINMENT BUSINESSES

It is recognized that there are some uses of property which, because of their very nature, are known to have seriously objectionable operational characteristics, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that such adverse effects will not cause or contribute to the blighting or downgrading of the surrounding areas. These regulations are for the purpose of locating such uses in areas where the adverse impact of their operation may be minimized by separation of such uses from one another and from other specified uses. Any adult entertainment businesses, which are regulated uses as defined below, shall be subject to a finding that such uses will have no generally or specifically deleterious effect on adjoining districts, properties, or the Township at large, and shall also be subject to the standards hereinafter established for each proposed regulated use:

1. Definitions.

- a. ADULT ENTERTAINMENT BUSINESSES: Adult bookstores, adult cabarets, adult novelty businesses, adult motion picture theaters, adult personal service businesses, and restricted adult businesses.

- b. SENSUAL ANATOMICAL AREAS: Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts, the areola or if more than 40% of the breast is exposed, or the human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- c. SEXUAL ACTIVITIES: Activities which include, but are not limited to: human genitals in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of genitals, pubic regions, buttocks, or female breasts.
- d. MESSAGE PARLOR: Any establishment where private massage is practiced, used, or made available as a principal use of the premises.
- e. MODELING STUDIO: Any establishment which offers as its principal activity the providing of models for other persons to paint, draw, or photograph.

2. Adult Entertainment Business Regulated Uses. shall be one (1) or a combination of more than one (1) of the following:

- a. ADULT BOOKSTORE: An establishment having a majority of its stock in trade devoted to the sale or rental of books, magazines, newspapers, video tapes, video discs, motion picture films, or any other media, whether printed or electronic, which are characterized by their emphasis on portrayals of Specific Sexual Activities of Sensual Anatomical Areas.
- b. ADULT CABARET: An establishment which features one or more dancers, strippers, male or female impersonators or similar entertainers, performers, wait staff or other persons who reveal Sensual Anatomical Areas of their bodies or who engage in, perform, or simulate Sexual Activities.
- c. ADULT NOVELTY BUSINESS: An establishment which offers for sale devices which simulate human genitals or devices designed for sexual stimulation
- d. ADULT MOTION PICTURE THEATER: An establishment used for presenting to others motion picture films, video cassettes, cable television, or other visual media, distinguished or characterized by an emphasis on Sexual Activities or Sensual Anatomical Areas for observation by patrons therein
- e. ADULT PERSONAL SERVICES BUSINESS: An establishment having a person or persons, while nude or while displaying Sensual Anatomical Areas, providing personal services for another person or persons, which include, but is not limited to, the following activities and services, if the person or persons providing the personal service are nude or display Sensual Anatomical Areas: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, and theatrical performances.

3. Location. An Adult Entertainment Business as allowed in the M-1, Limited Industrial District and regulated by this Ordinance may be located in the Township only in conformance with the following restrictions:

- a. No regulated Adult Entertainment Business shall be permitted within 1,000 feet of any state licensed child care facility, church, place of worship or other religious facility, day nursery, preschool, primary school, secondary school, college, university, public library, public building, public park, public playground, or any residentially zoned district or residential use.

- b. The distances provided for in this subsection, entitled "LOCATION", shall be measured by projecting a straight line without regard for intervening buildings or structures between the nearest points of the property lines of the protected use and the proposed regulated Adult Entertainment Business, or between the nearest point of the zoning district boundary from which the regulated Adult Entertainment Business is to be separated to the nearest point of the property line of the proposed regulated Adult Entertainment Business.

4. Use Regulations.

- a. No person shall reside in or permit any person to reside in the premises of an Adult Entertainment Business.
- b. No lessee or sub-lessee of any property shall convert that property from any other use to an Adult Entertainment Business without the express written permission of the owner of the property for such use and an appropriate zoning and occupancy permit from Whiteford Township.

SECTION 8.18 - COMMUNITY WASTEWATER SYSTEMS

- 1. Special Approval Required.** Community wastewater utility systems shall require special approval use from the Township Board in accordance with the procedures and standards set forth in Article 6.0, Community wastewater utility systems shall be strictly prohibited in areas of the Township that are located outside of the water and sewer district.
- 2. Design Standards.** In addition to the requirements established by the state and/or the county, the following site development and use requirements shall apply to community wastewater utility systems:
 - a. Required standards and findings set forth in Article 6.0 shall be met.
 - b. All operations and structures shall be surrounded on all sides by setbacks as follows:
 - 1) Twenty-five (25) feet from the nearest property boundary for subsurface disposal systems of less than ten thousand (10,000) gallons/day.
 - 2) Fifty (50) feet from the nearest property boundary for subsurface disposal systems of between ten thousand (10,000) gallons/day and less than twenty thousand (20,000) gallons/day.
 - 3) One hundred (100) feet from the nearest property boundary for subsurface disposal systems of twenty thousand (20,000) gallons/day or greater.
 - 4) One hundred (100) feet from the nearest property boundary for a lagoon, irrigation, or other above ground system.
 - c. Landscape buffering in accordance with Section 9.06 shall be placed to minimize the appearance of the installation and to help confine the odors therein.
 - d. The point of discharge of a community wastewater utility system shall be located a minimum of:
 - 1) Five hundred (500) feet from another approved community wastewater utility system.

- 2) Two thousand (2,000) feet from the one (1) year capture zone of a public well head protection area and five hundred (500) feet from the five (5) year capture zone of a public well head protection area.
- 3) Two hundred (200) feet from a wetland, unless said wetland is constructed and approved as an integral treatment component of the community wastewater utility system.

SECTION 8.19 – WIND FACILITIES

1. Purpose

The purpose of this Ordinance is to regulate the establishment of wind facilities and to provide for the placement, design, construction, monitoring, modification and removal of wind facilities that protect public health, safety and welfare, minimize impacts on scenic, natural and historical resources of the Township, protect the Township from unnecessary and unreasonable visual interference, and provide adequate financial assurance for decommissioning.

2. Applicability

This section applies to all wind facilities proposed to be constructed after the effective date of this section.

- a. Micro-wind facilities shall be a permitted use in the AG, M-1 and M-2 Districts.
- b. Utility grid, on-site wind facilities, and meteorological towers in the M-1 and M-2 Districts shall require special use approval subject to the requirements of Article VI.
- c. Wind monitoring devices or anemometers shall be permitted in the AG, M-1 and M-2 zoning districts subject to approval by the Whiteford Township Building Official. The Building Official may issue a building permit for a temporary structure based on reasonable regulations concerning the bulk and height of the structures, yard-size, lot area, setbacks, open space, parking, and building coverage requirements.
- d. Any physical modification to existing wind facilities that materially alters the type or increases the size of such facilities or other equipment shall require special approval.

3. Application Process And Requirements

- a. Application process for wind monitoring devices, meteorological towers or anemometers.
 - 1) An application for a Special Land Use permit shall be filed with the Whiteford Township Clerk. The application shall include the following:
 - a) Name, address, phone number and signature of the applicant, as well as all co-applicants or co-property owners, if any;
 - b) A site plan;
 - c) Documentation of the legal right to the location of the proposed wind facility site or written permission of the owner to make such application and;

- d) Proof of applicant's public liability insurance.
- b. Application process for wind facility
- 1) Every application for a wind facility shall be filed with the Whiteford Township Clerk, in its entirety, along with a non-refundable application fee established by the Township Board. The application shall include the following documents:
 - a) All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in the state of Michigan.
 - b) Name, address, phone number and signature of the applicant, as well as all co-applicants or co-property owners, if any.
 - c) Documentation of the legal right to the location of the proposed wind facility site or written permission of the owner to make such application.
 - d) Property description, including a location map of the property, a zoning map identifying the parcel, and a site plan showing the following:
 - i. Property lines for the parcel on which the wind facility is proposed and adjacent parcels within 300 feet;
 - ii. Outline of all existing buildings, including use (e.g. residence, garage, etc.) on the parcel and all adjacent parcels within 500 feet;
 - iii. Distance from the wind facility to each building shown;
 - iv. Location of all roads, public and private on the parcel and adjacent parcel within 300 feet, and proposed roads or driveways, either temporary or permanent;
 - v. Existing areas of tree cover, including average height of trees, on the parcel and adjacent parcels within 300 feet;
 - vi. Proposed location and design of the wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc...; and
 - vii. Location of viewpoints referenced within Section 8.20.3.b.1.e below.
 - e) Pre-construction view representation of the proposed site.
 - i. the Whiteford Township Board of Trustees shall select between three and six sight lines, including from the nearest building with a view of the proposed wind facility, for pre- and post-construction view representations.
 - ii. Each viewpoint shall be selected from populated areas or public ways within a 2 mile radius of the proposed wind facility.
 - f) A landscape plan detailing the following information:

The project and the expected duration of the flicker at these locations from sunrise to sunset over the course of a year, and all efforts to eliminate or mitigate these effects.

4. General Requirements

a. Wind Facility Permit Requirements

- 1) No wind facility over 40 kW of rated nameplate capacity shall be erected, constructed, installed or modified as provided in this Section without first obtaining a special use approval from the Whiteford Township Board of Trustees subject to the procedures and standards set forth in Article VI. All such wind facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts.
- 2) The Township Board may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should they occur.

b. Compliance with Laws, Ordinances and Regulations

- 1) The construction and operation of all such proposed wind facilities shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, environmental, electric, communications and aviation requirements.
- 2) When applicable, all wind energy facilities, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (MCL 259.431), and the Michigan Tall Structures Act (MCL 259.481).
- 3) An interconnected wind energy facility shall comply with Michigan Public Service commission and Federal Energy regulatory Commission standards. Off-grid facilities are exempt from this requirement.

c. Liability Insurance - Each applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.

5. Siting Standards

a. Height

- 1) On-site wind facilities - Shall be no higher than 200 feet above the current grade of the land.
- 2) Utility-grid wind facilities - Shall be no higher than 400 feet above the current grade of the land.
- 3) The Whiteford Township Board of Trustees may permit the wind facility height to exceed the above stated limits if applicant demonstrates the following conditions:
 - a) The requested height reflects industry standards for a similarly sited wind facility;
 - b) Such excess height is necessary to prevent financial hardship to the applicant; and

- c) The facility satisfies all other criteria for the granting of a wind facility permit under the provisions of this Section.

b. Setbacks

- 1) Wind turbines - Shall be setback a distance equal to 1.5 times the overall blade tip height of the wind turbine from the nearest existing residential or commercial structure and no part of the structure, including guy wire anchors, may extend closer than 10 feet from the nearest property line and private or public highway.
- 2) Wind monitoring devices, meteorological towers or anemometers - Shall be setback a distance equal to 1.5 times the overall height of the device from the nearest existing residential or commercial structure and 100 feet from the nearest property line and private or public highway.
- 3) The Whiteford Township Board of Trustees may reduce the minimum setback distance based on site-specific considerations, if the project satisfies all other criteria for the granting of a wind facility permit under the provisions of this Section.
- 4) The setback for dwellings shall be reciprocal in that no dwelling shall be constructed within the determined setback distance of a wind turbine.

6. Design Standards

- a. Color and Finish – The Whiteford Board of Trustees shall have discretion over the turbine color. A neutral, non-reflective exterior color designed to blend into the surrounding environment is encouraged.
- b. Lighting - Wind turbines, wind monitoring devices, meteorological towers or anemometers shall be lighted only if required by the Federal Aviation Administration.
 - 1) If lighting is required, the lighting alternatives and design chosen shall be the lowest intensity allowable under FAA regulations.
 - 2) Strobe lighting or other intermittent white lighting fixtures shall be prohibited, unless expressly required by the FAA.
 - 3) All lighting required by the FAA shall be shielded to the greatest extent possible to reduce glare and visibility from the ground.
- c. Signage
 - 1) Each wind facility shall post a sign in clear view stating the following information:
 - a) The owner's name;
 - b) A 24-hour emergency contact phone number; and
 - c) Warning of any potential danger.
 - 2) Wind Turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

d. Utility Connections

- 1) The electrical transmission lines connecting the wind turbine generator to the public utility electricity distribution system shall be located underground. The Whiteford Township Board of Trustees may waive this requirement if applicant can provide substantial evidence that it would be unreasonable to locate utility connections from the wind facility underground, depending on appropriate soil conditions, shape and topography of the site and any requirements of the utility provider.
- 2) Electrical transformers for utility interconnections may not be above ground, unless required by the utility provider.

e. Appurtenant Structures

- 1) All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically feasible.
- 2) Structures shall be screened from view by landscape screening and/or located in an underground vault to avoid adverse visual impacts.

f. Electromagnetic Interference

- 1) All wind turbine generators shall be constructed and operated so that they do not interfere with television, telephone (including cellular and land line), microwave, navigational, or radio reception to neighboring areas. The applicant and/or operator of the facility shall be responsible for the full cost of any remediation necessary to correct any problems, including relocation or removal of the facility, caused or exacerbated by the operation of such equipment and any and all related transmission lines, transformers, and other components related thereto.
- 2) The applicant for utility-grid wind turbine generators shall pay for testing of the reception of all properties deemed necessary by the Whiteford Township Board of Trustees prior to construction and will pay to correct reception for landowners with degradation of these signals.

7. Safety, Aesthetic And Environmental Standards

a. Safety

- 1) Emergency Services - Applicant shall provide a copy of the project application and site plan to the local emergency services entity, as designated by the Whiteford Township Board of Trustees. If requested, applicant shall cooperate with local emergency services in developing an emergency response plan.
- 2) An On-Site wind energy facility shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
- 3) All wind energy facilities shall have lighting protection.
- 4) If the tower is supported by guyed wires, the wires shall be clearly visible to a height of at least six feet above the guyed wire anchors.

- 5) The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy facility employing a horizontal axis rotor.
 - 6) Wind turbines or other structures part of a wind facility shall be designed to prevent unauthorized access.
- b. Aesthetic
- 1) Shadow and Flicker
 - a) Applicant has the burden of proving the wind facility will be sited in a manner that minimize shadowing and flicker impacts.
 - b) A Utility-grid applicant must submit a shadow flicker analysis as part of the permit application package. The analysis must identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year.
 - 2) Noise
 - a) The audible noise standard due to wind turbine operations shall not be created which causes the noise level at the boundary of the proposed wind facility site to exceed (55) dB(A) for more that five (5) minutes out of any one hour time period or to exceed 60 dB(A) for any time period.
 - b) A utility-grid wind energy facility shall not be operated so that impulsive sound below 20 Hz adversely affects the habitability or use of any dwelling unit, hospital, school, library, nursing home, or other sensitive noise receptor.
 - c) Vibrations - All wind turbine generators shall not produce vibrations humanly perceived beyond the boundaries of the property on which the proposed wind facility site is located.
- c. Environmental Standards
- 1) Migratory Birds - Development and operation of a wind energy facility shall not have an adverse impact on migratory bird species.
 - 2) Endangered Species
 - a) Development and operation of a wind energy facility shall not have a significant adverse impact on endangered or threatened fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Department of Natural Resources and/or the studies of the U.S. Fish and Wildlife Service.
 - b) Utility-grid wind energy facilities must adhere to the guidelines set forth by the U.S. Fish and Wildlife Service, "Guidelines To Avoid and Minimize Wildlife Impact from Wind Turbines", Federal Register: July 10, 2003 (Volume 68, Number 132) or its successor guidelines.

8. Monitoring And Maintenance

a. Facility Conditions

- 1) The applicant shall maintain the wind facility in good condition. Maintenance shall include, but is not limited to, painting, structural repairs, and integrity of security measures.
- 2) Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services.
- 3) The project owner shall be responsible for the cost of maintaining the wind facility and the cost of repairing any damage occurring as a result of operation and construction of said facility.
- 4) All material modifications to a wind facility after the issuance of the wind facility permit shall require approval by the Whiteford Township Board of Trustees as provided in this section.

9. Abandonment And Decommissioning

a. Removal requirements

- 1) Any wind facility which has reached the end of its useful life or has been abandoned shall be removed. The applicant shall notify the Whiteford Township Clerk by certified mail of the proposed date of discontinued operations and plans for removal.
 - a) The owner/operator shall physically remove the wind facility no more than 120 days after the date of discontinued operations.
 - b) At the time of removal, the wind facility site shall be restored to its previous state before the facility was constructed.
- 2) Decommissioning shall consist of the following steps:
 - a) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site;
 - b) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations; and
 - c) Stabilization or re-vegetation of the site as necessary to minimize erosion.

b. Abandonment

- 1) Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than six months absent written consent of the Whiteford Township Clerk.
- 2) The Whiteford Township Board of Trustees shall determine what proportion of the facility is inoperable for the facility to be considered abandoned.

- 3) If the applicant fails to remove the wind facility in accordance with the requirements of this section within 120 days of abandonment or the proposed date of decommissioning, representatives from Whiteford Township shall have the authority to enter the property and physically remove the facility. The owner/operator of the wind facility shall be solely responsible for all expenses and costs expended in removing the wind facility and restoring the site to its original condition.

c. Financial Surety

- 1) The Whiteford Township Board of Trustees shall require the applicant to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Township must remove the facility.
- 2) The cost of removal shall be determined by a qualified engineer.
- 3) Such surety will not be required for municipally or state-owned facilities.

SECTION 8.20 – BED AND BREAKFAST ESTABLISHMENTS

1. Standards

- a. It is the intent of this Section to establish standards for bed and breakfast establishments that will ensure compatibility with adjacent land uses.
- b. All additions to the dwelling unit shall be compatible in style and design with the original structure and surrounding area.
- c. All areas and structures on the lot used for the bed and breakfast establishment must be capable of being incorporated back into a use permitted by right in the district if the bed and breakfast establishment terminates in the future.
- d. The bed and breakfast establishment shall be clearly subordinate to the use of the building as the owner/operator's principal residence.

2. Parking – All required off-street parking shall be located in the side or rear yards and designed to maintain the residential character of the principal use.

3. Signage – One (1) non-illuminated sign is permitted, stating only the name and address of the bed and breakfast establishment. The sign shall not exceed four (4) square feet and four (4) feet in height.

4. Operations.

- a. The applicant shall submit proof of the Monroe County Health Department's evaluation of the adequacy of the on-site sewage disposal system in relation to the number of guest rooms proposed in addition to the principal residential use.
- b. All bed and breakfast establishments shall be inspected by the Township Building Official and Fire Chief. A report from each shall be submitted to the Planning Commission identifying all zoning, building, fire, and safety code issues.

- c. No accessory building or garages are to be utilized for sleeping rooms unless approved in writing by Building Official.
- d. Kitchen facilities shall be used for food preparation for consumption on the site by the owner, operator, residents, and overnight bed and breakfast guests only. No cooking facilities are permitted for use by the guests.

SECTION 8.21 – SELF-STORAGE FACILITIES

1. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools.
2. Use shall not include outdoor storage of any kind except in the B-2, M-1 and M-2 District. Where outdoor storage is permitted, the standard set forth in Section 8.16 shall be met.
3. The storage of combustible or flammable liquids, combustible fibers or explosive materials, or toxic materials are expressly prohibited.

SECTION 8.22 – EXTRACTIVE OPERATIONS

1. Applications and Standards for Approval

- a. A separate application shall be required for each separate site. All requests for approval of either a principal use or special approval use shall contain the following information:
 - 1) Names and addresses of all parties and interest in the premise, setting forth the legal interest of each.
 - 2) Full legal description of the premises wherein operations are proposed.
 - 3) Detailed proposal as to the method of operation, type of machinery or equipment to be used, and estimated period of time such operations will cover.
 - 4) Topographical survey map prepared by a registered civil engineer showing existing grades and final grades after completion of operation.
 - 5) Detailed statement as to exactly what type of matter is proposed to be extracted or deposited.
 - 6) Proposed method of filling excavation where quarrying will result in extensive under-surface extension.
 - 7) In case of an extensive operation, a statement by a registered civil engineer or geologist indicating whether ponded water will result upon the completion of operations and the level of such water. Such level shall be clearly indicated on the required topographical survey map.
 - 8) Such other information as reasonably may be required by the Township Board.
- b. The Township Board shall approve under this Section if it finds that no very serious consequences would result from the operation of the mine.

If during the consideration of the following factors, it is demonstrated that a serious consequence to the Township would occur, the Township Board shall not grant or renew a permit. The following factors shall be considered in making that determination.

- 1) The relationship of extraction and associated activities with existing land uses.
- 2) The impact on existing land uses in the vicinity of the property.
- 3) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property.
- 4) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
- 5) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
- 6) The proposed operation shall have immediate and direct access to a road having the necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.
- 7) The overall public interest in the extraction of the specific natural resources on the property.

2. Mandatory Operational Requirements

a. Extractive Operation:

- 1) Any roads used for the purpose of ingress or egress to said excavation site which are located within 300 feet of occupied residences shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
- 2) No cut or excavation shall be made closer than fifty (50) feet from the nearest property line; and an unobstructed front yard space of at least fifty (50) feet shall be provided along all streets and highways, such front yard space to be determined as designated on the Whiteford Township Master Plan of Thoroughfares, and to be kept free of structures or operations of any kind, including but not limited to fences, motor vehicles, equipment of any kind, spoil banks, cuts and excavations; provided, however, that the Township Board may prescribe more strict requirements in order to give sub-lateral support to surrounding land where soil or geographic conditions warrant it, and provided further that fences required by any Township Ordinance or regulations may be erected in such front yard space to enclose an excavation or other operations in existence, such fences to be located in such front yard space as far distant from the street or highway as reasonably as possible.
- 3) The Township Board may require such additional requirements which because of peculiar conditions they deem to be necessary for the protection of the health, safety, morals and welfare of the citizens of Whiteford Township.

b. Stripping or Removal Operations:

- 1) No soil, sand, gravel, clay or similar materials shall be removed below a point twelve (12) inches above the mean elevation of the center line of the nearest existing or proposed street or road established or approved by the Monroe

County Road Commission, except as required for the installation of utilities and pavements; provided further that where approved county ditches exist and/or are adjacent to the property under permit, that the grade and slope of removal will meet all requirements and approval of the Monroe County Drain Commission.

- 2) Any road used for the purpose of ingress or egress to said excavation site which are located within 300 feet of occupied residences shall be kept dust free by hard-topping with cement, bituminous substances or chemical treatment.
 - 3) Wherever top soil exists, suitable for growing turf or for other land use, at the time the operations begin a sufficient quantity of top soil shall be stockpiled on said site so that the entire site, when stripping or removal operations are completed, may be recovered with a minimum of four (4) inches of top soil and the replacement of such top soil shall be made immediately following the termination of the stripping or removal operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored top soil over the stripped areas as he progresses. Such replacement shall be in a manner suitable for growing turf or for other land uses.
- c. The Township Board may require such other and further requirements as is deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of Whiteford Township.
- d. Filling Operations:
- 1) The filling of land with rubbish or garbage or any other waste matter is hereby prohibited in all unincorporated areas of Whiteford Township, except in QU Districts upon special approval granted by the Township Board in conformity with this subsection and any other applicable ordinance or regulations of Whiteford Township, provided that in no case shall any permit be issued for filling within 500 feet of any residence.
 - 2) No rubbish or garbage shall be burned, permitted to burn or smolder, as a result of voluntary igniting of said materials or as a result of involuntary combustion of said rubbish or fill material deposited at the site of the permitted operation.
 - 3) The Township Board may require a temporary fence to be erected to prevent the scattering of rubbish, garbage and other waste materials.
 - 4) All rubbish and garbage fill when deposited must be thoroughly compacted with heavy equipment weighing not less than ten (10) tons.
 - 5) All rubbish or garbage fill, within twenty-four (24) hours of depositing in the place or places authorized in the permit, shall be covered with a layer of soil matter eighteen (18) inches thick of a kind and texture that will be suitable for growing of turf or for other land uses permitted within the District. Provided that under certain acceptable circumstances applying the standards of public health, sanitation and welfare of Whiteford Township and Monroe County, the Township Board may extend the above twenty-four (24) hour period to such longer period as appears satisfactory under the circumstances.

- 6) All conveyance vehicles for rubbish or garbage shall not be open lid and while in transit shall be closed or covered so as to reduce odor and the scattering of the matter being carried. Any rubbish or garbage that is nevertheless dropped in transit shall be recovered by the carrier operator and the affected area restored to its prior condition.
- 7) Any roads used for the purpose of ingress or egress to said excavation site which are located within 300 feet of occupied residences shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.

3. Reclamation

- a. Upon the completion of operations involving more than two (2) acres, the Township Board may require a topographic survey by a registered civil engineer or registered land surveyor, at the expense of the operator, which shall be submitted as a check on the completed operation. For the purpose of this requirement, operations shall be construed to be completed upon the written statement of the operator to that effect or upon the expiration of the permit, whichever shall occur earlier. In order to secure the making of such topographic survey, the applicant, as a condition precedent to the issuance of a permit, shall deposit with the Township Clerk a cash bond or escrow of a sum of money equivalent to the estimated cost of said topographic survey, or in the alternative, provide such other security as the Township Board shall find appropriate.
- b. Upon the termination of quarry excavation, stripping-removal, or filling operations for all or any portion of the property the owners, operators shall be jointly and severally responsible for completing the reclamation, rehabilitation and completion as specified in the special approval.
- c. Performance Requirements: The Township Board shall, to insure strict compliance with all regulations contained herein, and as a condition for special approval for quarrying, top soil stripping, and removal or filling operations require the operator to furnish a suitable performance bond, either a cash bond or a surety bond, in an amount determined by the Township Board in accordance with the provisions of Section 3.10 Performance Guarantee.

SECTION 8.23 - PONDS

1. Statement of Purpose. In the interest of protecting the public health, safety and welfare of the residents of the Township of Whiteford, County of Monroe, State of Michigan, the Whiteford Township Board of Trustees finds that this Ordinance is necessary to regulate the construction and/or development of any pond from which no excavated soil matter or earth materials are removed from the site. It shall be unlawful for any person, fiduciary, firm, partnership, organization, corporation or other legal entity to create or develop a pond on any property within the boundaries of Whiteford Township, Monroe County, Michigan, except in accordance with the provisions of this Ordinance, unless said activities are exclusively provided for and regulated by other laws, ordinances, or regulations, of Whiteford Township or other authorized government entities.

2. Operations Subject to this Ordinance. Except as specifically exempted by Section 3 below, no person, fiduciary, firm, partnership, organization, corporation, or other legal entity or combination thereof, shall conduct, or cause to be conducted, any activity such as excavation, cutting, stripping, grading, digging, filling, removal, or disruption of any soil

matter or earth material, or the installation of any dam, levy, or other retention device or structure, which directly or indirectly creates a pond as defined above, on any real property within Whiteford Township without first having submitted an application for and obtaining a pond permit pursuant to the procedures provided by this Ordinance and after having complied with any other applicable ordinances or regulations and procedures of the Township of Whiteford.

3. Operations Exempt from this Ordinance. No permit or special approval for the creation of a pond shall be required for, and the requirements of this Ordinance shall not apply to, the following operations, provided such operations do not, or are not likely to affect the drainage or lateral support of any adjacent or contiguous property or the safety of any persons, or provided such operations are adequately regulated by other laws, ordinances or regulations:

- a. Any basement or temporary excavation, pit, hole, trench, or other temporary movement of any soil matter or earth material in which water may potentially accumulate as a result of the bona fide construction of any structures or utilities pursuant to a valid grading permit and/or building permit issued by an authorized Township official;
- b. The drilling of wells or the temporary excavation as a result of installation of underground utilities when the site is restored to its former condition;
- c. Temporary exploratory excavations under the direction of soil engineers or engineering geologists when the site is restored to its former condition;
- d. The removal of any soil matter or earth materials resulting from the clearing, deepening or straightening of any drain under the jurisdiction of the Monroe County Drain Commission, or any ditch or drain under the jurisdiction of any public road authority such as the Monroe County Road Commission;
- e. The construction or maintenance of storm water detention basins as defined and regulated by the Monroe County Drain Commission, its successor organization and the Township design standards set forth herein.
- f. The creation of a landscaping pool or fountain comprised of an assemblage of materials (i.e.: concrete, wood, plastic, vinyl, and/or masonry), whether permanent or temporary, portable or non-portable, above or below grade, capable of containing water to a maximum depth of less than two feet measured from the deepest point.

4. Location of Ponds. No pond may be created on a parcel of land less than five acres in size.

5. Approval and Application Process. The proposed pond may be permitted only pursuant to special use approval after public hearing, review, and approval of the pond plan by the Whiteford Township Planning Commission, in accordance with the provisions of Article VI Special Use Approval. In addition to any information required by Article VI Special Use Approval, the application, pond plan and any other attached documents shall have the following information:

- a. A brief description of the project and its proposed utilization;
- b. A location map showing the pond of the proposed pond as well as its relationship to roads, adjacent properties and structures within 100 feet of the property lines of the parcel to contain the proposed pond, including the area of the parcel, the area of the portion to be graded, excavated or disturbed, and the area of the resultant pond;

- c. Identification of all existing lakes, streams, open ditch drains, ponds, detention basins, water courses, flood plains, enclosed storm drains and sanitary drains, and any official wetlands as designated by the Michigan Department of Environmental Quality or its successor organization;
- d. Indicate the proposed construction schedule for the creation of said pond;
- e. Indicate the profiles of the general types of soil at the pond site including evidence to demonstrate that the bottom of the proposed pond shall be no less than three feet above existing bedrock. Well logs from nearby sites and observations at a test excavation dug at the pond site may be used for this purpose;
- f. The estimated low water level, average water level and high water level in the proposed pond and a written description indicating how the water level will be maintained; Also provide the basis for the determination of the estimated low, average and high water levels;
- g. On any maps and plans, indicate the date, north arrow, scale and author's name, address and phone number;
- h. The dimensions of all lot and property lines showing the relationship and distance of the proposed pond location to adjacent properties;
- i. Provide the legal description and tax parcel number(s) of the parcel to contain the proposed pond; a Certificate of Survey signed and sealed by a licensed surveyor in the State of Michigan is required for properties not defined by metes and bounds;
- j. Indicate the location and designation of all existing and proposed buildings, structures, drives, roads, streets, right-of-ways, easements, above ground and below ground utilities, poles, wells, septic tanks and leach beds, water lines and hydrants, sanitary and storm drains, culverts, manholes, catch basins, trees, areas where livestock are kept, or any other structure or natural feature on the parcel to contain the proposed pond, and within 150 feet of the pond's perimeter, including the distance between the proposed pond and each such structure, underground utility, or use;
- k. Indicate the existing and proposed ground elevations (NAVD 88) with contour lines of no more than two feet intervals and/or such other topographic information satisfactory to the Township Planning Commission. Include all elevations of the parcel's lot corners and property lines;
- l. A certified statement of the quantity of excavation and/or fill proposed;
- m. A description and location of all existing and proposed on-site drainage facilities, retaining walls, cribbing, anti-erosion devices, or other protective devices to be constructed in connection with or as a part of the proposed work;
- n. The benchmark description and location used for establishing existing and proposed grades, based on NAVD 88 datum;
- o. An estimated total cost of the project;
- p. Cross-section drawings of the pond indicating the depth, slopes, length, width, height or other grading of the pond and the placement of excavated spoils;

- q. Such other information concerning the property and pond as may be deemed essential for determining whether the provisions of this Ordinance are being fulfilled and whether approval should be granted;
- r. Submit a copy of any application and all submittals filed with the Monroe County Drain Commission and/or other appropriate enforcing agencies;
- s. A statement as to the proposed method to be used to assure the pond's cleanliness, whether the proposed pond is to be stream, spring, surface run-off or well fed, and any other reasonable information requested by the Whiteford Township Planning Commission and/or its agents;
- t. The design plans for the pond shall describe how vegetation will be promptly established on the spoil and bank areas and any other areas disturbed by the pond construction, including a time schedule for restoring the ground cover vegetation.

6. Pond Design Requirements. All land use, development, excavation, grading and soil matter or earth material disturbances for the creation of a pond regulated by this Ordinance shall be in conformance with the approved application, site plan and other supporting documents as approved, conditioned, and/or modified by the Whiteford Township Planning Commission. The following general pond design requirements shall be applied in the design of the pond plan and supporting documents:

- a. All site plans for ponds shall be prepared by an engineer licensed in the State of Michigan and shall be submitted to the township engineer at the applicant's expense.
- b. Excavation for ponds must be set back a minimum of 50 feet from all property lines, easements, utility right-of-ways, aboveground and underground utilities, and dwellings;
- c. Excavation for ponds must be set back a minimum of 100 feet from any private septic tank and/or leach field system, water well, transportation right-of-way or areas in which livestock are kept;
- d. The site slopes of a pond above water and to the depth of six feet below the estimated low water level, shall be such that they will be stable and shall not be steeper than three feet horizontal to one foot vertical for stone or clay banking and four feet horizontal to one foot vertical for sand banking. The side slopes of a pond more than six feet below the estimated low water level, shall not exceed a slope of one foot horizontal to one foot vertical 45 degrees;
- e. At least 20 percent of the pond area shall have a minimum water depth of eight feet or more at the estimated low water level;
- f. At the estimated low water level, the surface area of the water in the pond shall not be less than one-third of one acre;
- g. No earth matter or soil material excavated, graded or disturbed as a result of the construction of the pond shall be removed from the property;
- h. All ponds shall have a safety station for each one-half acre or fraction thereof of the pond water surface when measured at the high water level, and each such safety station shall have an approved U.S. Coast Guard life ring with 100 feet of rope and a ten foot pole on a wooden post extending four feet above grade on which a deep water sign shall be mounted;

- i. Excavation for ponds and resulting spoils shall not be performed or placed within the area of a designated 100-year flood plain;
- j. The finished topography of the area surrounding the pond will be one that blends with the surrounding terrain. Surface drainage from adjacent properties shall not be impeded nor shall off-site drainage be increased;
- k. Prior to pond plan review by the Whiteford Township Planning Commission, the Applicant shall obtain from the Monroe County Drain Commissioner's Office or other appropriate enforcing agency, a written waiver, exemption or a permit approving the proposed design and construction of said pond;
- l. Upon a request being made by the Applicant, any of the above design requirements of this section may be waived in the discretion of the Whiteford Township Planning Commission after a determination that the proposed waiver of any requirements will not be injurious to the zoning district or environs, contrary to the spirit and purpose of this Ordinance, incompatible with existing uses in the area, and would not be detrimental to the safety of the public or residents of the area.

7. Fire Protection. By making application and obtaining approval for a pond, an Applicant shall be deemed to have granted authority to any official fire department for access to the pond as a water supply for fighting fires anywhere within the County and for such purpose, such fire departments shall be considered as having been provided an easement for access to the pond water.

8. Continuing Existence of a Pond. No pond, except for pond incident to the development of a golf course or public park facility, shall be created unless it is to be contained within the same lot or contiguous parcels of property containing the Applicant's occupied dwelling, and no such pond's use shall be maintained or existence continued unless contained within the same lot or parcel of property containing a dwelling occupied by a person or persons who have assumed responsibility for the safety, use and maintenance of said pond, except for lapses in occupancy of said dwelling not to exceed six months. If a pond in existence prior to the enactment of this Ordinance or a pond created pursuant to the provisions and approval process of this Ordinance, is not utilized or maintained as required, does not have a responsible occupant of the associated dwelling as required above, and/or becomes detrimental to the health and safety of the community, then, upon a decision of the Whiteford Township Board of Trustees after public hearing as required for special approval and at the owner's expense, the pond shall be filled and the property restored to its original condition or such other action as determined by the Whiteford Township Board of Trustees shall be taken to protect the public health, safety and general welfare of the persons and property of the Township of Whiteford. Upon the owner's failure to timely perform the actions as specified by the Whiteford Township Planning Commission, the Township of Whiteford may cause said pond to be filled or other action to be taken as deemed appropriate, with any costs incurred by such remedial action to be the obligation of and charged to the owner for which any unpaid balance may be applied to the owner's taxes as a lien on the next tax rolls.

9. Construction of Pond. No pond governed by this Ordinance shall be created, developed or constructed unless the Whiteford Township Building Official has issued a valid pond permit. The Whiteford Township Building Official shall not issue a pond permit until after the Whiteford Township Planning Commission has granted special approval and approved the site plan pursuant to Section 5 and 6 above. The creation, development or construction of a pond pursuant to a valid permit issued pursuant to this Ordinance, shall be completed within six months of approval by the Whiteford Township Planning Commission, with any application

for extensions to be granted by the Whiteford Township Planning Commission only upon a finding of good cause. If an extension is requested, the requestor shall pay a non-refundable extension fee established by the Whiteford Township Board of Trustees. Any such extension request shall be published in a newspaper of general circulation in Whiteford Township one time no less than seven days prior to the meeting of the Whiteford Township Planning Commission and all costs shall be paid by the person making such a request for extension.

- 10. Notice.** All persons, fiduciaries, firm, partnerships, organizations, corporation or other legal entities shall publish a notice of their intent to create such pond in a newspaper of general circulation one time before excavation of said pond is started and shall also send written notice to all adjacent property owners within 300 feet of the parcel on which the pond will be created before excavation of said pond is started.
- 11. Administration.** The provisions of this Ordinance shall be administered and enforced by the Whiteford Township Building Official or Building Inspector, his designee, or other such person as shall be appointed by the Township Board who shall have such powers and duties to conduct regular inspections of the side during pond construction and as otherwise specifically provided in this Ordinance and any other ordinances of the Township.
- 12. Hazards.** Whenever the Whiteford Township Building Inspector or Building Official, determines that any excavation, embankment, fill, grading, or other activity regulated by this Ordinance, has or may become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of one's property (not limited to the owner of the property on which the pond is located) a public way or drainage channel, the owner of the property upon which the excavation, embankment, fill, grading or other regulated activity is located, upon receipt of a notice in writing from the Township Building Inspector or Building Official, shall within the period specified therein, repair or eliminate such hazard.
- 13. Liability.** Whiteford Township shall not be liable for any accidents, injuries or damages caused by the property owner's actions or omissions associated with the pond.

SECTION 8.24 – LAGOONS

1. Intent

In the interest of protecting the public health, safety and welfare of the residents of the Township of Whiteford, County of Monroe, State of Michigan, the Whiteford Township Board of Trustees finds that this Ordinance is necessary to eliminate the construction and/or development of any lagoon for the purposes of sewage treatment. It shall be unlawful for any person, fiduciary, firm, partnership, organization, corporation or other legal entity to create or develop a lagoon on any property within the boundaries of Whiteford Township, Monroe County, Michigan.

2. Permitted Uses

Whiteford Township, at the discretion of the Township Board, may approve only the following sewage systems for construction within the Township boundaries:

- a. **Community Onsite Sewage Treatment System:** An onsite sewage treatment facility which is designed by a professional engineer licensed in the State of Michigan, and which serves more than one single-family residential dwelling. Such treatment facilities include but are not limited to, septic tanks and tile fields, recirculating sand filters and other pretreatment units such as package treatment plants. It does not include the use of lagoon systems and lagoons are expressly prohibited in the disposal of manure from animal farms, i.e., poultry, pig, etc.

- b. *Public Sewerage System: A sewer system and treatment facility that is used to collect, transport, and treat domestic and industrial wastes that is owned and operated by a governmental agency. The "sewer system" means the pipes, channels, conduits, manholes, pumping stations, and appurtenances, collectively or severally, actually used or intended for use by the public for the purpose of collecting, conveying, or transporting domestic or industrial wastes to a treatment facility. It does not include the use of lagoon systems and lagoons are expressly prohibited in the disposal of manure from animal farms, i.e., poultry, pig, etc.*
- c. *Individual Sewage Disposal System: On-Site Sewage Disposal System: An "individual sewage disposal system" shall mean a sewage disposal system other than a public system which is under the jurisdiction of Part 41, P.A. 451, 1994, as amended, which receives human excreta, liquid wastes or both from one premise. Included within the scope of this definition are septic tank-soil absorption systems, privies, chemical toilets, and such other types as may be approved by the Health Department or other appropriate authority. It does not include the use of lagoon systems and lagoons are expressly prohibited in the disposal of manure from animal farms, i.e., poultry, pig, etc.*

3. Penalties

a. The Township Board may take action in any Court of competent jurisdiction to cause the abatement of such nuisance and such remedies shall be an addition to the imposition of penalty for violation of the terms hereof as provided.

- b. Any person, firm or corporation, or other organization which violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this ordinance or fails to obey or execute any lawful order issued in pursuance of this Ordinance shall upon conviction, be fined not less than \$1000 and not more than \$5000 together with the costs of prosecution or shall be punished by imprisonment for a term of not more than ninety days or may be both fined and imprisoned as provided here in at the discretion of the Court.
- c. Where any violation is of a continuing nature each and every day during which an illegal erection, alternation, maintenance or use continues shall be deemed as a separate offense.

SECTION 8.25 – MEDICAL MARIHUANA USE AND PROHIBITION

1. **Purpose and Intent** - Medical marihuana use by a primary caregiver shall be permitted and considered as a permitted home occupation use only in the residential, agricultural residential and agricultural production districts pursuant to compliance with the Administrative Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, PA 208, Initiated Law, MCL 333.26421, et. seq. as both may be amended from time to time, and the requirements of this Ordinance. As a permitted home occupation, it is at all times, subordinate and incidental the use of the dwelling as a residence. The caregiver shall file an application and site plan with the Building Official who shall review the application. A denial shall be appealable to the Circuit Court. The Building Official may also notify the County Sheriff Department of site plan approval. The requirements for a primary caregiver as a permitted home occupation shall be as follows:

2. Standards –

- a. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act (“Act”) and the Administrative Rules of the Michigan Department of Community Health (“Administrative Rules”), as they may be amended from time to time.
- b. A primary caregiver must be located outside of a one-thousand (1,000) foot radius from any real property as follows: a daycare facility; a church, synagogue or other place of religious worship; a recreational park, public community center, private youth center, playground, public swimming pool, video arcade facility; a public or private preschool, elementary school, middle school, high school, community college, vocational or secondary school; a public or private college, junior college, university; any and all other schools that have different name references but serve students of the same age. Measurements for purposes of this Section shall be made from parcel/lot/site condominium unit boundary to parcel/lot/site condominium unit boundary.
- c. Not more than one (1) primary caregiver within a single-family dwelling shall be permitted to service qualifying patients who do not reside with the primary caregiver. A primary caregiver shall not operate within an apartment building, multi-family residential unit, cooperative building or similar house, or commercial or multi-use building.
- d. No signage is permitted regarding medical marihuana.
- e. All medical marihuana shall be contained within the main residential structure in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient. No part of an attached or detached accessory structure shall be utilized.
- f. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana.
- g. If a room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 11:00 p.m. and 6:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
- h. Nothing in this subsection or in any companion regulatory provision adopted in any other provision of this Ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use distribution, or possession of marihuana not in strict compliance with that Act and the Administrative Rules and this subsection. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marihuana to treat or alleviate a qualifying patient shall only be conducted as a home occupation, and shall not be permitted in any other zoning classification of this Ordinance. **Also, since federal law is not affected by that Act or the Administrative Rules, nothing in this Section, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this Ordinance nor the Michigan Medical Marihuana Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.**

- i. Patients may visit the site only during the hours of 8:00 a.m. to 8:00 p.m. No more than five patients may visit the site in any single day, and no more than two patients shall be on the premises at any one time.
- j. It shall be considered unlawful for any person or persons to establish or operate a profit or non-profit medical marihuana dispensary, collective or cooperative or smoke house in any zoning classification within Whiteford Township.

SECTION 8.26 – PRIVATE POOLS

1. No swimming pool, or part thereof, shall be hereafter erected or constructed unless a building permit and other applicable permits shall have been first issued for such work by the Township Building Official.
2. Swimming pools shall be restricted to side and rear yards. No portion of the swimming pool and enclosure shall extend beyond the front face of the principal residence.
3. There shall be a minimum distance of not less than ten (10) feet between adjoining property lines, or alley rights-of-way and the outside of the swimming pool wall. Side yard setback shall apply if greater than ten (10) feet.
4. There shall be a distance of not less than ten (10) feet between the outside swimming pool wall and any inhabited building located on the same lot.
5. If the swimming pool is constructed with walls at least four (4) feet above ground and entry into such above ground pool is only by means of a removable ladder or a ladder that locks up into place when the pool is not in use, then a fence, gate or door shall not be required.
6. The swimming pool shall not be used or occupied until all requirements have been met and final approval has been granted.

ARTICLE IX - SITE DESIGN REQUIREMENTS

SECTION 9.01 – RESIDENTIAL DESIGN STANDARDS

1. In order to preserve the substantial investment of property owners in single family neighborhoods, any single family home erected in a residential zoning district shall not be grossly dissimilar to the exterior design and appearance of existing detached single family homes in the surrounding area. The term “grossly dissimilar” as used in this section, means an immediately obvious difference apparent to professionals in the building trade, neighbors and potential residents. The standards herein are intended to prevent grossly dissimilar dwellings which would adversely affect the value of dwellings in the surrounding area, adversely affect the desirability of an area to existing or prospective homeowners, impair the stability of the environment, prevent the most appropriate use of real estate and lessen the opportunity to realize the development pattern envisioned in the Whiteford Township Master Plan.
 - a. Area and Bulk Regulations. Any residential structure, including any manufactured dwelling unit, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located. Manufactured homes shall comply with all regulations normally required for site-built housing in the zoning district in which it is located, unless specifically indicated otherwise herein.
 - b. Foundation. Any residential structure, including a manufactured home, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted building code of the Township. In the case of a mobile home, it shall be securely anchored to its foundation, according to manufacturer's set up requirements, in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a mobile home to its permanent foundation. The foundation shall fully enclose the undercarriage and chassis.
 - c. Code Compliance. Residential structures shall be constructed in compliance with applicable state, federal, or local laws or ordinances. Mobile homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, National Manufactured Housing Construction and Safety Standards (24 CFR 3280), as amended. Other manufactured housing shall be built to the Michigan Single State Construction Code (MCL 125.1501et seq.) Public Act 230 of 1972, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
 - d. Floodplain. No dwelling unit, including manufactured homes, shall be located within a one hundred (100) year floodplain unless a permit has been issued by the Michigan Department of Natural Resources and construction is in accordance with the regulations governing flood plains.
 - e. Use. Manufactured homes and other structures shall be used only for the purposes permitted in the zoning district in which they are located.
 - f. Attachments. Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted building code of the Township

- g. Architectural Design Features. The overall appearance, design and position of windows and other features of manufactured dwellings, including exterior wall colors and color combinations, shall not be grossly dissimilar to site-built homes within 300 feet of the manufactured home property boundaries, as determined by the Building Official. If no more than one (1) site-built dwelling is presently located within 300 of the proposed location, then the manufactured dwelling shall be compared to the nearest 50 site-built homes.
- h. Roof Pitch. The pitch of the main roof shall have a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run, and the minimum distance from the eaves to the ridge shall be ten (10) feet, except where the specific housing design dictates otherwise (i.e., Mansard, Gambrel, etc.). The roof shall be finished with a type of shingle or other roofing material that is commonly used in standard on-site residential construction.
- i. Exterior Materials. The exterior siding of a manufactured dwelling shall consist of materials that are generally acceptable for site-built housing, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction in the Township.
- j. Dimensions. The dimensions and placement of manufactured dwellings shall be comparable to typical dimensions and placement of site-built housing in the vicinity. Therefore, a manufactured dwelling unit shall be located on the lot so that the minimum width of the front elevation is no less than 34 feet and the minimum dimension along any side or rear elevation is no less than 24 feet. If there are any extensions or additions off of the front of the manufactured dwelling, the minimum width of any such secondary front elevation shall be 24 feet. Such dimensions shall be measured from the outer extremities and shall include additions to the main body of the manufactured dwelling, such as living or recreation rooms, garages, carports, utility rooms, and the like, the front portions of which are within ten (10) feet of the front of the main body of the manufactured dwelling.
- k. Roof Overhang. Manufactured dwellings shall be designed with either a roof overhang of not less than six (6) inches on all sides or with window sills and roof drainage systems to concentrate roof drainage at collection points along the sides of the dwelling.
- l. Exterior Doors. Manufactured dwellings shall have not less than two exterior doors which shall not be located on the same side of the building.
- m. Storage Area. Each such dwelling unit shall contain a storage area equal to ten percent (10%) of the square footage of the dwelling or 100 square feet, whichever shall be less. This storage area shall consist of a basement, attic or attached garage, or in a separate detached accessory structure which complies with the standards of this section regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.
- n. Exceptions. The standards of this section shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

- o. Building Permit. All construction required herein shall commence after a building permit has been obtained in accordance with the Township Building Code and other building regulations.
2. Mobile homes outside mobile home parks shall not be used as dwellings, except when developed in accordance with the provisions as outlined in *Section 8.17 herein*, or when used as a temporary dwelling as provided in *SECTION 8.03*, herein.

SECTION 9.02 - VISIBILITY AT INTERSECTIONS

On a corner lot in any zoning district no fence, wall, hedge, screen, or structure, shall be placed in such manner as to materially impede the vision between the height of two and one-half (2 1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street right-of-way lines of such corner lots and the line joining points along said street lines 50 feet from their point of intersection as measured along the street right-of-way lines, except for agricultural crops in the agricultural districts.

SECTION 9.03 - REQUIRED FRONTAGE / ACCESS TO STREETS

1. Every use, building, or structure established after the date of this ordinance shall be on a lot or parcel which adjoins a public street, such street right-of-way to be at least sixty-six (66) feet in width unless a lesser or greater width has been established and recorded prior to the effective date of this ordinance, or shall adjoin a private street which existed as of the effective date of this ordinance.
2. All lots or parcels shall have a continuous frontage on a public street at least equal in distance to the minimum lot width required for the district in which the property is located.
3. Every building and structure constructed or relocated after the effective date of adoption or amendment of this Ordinance shall be located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading areas.

SECTION 9.04 - PARKING AND STORAGE OF VEHICLES AND RECREATIONAL EQUIPMENT

1. All automotive vehicles, vans, semi-trailers, box trucks, trailers or similar vehicles (except recreation vehicles, which shall be regulated as set forth in *Article IX*, herein), without current license plates, shall not be parked or stored in any district in Whiteford Township other than in completely enclosed structures, unless otherwise permitted herein.
2. The outdoor storage of not more than one unoccupied recreational vehicle shall be permitted on a residential lot, provided the entire vehicle shall be parked to the rear of the front building line of the dwelling house on said lot. Temporary parking of a recreational vehicle on any street, alley or highway shall be limited to a period not exceeding two (2) hours subject to any further limitations which may be imposed by traffic or parking regulations or ordinance or the Michigan Vehicle Code, and shall be limited to a period of 24 hours in any front yard.

SECTION 9.05 – OFF-STREET PARKING AND LOADING

1. GENERAL PROVISIONS FOR OFF-STREET PARKING

- a. The regulations of this Article shall be met in all districts whenever any uses are established or any building or structure is erected, enlarged, or increased in capacity.

- b. Plans and specifications showing required off-street parking spaces, including the means of access and ingress and egress and circulation shall be submitted to the Building Official for review at the time of application for a building permit for the erection or enlargement of a building or at the time spaces are added or altered, unless a site plan is required under *Article VIII* herein, in which case this requirement shall not apply.
- c. No parking area or parking space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance.
- d. Parking of motor vehicles in residence districts shall be limited to passenger vehicles, and not more than one commercial vehicle of light delivery type, not to exceed three-fourths (3/4) ton, shall be permitted for each dwelling unit. The parking of any other type of commercial vehicle, except those belonging to a place of worship or school and parked at a place of worship or on school property, is prohibited in any residential district. Parking spaces for dwelling units may be provided in garages, carports, or parking areas, or combinations thereof, and shall be located on the premises of the principal building(s).
- e. The storage of merchandise or vehicle parts in any parking lot in any district is prohibited.

2. SPECIFICATIONS FOR PARKING AREAS

- a. Required off-street parking facilities shall be located on the same lot as the principal building for which the parking is intended.
- b. Every parcel of land hereafter used as a public or private parking areas shall be developed and maintained in accordance with the following regulations:
 - 1) Off-street parking spaces and all driveways, shall not be closer than ten (10) feet to any property line, unless a wall, screen or compact planting strip is provided as a parking barrier along the property line, except in AG-1, AG-2, RA, and RB districts in which case a minimum distance is not required for residences only.
 - 2) Off-street parking spaces shall not be located in the required front yard setback or within the required yard setback along any street.
 - 3) All off-street parking areas shall be drained so as to prevent direct drainage onto abutting properties and surface drainage onto public streets. Parking areas shall be paved except in M-1 and M-2 Districts, in which gravel surfaces may be permitted. All parking spaces in paved lots shall be marked with striping.
 - 4) Lighting fixtures used to illuminate any off-street parking areas shall be so arranged as to reflect the light away from any adjoining streets or residential lots.
 - 5) Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins a lot in any residential district, by a wall, screen, or compact planting strip not less than four (4) feet in height.
 - 6) All off-street parking areas that make it necessary or possible for vehicles to back directly into a public street are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
 - 7) All spaces shall have adequate access by means of aisles or lanes.

- 8) Ingress and egress to parking lots shall be provided for all vehicles by means of clearly limited and defined drives.
- 9) Aisles for access to all parking spaces on two-way aisles shall be designed and clearly marked for two-way movement. Aisles for angle parking spaces shall have one-way movement only and shall be clearly marked for one-way movement.
- 10) All required landscape areas and screen shall be maintained in a healthy and growing condition for plant materials, and all landscape areas and screens shall be maintained in a neat and orderly appearance.
- 11) Each off-street parking space for automobiles shall not be less than 200 square feet in area, exclusive of access drives or aisles, shall have a minimum width of ten (10) feet, and shall be of usable shape and condition. An access drive shall be provided and where a turning radius is necessary, it shall have a radius sufficient to permit an unobstructed flow of vehicles. Parking aisles shall be of sufficient width to allow a minimum turning movement into and out of parking spaces. The minimum width of such aisles shall be:
 - a) For ninety (90) degree parking, the aisle shall not be less than twenty-four (24) feet in width.
 - b) For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width.
 - c) For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 - d) For parallel parking, the aisle shall not be less than twelve (12) feet in width for one-way traffic, or twenty-four (24) feet for two-way traffic.
- c. Off-street parking facilities for trucks at restaurants, service stations, and similar establishments shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities.

3. RULES FOR CALCULATING NUMBER OF PARKING SPACES

- a. Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor area used for parking within the principal building, incidental service, storage, installations of mechanical equipment, heating systems, and similar uses need not be included.
- b. In stadiums, sport arenas, churches, places of worship and other places of assembly in which those in attendance occupy benches, pews or other similar facilities, each eighteen (18) inches of such seating shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- c. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
- d. For requirements stated in terms of capacity or permitted occupancy, the number shall be determined on the basis of the largest ratings by the local county or state building, fire or health codes.
- e. Any fractional space shall be counted as one additional required space.

- f. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses computed in accordance with this ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use.
- g. If a parking lot serves two or more uses where the operating hours of the uses do not overlap, the total number of required spaces may be less than the sum of requirements for each use, to a limit of the sum of one-half ($\frac{1}{2}$) of the parking requirements of each use. In no case, however, shall the number of spaces required be less than the sum of the largest number of spaces required for one use plus one-half ($\frac{1}{2}$) of the required spaces for each additional use. The Building Official shall determine the conditions of overlapping requirements and the amount of reductions in the required number of spaces which shall be permitted, in accordance with this section.
- h. Off-street parking spaces required for places of worship may be reduced by fifty (50) percent where places of worship are located in non-residential districts and within 300 feet of existing usable public or private off-street spaces. The Building Official shall determine if such public or private spaces qualify under this Section.
- i. Where a use is not specifically listed in the Schedule of Requirements, the parking requirements of a similar use shall apply. The Building Official shall make the interpretation.
- j. Uses permitted in recreation, conservation, agriculture, and residence districts: See next page.

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Dwellings	
1) Single Family	Two (2) spaces for each dwelling unit
2) Mobile Home Park	Two (2) spaces per unit plus one (1) space for each two (2) employees of the park
3) Two (2) and Multiple Family	Two (2) spaces for each dwelling unit
Fraternalities, sororities	One (1) space for each two (2) beds
Hospitals	One (1) space for each bed, excluding bassinets, plus (1) space for each two (2) employees
Sanitariums, nursing homes, children's homes	One (1) space for each four (4) beds plus one (1) space for each two (2) employees
Elementary and Junior High Schools	One (1) space for each employee plus one (1) space for each classroom, including portables
Senior High Schools, Colleges, Universities	One (1) space for each employee plus one (1) space for each four (4) students of the rated capacity, plus one half (1/2) of the requirements for auditoriums
Churches, Auditoriums, Sport Arenas, Theaters, Assembly Halls other than schools, places of worship	One (1) space for each four (4) seats of maximum capacity
Libraries, Museums	One (1) space for each 500 square feet of floor area
Swimming pool clubs, tennis clubs, and similar uses	One (1) space for each two (2) member families, plus spaces as required for each accessory use, such as a restaurant
Golf courses, except miniature and "par 3" courses	Six (6) spaces for each golf hole and one (1) space for each employee plus spaces required for each accessory use, such as a restaurant
Nursery school, day nurseries, child care centers	One (1) space for each 350 square feet of floor area

k. Uses permitted in business districts:

General retail sales establishments, not elsewhere classified	One (1) space for each two hundred (200) square feet of gross floor area
Furniture, Appliance, Household equipment stores and Repair shops	One (1) space for each four hundred (400) square feet of gross floor area
Barber and beauty shops	Two (2) spaces for each chair, plus one (1) space for each employee
Restaurants, Cocktail Lounges, Taverns, Night Clubs	One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees
Professional and Business Offices	One (1) space for each two hundred (200) square feet of gross floor area
Medical and dental offices, clinics, banks	One (1) space for each one hundred (100) square feet of floor area plus one (1) space for each employee
Self-serve Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing, drying, or dry cleaning machines
Automobile Service Stations	One (1) space for each gasoline pump, plus two (2) spaces for each lubrication stall
Automobile or Machinery Sales and/or Service Establishments	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees
Bowling Alleys	Five (5) spaces for each alley plus parking for accessory uses as provided herein
Motels, Hotels, Tourist Homes	One (1) space for each occupancy unit plus one (1) space for each two (2) employees
Funeral Homes	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area in parlors, whichever is greater, plus one (1) space for each fleet vehicle
Shopping Centers	Five and one-half (5 ½) spaces for each 1000 square feet of gross leasable floor area
Private Clubs, Lodge Halls	One (1) space for each three (3) persons of maximum capacity
Automobile Wash	Five (5) spaces for each washing stall (not including space in each stall)

I. Uses permitted in industrial districts:

Wholesale Establishments	One (1) space for each 200 square feet of sales floor area plus one (1) space for each two (2) employees plus one (1) space for each vehicle to be stored on the premises
Manufacturing, Fabricating, Processing, Research and Testing Establishments	One (1) space for each one and one-half (1 ½) employees
Warehouses	One (1) space for each 2000 square feet of gross floor area plus one (1) space for each vehicle to be stored on the premises
Utility Substations	One (1) space for each employee
Contractors Establishments	One (1) space for each employee
Junk yards	One (1) space for each employee, plus one (1) space for each operating vehicle stored on premises, plus two (2) spaces for each acre of land in yard

4. GENERAL PROVISIONS FOR OFF-STREET LOADING FACILITIES

1. In connection with every building or part thereof hereafter erected, except single and two-family dwellings, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle. Off-street loading spaces are hereby required in order to avoid interference with public use of streets and parking areas.
2. Plans and specifications showing required loading and unloading spaces and the means of ingress and egress and internal circulation shall be submitted to the Building Official for review at the time of application for a building permit for the erection or enlargement of a use of building or structure or at the time such spaces are added or altered, unless a site plan is required under *Article IV*, herein, in which case this requirement shall not apply.

5. SPECIFICATIONS FOR LOADING FACILITIES

- a. Each off-street loading-unloading space shall not be less than the following:
 - 1) In any rural or urban residential district, a loading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and, if a roofed space, not less than fifteen (15) feet in height.
 - 2) In any business or industrial district, a loading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length, and, if a roofed space, not less than fifteen (15) feet in height.
- b. Subject to the limitations of paragraph D following, a loading space may occupy part of any required side or rear yard, except the side yard along a street in the case of a corner lot shall not be occupied by such space. No part of a required front yard shall be occupied by such loading space.
- c. Any loading space shall not be closer than fifty (50) feet to any lot located in residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting strip not less than six (6) feet in height, in which case such space shall not be located closer to the lot line than the required yard.

- d. Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of way.

6. SCHEDULE OF OFF-STREET LOADING REQUIREMENTS

- a. Off-street loading-unloading spaces where required shall be provided at the rate of one (1) space for the first 5,000 square feet of gross floor area, and one (1) space for each additional 20,000 square feet of gross floor area, or fraction thereof.
- b. Required off-street parking spaces shall not be included in the count of required loading spaces.
- c. In the case of mixed uses on one lot or parcel the total requirements for off-street loading facilities shall be the sum of the various uses computed separately.

SECTION 9.06 – LANDSCAPING

The provisions set forth herein shall apply to any new property development or expansion of existing development which includes but not limited to all non-residential, manufactured home parks, and multiple-family residential use areas.

1. Landscaping Plan Requirements

Landscaping plans shall be approved by the planning commission prior to the issuance of a building permit and shall be prepared in accordance with the following:

- a. Planting plan specifications.
 - 1) Minimum scale of one (1) inch = 50 feet.
 - 2) Existing and proposed contours with contour interval not to exceed two feet.
 - 3) The planting plan shall indicate, to scale, the location, spacing, name, and starting size for all proposed landscape material within all required landscaped areas.
 - 4) Typical straight cross section including slope, height and width of berms and type of ground cover or height and type of construction
 - 5) Significant construction details to resolve specific site conditions, e.g. tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
 - 6) Planting and staking details in either text or drawing form to insure proper installation and establishment of proposed plant materials.
 - 7) Landscaping shall be installed in a manner consistent with accepted planning procedures set forth by the American Association of Nurserymen and approved by the American National Standards Institute, Inc.

2. Landscaping Design Standards

- a. General landscaping. Except for those areas occupied by buildings, loading areas, parking areas, patios and walkways, all areas of a site shall remain lawn area. Unless specified otherwise in this appendix, within such areas the following minimum plant material shall be provided:

- 1) A mixture of evergreen and deciduous trees shall be planted at the rate of one tree for each 6,000 square feet or fraction thereof of lawn area, plus for 3 acres or less, 12,000 sf for 3 acres or more
- 2) One shrub for every 250 square feet or fraction thereof of lawn area.

b. Required Parking Area Landscaping:

- 1) Required parking area landscaping shall be placed within the parking lot envelope, defined as the area including the parking lot surface and extending the (10) feet from the edge of the pavement.
- 2) One (1) canopy tree shall be required for each ten (10) surface parking spaces. At least two (2) parking lot trees shall be provided on each site.
- 3) Trees shall have a minimum clearance of four (4) feet to six (6) feet between the ground and the lowest branches.
- 4) All interior landscaping shall be protected from vehicular encroachment by curbing or other suitable surface. Not more than 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping island.
- 5) Landscape parking lot islands shall meet the following requirements:
 - a) Each landscaped island shall be a minimum of 150 square feet in area or 75 square feet if irrigated.
 - b) Parking lot landscaping islands shall be no less than five (5) feet in any single dimension.

c. Detention Ponds:

- (1) To the extent possible, pond configuration shall be incorporated into the natural topography of the site and when possible shall not be designed in the front yard of the site. Where these requirements are not practical, the pond shall be shaped to emulate a natural formed 'free form' depression and shall be part of the natural landscape and open space system of the site.
 - a) Trees and shrubs should be planted in a natural pattern and are not limited to strict placement along the edge of the pond. Trees, however, must be planted above the freeboard line of the pond. Shrubs planted below the freeboard line of the pond must be tolerant of wet or moist soil conditions. The location of plant material shall be done in consideration of the need to provide access for and minimize disruption of plant material during routine pond maintenance.
- (2) Plantings shall be provided a rate of one (1) tree and four (4) shrubs per 50 linear feet of pond perimeter as measured along the top elevation of the pond bank.
- (3) Side slopes shall not exceed one (1) foot vertical for every five (5) feet horizontal.
- (4) Maintenance of detention/retention ponds and the landscaping thereof shall be the responsibility of the property owner or of the development association whichever is appropriate and shall be conducted in a manner acceptable to the township. Should maintenance not be carried out in an acceptable manner it shall be considered a violation of township ordinance.

d. Greenbelt Standards: A greenbelt is the land abutting a public street, private street or access drive that shall be reserved as a landscaped area to serve as an obscuring screen, noise abatement and visual enhancement along roadway corridors. For land abutting the U.S. 23 right-of-way, refer to Subsection E for additional Greenbelt standards.

1) Greenbelt Plantings Requirements:

- a) The width of the Greenbelt shall be equal to/or at least 20 feet min.
- b) The Greenbelt shall contain a minimum of one (1) canopy tree per 30 lineal feet, or fraction thereof, of the entire road frontage.
- c) Ornamental trees may be used to diversify Greenbelt planting requirements, provided two (2) ornamental trees shall be provided for each one required canopy tree.

2) Design Standards for all Greenbelts:

- a) The width of the Greenbelt shall be measured from the right-of-way line.
- b) The frontage calculation shall include any openings for driveways, sidewalks or easements with the number of trees.
- c) Fractions of trees shall be rounded upward to the nearest whole number.
- d) The Greenbelt shall contain only living materials and planting beds with the exception of approved sidewalks, bike paths, signs, driveways, essential services, and detention ponds as dictated by site conditions.
- e) Greenbelt plantings shall be arranged to emulate the landscape character of the surrounding areas. For instance, Greenbelts in the Central Business District area should possess a formal arrangement with an evenly spaced planting row where natural groupings of plantings may be more appropriate for development in the outlying areas.
- f) Greenbelts shall be designed to ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground utilities and accessibility to fire hydrants. Where such conditions prohibit full compliance, the Planning Commission may adjust the location or quantity of the required materials.

e. Buffer Zones:

- 1) A Buffer Zone is a landscape area which serves to visually obstruct views from abutting uses. The Planning Commission has the discretion to modify these requirements as appropriate to adjust to site conditions or uses proposed. A buffer shall be provided between the subject site and all adjacent properties as follows:

Subject Site**Adjacent To**

Multiple Family District or Use
Institutional Uses
Business and Office District or Use
Manufacturing District or Use
Manufacturing District or Use

One Family Residential District or Use
Any Residential District or Use
Any Residential District or Use
Any Business or Office District or Use
Any Residential District/AG or Use

A Buffer Zone is to consist of:

- 2) One (1) canopy tree and three (3) shrubs, or one (1) evergreen tree and three (3) shrubs per twenty 25 lineal feet along the property line, rounded upward.
- 3) At a minimum, the width of the Buffer Zone shall be equal to the required building or parking lot setback.
- 4) U.S. 23 Frontage Greenbelt: For land with frontage on U.S. 23 right-of-way, the following Greenbelt shall be provided along the expressway right-of-way line.
 - a) One (1) canopy tree for every 30 lineal feet along the property line.
 - b) Two (2) evergreen trees for every 20 lineal feet along the property line.
 - c) The Greenbelt shall be a minimum of 50 feet wide.
 - d) The Planning Commission may require a berm for some sites if it is deemed necessary to meet the intended screening.
 - e) Plantings may be staggered within the Greenbelt to meet minimum spacing requirements.
- f. Street yard landscaping. Whenever, in this ordinance, a landscaped setback is required between a public or private street and a parking or building setback, all such yards shall be landscaped in accordance with the following;
 - 1) A minimum of one (1) large deciduous tree shall be planted for each 40 lineal feet of frontage, or portion thereof, plus
 - 2) A minimum of one (1) ornamental tree shall be planted for each 100 lineal feet of frontage or portion thereof, plus
 - 3) A minimum of one (1) shrub shall be planted for each ten (10) lineal feet of frontage, or portion thereof.
- g. Residential Landscaping: In addition to any applicable landscape standards listed in this section, residential developments shall provide the following landscaping:
 - 1) Street trees shall be provided at a rate of one tree (1) per 50 lineal feet of frontage, or portion thereof, along all interior streets.
 - 2) Cul-de-sacs shall be planted at a rate of one (1) canopy tree, or two (2) ornamental trees, per 2,500 square foot area. Fractions of trees shall be rounded upward to the nearest whole number.
 - 3) Cul-de-sacs, site entrances and boulevard medians shall be landscaped with species tolerant of roadside conditions. The landscape plan shall take into consideration sight distance, size of planting area, location of pathways, maintenance of

adequate overhead clearance, accessibility to fire hydrants, visibility of approved signs and compatibility with the visual character of the surrounding area.

- 4) Front yard landscaping shall be provided at a rate of three (3) to four (4) trees and four (4) shrubs for every yard.
- 5) Outdoor, ground mounted equipment such as air conditioning units and electrical transformers shall be screened.

h. Materials Standards and Specifications

- 1) Hedges shall be planted and maintained so as to form a continuous, unbroken visual screen within two years after planting.
- 2) Ground covers used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
- 3) Mulching material for planted trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a finished appearance. Also, straw or other methods shall be used to protect newly seeded areas.
- 4) Planting Beds: Bark used as mulch shall be maintained at a minimum of two (2) inches deep. Planting beds shall be edged with either plastic or metal edging in residential districts, and metal edging in all other zoning districts.
- 5) Top Soil: Top soil shall consist of a four (4) inch base for lawn areas and an eight (8) inch to twelve (12) inch base with planting beds.
- 6) Proximity to Utilities: Plant material shall not be located in a manner that will interfere with or cause damage to underground utility lines, public roads or other public facilities.
- 7) Lawn Grasses: Lawn grasses shall be planted in species normally grown as permanent lawns in Monroe County. Grasses may be plugged, sprigged, seeded or sodded. Rolled sod, erosion reducing net or suitable mulch shall only be used in swales or other areas susceptible to erosion and shall be staked where necessary for stabilization. When complete sodding or seeding is not used, nursegrass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.
- 8) Landscape Berms: Where provided, landscape berms shall conform to the following standards.
 - a) The berm shall be at least three (3) feet above the finish grade elevation.
 - b) Sides of the berm shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal.
 - c) Berms shall have a crest area of at least four (4) feet on the top.
 - d) In measuring slope and height, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.

- e) The outward face of the berm (that part of the berm facing away from subject property) shall be constructed as an earthen slope with a retaining wall or terrace.
 - f) Side slopes shall be protected from erosion by sod, seed or other living ground cover. If slopes are seeded, they shall be protected, until the seed germinates and a permanent lawn is established.
- 9) Regulations Pertaining to Landscaping Areas Used for Sight Distance: When an access drive intersects a public right-of-way or when the subject property abuts the intersection of a public right-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than thirty (30) inches above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of ten (10) feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three (3) feet from the edge of a driveway.

The triangle areas referred to above are:

- a) The area formed at the corner intersection of a public right-of-way and an access drive, two (2) sides of the triangle area being 20 feet in length measured along the right-of-way line and access drive line and the third side being a line connecting these two (2) sides.
 - b) The area formed at a corner intersection of two (2) public right-of-way lines, the two (2) sides of the triangular area being 20 feet in length measured along the abutting public right-of-way lines and the third side being a line connecting these two (2) sides.
- 10) Completion of Improvements: Tree stakes, guy wires, and tree wrap shall be removed after completion of the initial growing season. Burlap shall be opened at the time of planting.
- 11) Irrigation: All landscaped areas shall be provided with a readily available and acceptable water supply, or at least one (1) outlet located within 100 feet of all plant material.
- 12) Landscaping shall be planted within six months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials in accordance with an approved site plan. Final certificate of occupancy shall be withheld until landscaping has been installed as per an approved landscape plan. A temporary certificate of occupancy may be issued in the interim subject to the posting of a bond in accordance with the provisions set forth in this ordinance.
- 13) The owner of landscaping required by this ordinance shall maintain the landscaping in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately or in the next appropriate planting period.

14) Minimum Sizes and Spacing: The minimum plant sizes shall be provided in accordance with the following:

Plant Type	Minimum Plant Size	Spacing Requirements
Large Deciduous Canopy Trees	Three (3) inch caliper; Eight (8) ft. height	30 ft. on center
Ornamental Trees	Two (2) inch caliper Six (6) ft. height	Ten (10) ft. on center
Evergreen Trees	Eight (8) ft. height	30 ft. on center
Large Deciduous Shrubs	Four (4) ft. height	Four (4) – six (6) ft. on center
Upright Evergreen Shrubs	Three (3) ft. height	Three (3) – four (4) ft. on center

15) Plant materials shall not be placed closer than four (4) feet from the fence or property line.

16) Where plant materials are placed in two (2) or more rows, plantings shall be in staggered rows.

17) Suggested Plant Materials:

- a) Evergreen Trees – Pines, Fir, Junipers, Spruce, Douglas Fir, Hemlock.
- b) Columnar Evergreens – Juniper, Pyramidal Arbor Vitae.
- c) Tree-like Shrubs – Flowering Crabapple, Redbud, Osage Orange, Dogwood, Rose of Sharon, Hawthorn, Amur Maple, Gold Rain Tree, Flowering Pear, Amelanchier.
- d) Large Deciduous Trees – Oak, Hackberry, Planetree (Sycamore), Ginkgo (male), Hop Hornbeam (Ironwood), Linden, Chestnut, Alder, Hard Maple, Birch, Beach, Honey Locust (thornless varieties only), Sweet Gum, Walnut.
- e) Deciduous Shrubs – Lilac, Euonymus, Cotoneaster, Beauty Bush, Mock Orange, Barberry, Holly, Currant, Viburnum, Forsythia, Smoketree, Hydrangea, Privet, Flowering Quince, Boxwood, Potentilla, Weigela.
- f) Evergreen Shrubs – Yew (globe or upright), Spruce, Dwarf Pine, Arborvitae, Fir, False Cypress.
- g) Ornamental Trees – Flowering Crabapple, Birch, Amelanchier, Hornbeam, Rose of Sharon, Dogwood (tree form), Magnolia, Redbud, Hawthorn, Fruit (pear, cherry, plum, peach).
- h) Trees NOT Permitted – Box Elder, Soft Maple (Red, Silver), Elms (American), Poplar, Cottonwood, Ailanthus (Tree of Heaven), Willow, Horse Chestnut, Ginkgo (Female), Catalpa, Ash, Australian Pines.

SECTION 9.07 – OUTDOOR LIGHTING

1. Regulation

Good outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use.

Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. There is a need for a lighting ordinance that recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and compliment the Town's character. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Whiteford Township.

This ordinance is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the Township of Whiteford, County of Monroe, State of Michigan. All business, residential, and community driveway, sidewalk and property luminaries should be installed with the idea of being a "good neighbor", with attempts to keep unnecessary direct light from shining onto abutting properties or streets.

2. Definitions

For the purposes of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminary.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts – a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flood or Spotlight: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully-shielded or full cut-off fixture: Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Grandfathered Luminaries: Luminaries not conforming to this code but were approval by the township and installed in accordance with the ordinance in affect at the time of installation. When an ordinance "grandfathers" a luminary, it means that such already-existing outdoor lighting does not need to be changed unless change of use or change or ownership for a specified period is specified for adherence to the code.

Height of Luminary: The height of a luminary shall be the vertical distance from the ground directly below the centerline of the luminary to the lowest direct-light-emitting part of the luminary.

Indirect Light: Direct light that has been reflected or has scattered off of other surfaces.

Lamp: The component of a luminary that produces the actual light.

Light Trespass: The shining of light produced by a luminary beyond the boundaries of the property on which it is located.

Lumen: A unit of luminous flux. One foot-candle (f.c.) is one lumen per square foot. For the purpose of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

Luminary: This is a complete lighting system, and includes the pole and base, lamp or lamps and a fixture.

Outdoor Lighting: The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Temporary Outdoor Lighting: The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

3. Design Standards

All public and private outdoor lighting installed in the Township of Whiteford, County of Monroe, State of Michigan, shall be in conformance with the requirements established by this Ordinance. All previous language in the Township of Whiteford, County of Monroe, State of Michigan bylaws and ordinances regarding outdoor lighting is replaced with this ordinance.

- a. All Non-residential parking areas and pedestrian walkways from any parking space to building entrances to be illuminated for safety. It is recommended additional lighting be provided at any entrance to the site for safety.
- b. Timing - Other than fixtures specified for security, fixtures shall be turned on no sooner than 1 hour before normal business hours and turned off within 1 hour of normal closing time.
- c. Types of fixtures permitted:
 - 1) LED – Light Emitting Diode
 - 2) Metal Halide
 - 3) Sodium type lights may be used for private agricultural use only and with approval of the building official or zoning coordinator.
- d. Amount of light permitted to trespass off the development property is limited to the following:
 - 1) From a non-residential use to a residential use, light trespass shall not exceed 0.1 f.c. at the property line.
 - 2) From non-residential use to non-residential use, light trespass shall not exceed 1.0 f.c. at the property line.
 - 3) Light trespass may be exceeded where the development is providing additional lighting at the development entrance and shall be reviewed on a case-by-case basis. At no point should the light trespass levels noted above be any closer than 10' to any home or structure used for sleeping.
- e. All fixtures to be full cut-off type, fully shielded with flat glass lens. Flood lights or fixtures aimed in any direction allowing light rays to be emitted above the horizontal plan of the light source shall be prohibited. Non-cutoff lantern type of fixtures shall

only be permitted when approved by the Planning Commission and intended to either establish or continue a historic theme/district. Exception: See Recreational Facilities, Section 9.07.7.

- f. A photometric plan is to be submitted with each site plan submittal package. Said plan shall provide:
 - 1) foot candle levels throughout the site at grade
 - 2) lighting legend showing each type and description of each fixture
 - 3) fixture cut sheet indicating manufacturer information and fixture details
 - 4) fixture mounting height for each fixture
 - 5) minimum and maximum foot candle levels
- g. Recommended average maintained lighting levels should be as follows:
 - 1) Primary site entrance - 5 f.c.
 - 2) Pedestrian areas & walkways - 3 f.c.
 - 3) General Building and immediate surroundings - 1-3 f.c
 - 4) Parking areas - 1 f.c

*If a developer or owner feels they need higher levels of lighting, they may obtain a variance by going through the standard process. A maximum level of 10 f.c. may be granted.
- h. The Township Board and Township Planning Commission reserve the right to request changes to any photometric plans submitted that they feel would be beneficial to the development and area immediately around and affected by the development.

4. Fixture Height & Glare Control

- a. Luminaries used for public-road illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property
- b. Manufacturing and Industrial uses may have fixtures mounted at a maximum height of 25 feet. All other uses shall have a maximum height of 20 feet.

5. Exceptions to Control of Glare

- a. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaries, shall be exempt from the requirements of this article.
- b. All hazard warning luminaries required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
- c. Luminaries used for sign illumination may be mounted at any height permitted in the zoning district.
- d. Law Governing Conflicts. Where any provision of federal, state, county, or town statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

6. Outdoor Advertising Signs

- a. Exterior lit signs to have top mounted fixtures and be full cut-off downlights. All such fixtures shall comply with the shielding requirements of Section 9.07.3. Up-lighting shall not be permitted.
- b. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or

symbols are preferred, to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.

- c. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this Code within ten years from the date of adoption of this provision.
- d. Prohibitions. Illumination of outdoor advertising signs to be controlled by the same hours as the general site lighting for the development.

7.Recreational Facilities

- a. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
 - 1) All fixtures used for event lighting shall be fully shielded as defined in Section 9.07.2 of this Ordinance, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare; and
 - 2) All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.; and,
 - 3) Light trespass does not exceed the limits set forth in section 9.07.3; and
 - 4) Approved by the Township Planning Commission

8.Prohibitions

- a. Laser Source Light. The use of laser source light or any similar high intensity light is prohibited.
- b. Searchlights. The operation of searchlights for advertising purposes is prohibited.
- c. Neon tube type light source

9.Temporary Outdoor Lighting

- a. Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Whiteford Township Board of Trustees after considering: (1) the public and/or private benefits that will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Whiteford Township Board of Trustees, who shall consider the request at a duly called meeting of the Whiteford Township Board of Trustees. Prior notice of the meeting of the Whiteford Township Board of Trustees shall be given to the applicant and to the Township of Whiteford, County of Monroe.

10. Grandfathering of Nonconforming Luminaries

- a. All luminaries lawfully in place prior to the date of the current approved Ordinance shall be grandfathered. However, any luminary that replaces a grandfathered luminary, or any grandfathered luminary that is moved, must meet the current standards of this Ordinance. Advertising signs are grandfathered only as specified in Section 7.09.6.
- b. Grandfathered luminaries that direct light toward streets or parking lots that cause a disabling glare to motorists or cyclists should be either shielded or re-directed within 90 days of notification, so that the luminaries do not cause a potential hazard to motorists or cyclists.

11. Violations, Legal Actions, and Penalties

- a. Violation. It shall be a violation of this Ordinance for a person to violate any of the provisions of this Article. Violations will subject the offending party to the sanctions outlined in Section 11.10. Each and every day during which the violation continues shall constitute a separate offense.

12. Changes to Lighting Layout on Site Plan

- a. The lighting layout shall not be changed or altered at any point after Site Plan approval by the Township Planning Commission. If changes are made during the construction process, it shall be at the discretion of the Ordinance Enforcement Officer as to whether the changes are such that the Township Planning Commission needs to re-review the Site Plan. If changes are made after the development has gotten a certificate of occupancy, and are in conflict with this ordinance, the site shall be considered in violation and shall be processed in accordance to this ordinance.

SECTION 9.08 - STORAGE AND SCREENING OF MATERIALS

To preserve the general aesthetic appearance of development in Whiteford Township along all interstate, state and local thoroughfares, the following site standards shall be required for the storage of materials.

- 1. Garbage, ashes, rubbish and similar refuse to be stored outside a building in an apartment complex, mobile home park, all commercial and private recreational sites, and the commercial and industrial districts shall be stored within approved containers situated in a centralized location(s) on the site, and screened from public view by an enclosure of wood or ornamental block with a gate for access by owners/tenants of the property and refuse personnel.
- 2. Businesses of a commercial or industrial nature; such as contractor's yards, junk yards or repair garages; that require outdoor storage shall meet the standards of Section 8.16.
- 3. There shall be no outdoor storage of unlicensed vehicles, abandoned, discarded or inoperative appliances, machinery, furniture or materials in any zoning district.
- 4. The location or storage of flammable or explosive materials shall be regulated as follows:
 - a. The storage of flammable materials shall be in containers or storage facilities as approved by the local Fire Marshall or other designated fire official.
 - b. The storage of flammable or explosive materials shall be in accordance with applicable State and local regulations.

SECTION 9.09 - RUBBISH, DUMPING, FILLING

1. No garbage, rubbish, refuse or other waste material shall be dumped in any zoning District and no land shall be used as a dump or fill area without authorization by the Township. Any area in use for dumping or filling shall be identified by suitable markers as a public or private dump area or as a fill area.
2. Permit Requirements for filling operations: fill material 21 cubic yards or greater, but less than 20,000 square feet in area and excavations for landscape ponds require the following:
 - a. The Building Official may approve a site plan and issue a filling permit for any application which involves
 - i. Appropriate fill material of 21 cubic yards or greater, but less than 20,000 square feet in area or
 - ii. Excavation for a landscape pond
 - b. All fill materials must have a soils report submitted to the Township stating:
 - i. Where soils originated;
 - ii. Test results verifying that no hazardous material exist within the soil;
 - iii. The materials do not contain any concrete or asphalt rubble.
3. Permit requirements for filling operations: greater than 20,000 square feet in area and all excavation and removal operations other than mineral mining operations and landscape ponds.
 - a. A permit shall be required under this Section of the Ordinance for any application which proposes to fill an area 20,000 square feet or 21 cubic yards or greater of any excavation and removal regardless of area involved except for mineral mining operations and landscape ponds. The permit shall be issued by the Building Official only after review by the Township Engineer and the Building Official. Each permit issued shall expire one year from the date issued. The permit may be renewed, if required, provided all regulations and requirements of the Ordinance are met. The Building Official shall issue a permit only if the proposed plan is in compliance with the recommendations of the Engineer, all other applicable Township Ordinances and the following regulations:
 - i. All applications shall be referred to the Township Engineer. The Township Engineer shall inspect the premises described in the application and shall prepare written recommendations to the Building Official for modifications or additions to the proposed plan. The engineer shall base his/her report on the adequacy of the proposed plan to safeguard adjacent properties, the ground water table, creeks, drains and uses and conformance with the requirements of this Ordinance. The applicant shall pay the costs of the review and inspection in accordance with the fees established by the Township Board.
 - ii. The application for permit shall contain a topographic site plan, drawn to scale of at least 1" = 100 ft., sealed by a Licensed Civil Engineer or Surveyor registered in the State of Michigan, and containing the following information:

- (a) Names and addresses of each owner(s), applicant(s) if other than owner (show interest), and person(s) or contractor(s) responsible for the operation.
 - (b) Locations and description of soil types and if fill, a soil report is required.
 - (c) Location map.
 - (d) Location and nature of structures and stationary equipment to be located on the site during filling or excavation and removal operations.
 - (e) Proposed topography at contour intervals of two (2') feet clearly showing connection to existing undisturbed contour lines.
 - (f) A schedule of operations outlining the proposed dates and progress of proposed operation from beginning to end of the soil moving operation.
 - (g) Such other information the Building Official and/or Engineer may deem necessary to complete their review.
- b. Stockpiling of fill material to be used on the site shall not exceed a volume of 2 feet times total square footage of the proposed fill or excavated area divided by 27. Example: area to be filled 200' x 200'. Permissible volume of stockpile: $2 \times 40,000 = 2,962$ cubic yards.
 - c. All fill materials must be certified prior to coming into the Township to be in conformance with Section 9.10 of this Ordinance.

4. Condition of landfills

- a. No person or company owning or controlling any land which is open to public view or access, shall fill, or cause or permit any other person to fill, such land unless such owner or person controlling such land keeps the surface free of litter, refuse, waste, junk or other noxious or unsightly material; provided, however, this provision shall not apply to construction sites where work is progressing under a Township building permit.

5. Private landfills; filling of another's land

- a. No person shall fill any land owned by another person without the permission of said other person or his agent and after obtaining a permit from the Township.
- b. No person shall operate any sanitary landfill or other facility for the disposal, treatment or storage of nonhazardous solid waste without a permit from the Township.

6. Filling and grading; grading survey

- a. The site shall be filled and/or graded in conformity to the grades established on the approved site plan. Before a certificate of completion can be issued, a grading survey prepared and sealed by a registered civil engineer or registered land surveyor shall be submitted to the Township verifying that site grading has been performed in accordance with the approved site plan submitted with the application for permit.

7. Site grading and drainage water collection and disposal system

- a. Except for agricultural purposes, it shall be unlawful for any person to change the drainage pattern of any land by excavating, grading or filling without first obtaining a permit for construction from the Township. Each site shall receive such grading for the purpose of directing surface water runoff to appropriate drainage water collection and disposal systems as is necessary, and the grading shall be done in a manner that shall not cause drainage water from the site to flow onto adjacent land nor obstruct the flow of existing drainage from adjacent properties. Drainage water collection and disposal systems shall be provided to collect surface water runoff and/or building foundation drain groundwater seepage. The drainage water collection system shall consist of enclosed storm sewers throughout the project. An extension of the storm sewer system shall be provided to furnish an outlet for foundation drain service pipes for each building. The collected drainage water shall be conveyed to a point of disposal that shall be a public storm water drain. Subject further to the requirements and provisions of *Section 7.04 Final Site Plan*.

8. Extractive operations

- a. The restoration plans shall be filed with and approved by the Township Planning Commission before quarrying or removal operations shall begin. The plans shall be certified by a soils or geological engineer. In restoration no filling operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of liquid or solid waste or which will likely result in the seepage of gases into surface or subsurface water or into the atmosphere.
- b. Detailed Reclamation Plan showing that the entire property will be left in a form for development with uses that are permitted in the district, relating such reuse to existing uses or probable uses for surrounding properties.
 - i. Concept plan(s) for the proposed end use of the site when restored including a plan for residential use, drawn to scale, and prepared by a professional engineer registered in the State of Michigan. The concept plan shall include:
 - 1) The proposed circulation system, including the location of internal roads and connection to the external road network.
 - 2) Delineation of drainage patterns, identification of lakes, flood plains, wetlands, and conceptual layout of lots (if residential is proposed).
 - 3) The use proposed in the concept plan must be acceptable based on a review of the zoning district, Township master plan, surrounding land uses, and site characteristics.
 - 4) A description of the provisions for obtaining necessary permits and approvals for future use(s).
 - 5) A landfill or other disposal or refuse site will not be considered a suitable or satisfactory use.

9. Natural Features Protection

- a. Natural features shown on a site plan, a PUD site plan, or plat that are to be preserved shall be protected during construction. The following protection measures shall be shown on a drawing provided as part of the site plan, PUD site plan, or plat and followed during construction:
 - i. No filling, excavating or storage of materials, debris or equipment shall take place within the fenced protected natural features area.

10. Activities which require a DEQ permit

- a. Except as otherwise provided by this ordinance or by a Department of Environmental Quality (DEQ) use permit obtained from the Township, a person shall not:
 - i. Deposit or permit the placing of fill material in a wetland.
 - ii. Dredge, remove, or permit the removal or fill of soil or minerals from a floodplain or wetland.
 - iii. Construct, operate, or maintain any use or development in a wetland including draining or directing water from an upland activity into a wetland.
 - iv. Drain surface or subsurface water from a wetland.

SECTION 9.10 - PRESERVATION OF ENVIRONMENTAL QUALITY

The following shall apply:

1. In any zoning district, no river, stream, watercourse or drainage way, whether filled or partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with County, State and Federal laws and standards.
2. No person shall alter, change, transform or otherwise vary the edge, bank or shore of any lake, river or stream except in accordance with applicable state law.

SECTION 9.11 - FENCES, WALLS AND OTHER PROTECTIVE BARRIERS

1. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Building Official as to their conforming to the requirements of the zoning district where they are required because of land use development, and to the requirements of the section.
2. Solid fences in all residential subdivisions, located along the line dividing two (2) lots or parcels of land, which are specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:
 - a. No fence shall hereafter be erected in excess of six (6) feet or less than three (3) feet in height above the grade of the surrounding land, with the exception of sporting facilities.
 - b. No fence shall hereafter be located in the front yard or side yard abutting a street, of the lots or parcels in question, more than three (3) feet in height.
 - c. All fences, hereafter erected, shall be of an ornamental nature of wood, chain link or other commercially acceptable construction; barbed wire, spikes, nails or any other sharp point or instrument of any kind is prohibited on top or on the sides of any fence.

3. Fences in the AG District may be located on all property or road right-of-way lines of a parcel of land providing such fences are maintained in a good condition and do not result in unreasonable hazards to persons who come near them. Said fence shall not be totally obscuring.
4. Fences of woven wire or chain link topped by strands of barbed wire may be permitted in any district for lands surrounding public utility or municipal buildings or uses that, due to their nature, would necessitate such protective enclosures to ensure the public health, safety or general welfare of the community.
5. Fences of any type shall not be located within the road right-of-way.

ARTICLE X - SIGN REGULATIONS

SECTION 10.01 – GENERAL PURPOSE AND INTENT

1. The intent of this section is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety and welfare. While this section recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the Township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.
2. To achieve its intended purpose, this Article has the following objectives:
 - a. To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses;
 - b. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;
 - c. To keep signs within a reasonable scale with respect to the buildings they identify;
 - d. To reduce visual distractions and obstructions to motorists traveling along, entering, or leaving streets;
 - e. To promote a quality manner of display which enhances the character of the Township; and
 - f. To prevent the proliferation of temporary signs which might promote visual blight.

SECTION 10.02 – GENERAL REGULATIONS

1. Sign Location. No sign, except those established by the Township of Whiteford, Monroe County, or state or federal governments, shall be located in, project, or overhang into any public right-of-way or dedicated easement unless explicitly permitted herein.
2. Sign Area.
 - a. Sign area shall be measured as the square footage of the sign face and any frame or other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed.
 - b. When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for the sign area shall be measured by enclosing the most protruding edges of the sign elements within a parallelogram or rectangle.
 - c. When a sign is composed of separate elements organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms (rectangle, circle,

trapezoid, triangle, etc.) which comprises all of the display areas, including the space between different elements.

- d. The areas of a double-faced freestanding sign shall be computed using only one (1) face of the sign, provided that: 1) the outline and dimensions of both faces are identical, and 2) the faces are parallel, back to back (within 18") so that only one face is visible at any given time.

3. Design and Construction.

- a. All signs shall be designed, constructed and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the essential character of such area.
- b. Signs shall be designed to be compatible with the building materials and landscaping used on the property to promote an overall unified and aesthetic effect in accordance with the standards set forth herein.
- c. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
- d. Signs shall not have light reflecting backgrounds but may use light reflecting lettering.
- e. The background of a multiple-tenant commercial or shopping center sign, including individual sign panels within the sign, shall be one color; however, individual businesses may have different colored lettering or advertising.
- f. Every sign shall be constructed and maintained in a manner consistent with the applicable building code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved, including all metal, wood, plastic, and other parts and supports.
- g. All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they meet applicable building code provisions, including the provision of concrete footings or foundations.
- h. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.

4. Sign Height.

- a. Signs shall conform to all yard and height requirements of the district in which they are located unless otherwise provided in this Article.
- b. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.

- c. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and lowest point of the sign, including any framework or other embellishments.
5. Illumination.
- a. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign or internal to it.
 - b. Use of glaring undiffused lights or bulbs shall be prohibited.
 - c. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.
 - d. Underground wiring shall be required for all illuminated signs not attached to a building.
 - e. Accent lighting must conform to the lighting provisions of this Ordinance.
6. Permit Required.
- a. Unless expressly exempted under this Article, a permit for any sign, whether of a temporary or permanent nature, freestanding or mounted on or applied to a building or other structure, or for any change in copy, shall be obtained from the Township Building Official before such sign may be erected, replaced or relocated. The fee for such a permit shall be determined by the Whiteford Township Board of Trustees.

SECTION 10.03 – TEMPORARY SIGNS PERMITTED IN ALL ZONING DISTRICTS WITHOUT A PERMIT

- 1. No more than three (3) temporary signs shall be permitted on each property.
- 2. Each temporary sign shall not be more than six (6) square feet in area.
- 3. Temporary signs may be put up four (4) weeks before an event and shall be removed within ten (10) days after an event. For purposes of this section, an “event” shall include but not be limited to the sale or rental of a property, the construction of a building on a property, a religious or quasi-public gathering, a garage sale or similar occurrence of a limited duration.
- 4. Unless specifically authorized by the laws of the State of Michigan, temporary signs shall not be placed within a public right-of-way or within twenty (20) feet of the edge of any traveled portion of a roadway, whichever distance is greater.
- 5. Temporary signs shall not be erected, situated, or constructed so as to create a hazard of any kind or so as to interfere with, obstruct, confuse, or mislead traffic.

SECTION 10.04 - SIGNS PERMITTED IN AGRICULTURE DISTRICTS

The following signs are permitted solely in districts zoned for agricultural use:

- 1. One incidental sign advertising the type of farm products grown on the farmstead premises is permitted. Such sign shall not exceed thirty-two (32) square feet in area.

2. One sign for each public street frontage identifying a park, or school building, other authorized use, or a lawful non-conforming use, each sign not to exceed eighteen (18) square feet in area.

SECTION 10.05 - SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

The following signs are permitted:

1. One sign for each public street frontage advertising a recorded subdivision or development, each sign not to exceed eighteen (18) square feet in area. Such sign shall be removed within one year after the sale of ninety percent (90%) of all lots or units within said subdivision or development.
2. One sign for each public street frontage identifying a multiple-family building, subdivision, or development, not having commercial connotations, each sign not to exceed eighteen (18) square feet in area.
3. One sign for each public street frontage identifying a school, place of worship, public building, other authorized use or lawful non-conforming use, each sign not to exceed eighteen (18) square feet in area.

SECTION 10.06 - SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

1. A sign, except outdoor advertising signs, which shall be regulated as set forth in *Section 10.07* herein, in B-1, B-2, M-1 and M-2 districts is permitted only where it identifies an enterprise occupying the same lot upon which the sign is located and shall conform to the following regulations:
 - a. Wall Signs.
 - 1) An identification sign, limited to one sign per building, may be affixed to a wall of the building. If the building contains more than one enterprise, as in a shopping center, each enterprise located therein may have one such sign. Total sign area for wall signs shall not exceed two (2) square feet for each foot of length of the wall to which it is affixed. Wall signs shall not project more than one (1) foot from the wall face, as measured to the farthest face of the sign.
 - 2) Where more than one sign is permitted on a wall face, the minimum horizontal distance between such signs shall be two (2) feet.
 - b. Free-Standing Sign.
 - 1) One free-standing identification sign may be erected for an individual lot, or group of lots developed as one lot, when not provided for by *Sections 10.06.1d and 1e*, following and shall not exceed thirty-six (36) square feet per side in area for offices and eighty (80) square feet per side in area for other uses. If the lot fronts on more than one street, the total permitted sign area may be divided among two or more such signs, provided, however, that the maximum permitted sign area shall not be exceeded.
 - 2) One free-standing identification sign may be erected for a research park or office center, or combined research park office center. Such sign shall not exceed thirty-six (36) square feet per side in area. If the lot fronts on two or more collector or arterial streets, one such sign may be permitted for each such frontage.

- 3) One free-standing identification sign stating the name of a shopping center or commercial development, and major tenants therein may be erected for a shopping center or other integrated group of stores or commercial buildings. The sign area shall not exceed one (1) square foot per front foot of building, or buildings for which it is erected; however, such sign shall not exceed 200 square feet in area. If the lot fronts on two or more collector or arterial streets, one such sign may be permitted for each such frontage.

c. Miscellaneous Signs.

- 1) Identification signs for rear or side entrances shall be permitted, at the rate of one such sign for each entrance, provided that the area of each such sign shall not exceed four (4) square feet. The area shall not be included in the area limitations set forth elsewhere in this Section.
- 2) Signs in the interior of a building or shopping center are not regulated by this ordinance.
- 3) Roof signs may be substituted for wall signs, and wall signs may extend above the top edge of walls, provided that the top edge of such signs shall not be higher than four (4) feet above the roof surface.
- 4) Signs may be placed on the vertical faces of a marquee or may project below the lower edge of a marquee not more than twenty-four (24) inches, but the bottom of a sign placed on a marquee shall be no less than eight (8) feet above the sidewalk or grade at any point. No part of the sign shall project above the top of the vertical faces of a marquee.

d. Automobile Service Stations.

- 1) The permitted wall sign or legend may be attached either to a wall of the building or to the canopy of a fuel pump island.
- 2) One permanent sign for the purpose of advertising gasoline prices and similar announcements, when mounted on a free-standing structure or on the structure of another permitted sign, may be installed along each street frontage, provided that clear views of street traffic by motorists or pedestrians are not obstructed in any way. Such sign(s) shall not exceed six (6) square feet in area.

e. Electronic Reader Boards (ERB), Electronic Message Centers (EMC), and Changeable Message Signs (CMS).

- 1) Such signs are permitted only in non-residential zoned areas.
- 2) No message occurrence shall be less than fifteen (15) seconds in duration.
- 3) Such signs shall not be programmed with any animated, scrolling, or flashing messages, symbols, logos, or other graphics. Only static text and static logos are permissible.
- 4) Changeable marquee signs may be permitted for theaters, but are not to exceed 100 square feet in area.
- 5) Reader boards and changeable message signs shall be maintained in good repair at all times. If any part of the message display is not functioning properly,

the use of the reader board sign will be discontinued until sufficient repairs are made.

- 6) All ERBs, EMCs and CMS are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.
- f. Poster Panel Signs (aka sandwich board signs). Poster panel signs, including sandwich board signs and "A" frame signs, shall be permitted only in commercial business districts, subject to the following:
- 1) The area of the sign shall not exceed twelve (12) square feet per side.
 - 2) One (1) such sign shall be permitted per customer entrance or per onsite business, whichever is less.
 - 3) The sign shall be no greater than four (4) feet in height and three (3) feet in width.
 - 4) The sign shall not be illuminated in any manner.
 - 5) The sign shall be located a minimum of four (4) feet from the edge of any sidewalk and shall not be located in a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
 - 6) The sign is permitted only during operating business hours or from the hours of 6:00 a.m. to 10:00 p.m., whichever is less, and must be stored inside when the establishment is not open to the general public.
 - 7) The sign must be constructed of weather-proof, durable material and kept in good repair.

SECTION 10.07 - BILLBOARDS (OFF-PREMISE ADVERTISING SIGNS)

1. **Districts.** Billboards shall only be allowed in the AG, B-2, M-1, and M-2 Districts.
2. **Area.** The total sign area of any billboard shall not exceed 672 square feet per face. A triangular or "V"-shaped billboard shall not have more than two (2) sign faces.
3. **Setbacks.** Billboards shall have the same setbacks as other principal structures in the zone in which they are situated, provided that the setback can be no less than the height of the sign at its tallest point. No billboard shall project over public property. Billboard signs shall be located no closer than 500 feet to any adjacent residential property line. Billboards shall be setback a minimum of twenty-five (25) feet from any other structure on or off the same premise upon which the billboard is located.
4. **Distance from Other Signs.** Billboards shall be spaced no closer than 1,000 feet between other billboard signs on the same side of an interstate highway or freeway right-of-way, or closer than 500 feet on the same side of a primary highway right-of-way.
5. **Height.** The top of any billboard shall not be higher than thirty (30) feet above normal grade; provided however, that the permitted height may be increased to forty (40) feet by the Building Official, if it can be shown that the excessive grades, building interference, bridge obstruction or the like exist.

6. **Illumination.** A billboard shall possess automatic dimming capabilities so that the maximum luminescence level is not more than three-tenths (0.3) foot candles over ambient levels measured at a distance of one hundred and fifty (15) feet for those sign faces less than or equal to 300 square feet, measured at a distance of 200 feet for those sign faces greater than 300 square feet but less than or equal to 378 square feet, measured at a distance of 250 feet for those sign faces greater than 378 square feet and less than 672 square feet, and measured at a distance of 350 feet for those sign faces equal to or greater than 672 square feet, and in accordance with the Michigan Highway Advertising Act, Public Act No. 2 of 2014, as amended. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above-listed light levels, and the intensity level is protected from end-user manipulation by password-protect software or other method satisfactory to the Whiteford Township building official.
7. **Construction.** A billboard shall be self-supported and pole-mounted. No billboard shall be erected on the roof of any building, nor have one sign above the other sign. Billboards shall be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area. Billboards shall not be hazardous or disturbing to existing or projected future uses.
8. **Letter of Credit.** An irrevocable, automatically renewing letter of credit from a bank chartered and located in the United States of America in an amount established by the Township Board shall be required for continued maintenance. In the event that a billboard is vacated, the cost of removal, if that burden is placed on the Township, shall be assessed to the property owner.

SECTION 10.08- EXEMPT SIGNS

Subject to the conditions and requirements set forth in this Section and construction and safety regulations, the following signs shall be exempt from approval and permit requirements:

1. Address numbers with a numeral height no greater than six (6) inches for residences and eighteen (18) inches for businesses. A limit of two address signs per lot shall be permitted per residence or business. Address numbers on mailboxes are excluded from these requirements.
2. Building identification signs identifying the occupants of the building, not to exceed two (2) square feet. A limit of one sign shall be permitted per residence or business.
3. Historical signs, memorial signs or tablets, names of buildings and date of erection, monumental citations, commemorative tablets cared into stone, concrete or similar material or made of bronze, aluminum or other non-combustible material and made an integral part of the structure and not exceeding twenty-five (25) square feet.
4. Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business.
5. Regulatory, directional and street signs erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices, and the Uniform Federal Accessibility Standards and Michigan Barrier-free Manual, any amendments thereto or similar regulations.

6. Flags of the United States, the State of Michigan, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. Any flag not meeting these conditions shall NOT be exempt and must follow the regulations of this Ordinance.
7. Private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control devices, any amendments thereto or a similar regulation.
8. Permanent signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices, provided that the sign area shall not exceed six (6) square feet per device.
9. Stadium signs and athletic scoreboards up to 200 square feet in total.
10. Any sign which is located completely within an enclosed building and not visible from outside the building.
11. Placards, not to exceed two (2) square feet in area, located on top of gas station pumps.
12. Placards, not to exceed two (2) square feet in area which provide notices of a public nature such as "No Trespassing", "No Hunting", "Beware of Dog" and "No Dumping" signs. Such signs shall be posted a minimum of thirty (30) feet apart, as measured across the property line, and not include any additional further identification, advertisement, or unrelated content.
13. Any sign that the Township erects in the public right-of-way or on public property for a public purpose approved by the Township Board.
14. Time and temperature signs.

SECTION 10.09 – PROHIBITED SIGNS.

The following signs are prohibited in all districts:

1. Any sign not expressly permitted.
2. Abandoned or obsolete signs.
3. Signs which incorporate flashing, scrolling or moving lights.
4. Banners, balloons, pennants, festoons, inflatable figures, spinners, and streamers, unless specifically permitted and regulated as a temporary sign.
5. Moving signs, including any sign which has visible moving parts, visible revolving parts, visible mechanical movement, or other visible movement achieved by electrical, electronic, or mechanical means, including intermittent electric pulsations or movement caused by normal wind current.

6. Any sign or sign structure which:
 - a) Is structurally unsafe;
 - b) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
 - c) Constitutes a hazard to safety or health by reason of blocking views;
 - d) Is unlawfully installed, erected, or maintained;
 - e) Is located in a public street or utility right-of-way, except where expressly permitted herein; or
 - f) Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
7. Any sign erected on a tree or utility pole, except government or utility signs of a government or utility erected for a safety, emergency, or necessary identification purpose.
8. Any sign erected within 10 feet of a fire hydrant.
9. Signs affixed to a parked vehicle or truck trailer, which is being used principally for advertising purposes rather than for transportation purposes, and parked in a location that is selected for that purpose (e.g. a vehicle parked close to a street in a large commercial parking lot).
10. Any sign which obstructs vision or free access to or egress from a required door, window, fire escape, or other required exit from a building or structure.
11. Any sign which makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
12. Temporary signs no longer valid due to the sale, rental, or lease of the property, termination of the identified event, or disrepair.
13. Signs placed or erected without the permission of the property owner.
14. Any sign or other advertising structure containing any obscene, indecent or immoral matter.

SECTION 10.10 - PERMITS AND FEES

1. Application for a permit to erect or replace a sign, or to change copy thereon, shall be made by the owner of the property on which the sign is to be located, or his authorized agent; and the sign company, in the case of outdoor advertising signs; to the Township Building Official, by submitting the required forms, fees, exhibits, and information. A construction and permit fee and an annual sign inspection fee shall be charged as determined by resolution of the Township Board to cover the cost of issuing the permits and

inspecting the signs. No part of such fees shall be returnable to the applicant. No fee shall be required of any governmental body or agency.

2. The application shall contain the following information:
 - a. The applicant's name and address in full, and a complete description of his relationship to the property owner.
 - b. The address of the property.
 - c. An accurate survey drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
 - d. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
3. All signs shall be inspected by the Township Building Official for conformance to this ordinance prior to placement on the site. Foundations shall be inspected by the Building Official on the site prior to pouring of the concrete for the sign support structure.
4. A sign construction permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Such permit may be renewed once and no additional fee shall be collected for the renewal.
5. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or copy change is made, shall not require a sign permit.
6. All signs shall comply with the requirements of the State of Michigan building and electrical codes.
7. Signs for which a permit is required shall be inspected periodically by the Building Official for compliance with this ordinance and other laws of Whiteford Township.
8. Such signs that are specifically designed for the use of replaceable or changeable copy shall not require a permit each time the copy is replaced or changed.

SECTION 10.11 – LEGAL NON-CONFORMING SIGNS

1. Any sign existing at the time of adoption of this Article which does not comply with all provisions shall be considered a legal nonconforming sign and may be permitted to continue, if the sign is properly maintained and not detrimental to the health, safety and welfare of the community.
2. If a nonconforming sign structure and frame are in good condition and can be reused by a new occupant in a leased or rented building, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied. If the building is unoccupied for less than 30 days, the previous business's sign information may be retained. If the building is unoccupied for more than 30 days, the previous business's sign information must be removed. In such cases, the sign must be maintained in good condition and any openings must be covered with appropriate panels.
3. Legal nonconforming signs which are removed, blown down, destroyed, relocated, damaged or altered such that 50% of their value is lost, shall be required to be replaced with signs that conform to this Article.

4. All illegal nonconforming signs that exist on the effective date of this Article shall be removed immediately upon the enactment of this Article and should be replaced by signs that conform to this Ordinance.
5. Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign copy, replacing individual letters and logos within the same area or repainting a sign face, and does not permit changes to the structure, framing, erection, sign area or relocation of the sign.

SECTION 10.12 – INSPECTIONS, MAINTENANCE AND REMOVAL.

1. Inspections. Signs for which a permit is required may be inspected periodically by the Building Official, or his or her designee, for compliance with this Ordinance and with other ordinances of the Township.
2. Maintenance. All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition.
3. Removal.
 - a. The Building Official may order the removal of any permanent sign and its supporting structure erected or maintained in violation of this Ordinance. The Building Official shall give thirty (30) days' notice, in writing, to the owner of such sign and its supporting structure to bring it into compliance. Any sign erected of a temporary nature shall require written notice of only three (3) days.
 - b. Upon failure to comply with this notice, the Building Official representative may remove the sign and its supporting structure. The Building Official representative may remove a sign and its supporting structure immediately and without notice if, in his or her opinion, the condition of the sign and its supporting structure presents an immediate threat to the safety of the public. The cost of such removal by the Township shall be assessed against the owner of such sign or the owner of the building, structure or premises.
4. Obsolete Signs. An obsolete sign shall have its copy removed or concealed by the property owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises.

The Building Official representative may remove a sign and its supporting structure immediately and without notice if in his or her opinion the condition of the sign and its supporting structure presents an immediate threat to the safety of the public. The cost of such removal by the Township shall be assessed against the owner of such sign or the owner of the building, structure or premises.

5. Where a successor to an inactive business agrees, within thirty (3) days of the date of written notice by the Building Official, to maintain the sign as provided for in this Article, the copy removal/concealment requirement shall not apply, provided that the existing sign and structure conform to all current sign requirements.

SECTION 10.13 – CRITERIA FOR VARIANCE FROM THE SIGN REGULATIONS.

The Zoning Board of Appeals may hear requests for variances from the regulations set forth in this Article. The Building Official may require the applicant to present photographs of similar signs, color renderings or to erect a temporary mock-up of the sign on the site prior to rendering a decision on a variance request. A non-use variance may be granted by the Zoning Board of Appeals in cases involving practical difficulties and a use variance may be granted in cases involving undue hardship. Requests for variance shall be reviewed for compliance with the following:

1. Variances may be granted for any one of the following conditions:
 - a. The applicant has demonstrated a variance is needed due to a practical difficulty on the site, such as varied topography, horizontal or vertical road curvature, or presence of structures or desired trees that limit visibility of a sign on the premises compared to similar sites with conforming signs in the same zoning district; or
 - b. A variance is warranted due to the relatively large size of the site, frontage or building in comparison to other establishments in the same zoning district; or
 - c. A variance would significantly improve the conformity of an existing sign; or
 - d. A master-sign plan is proposed that is unique due to project scope and scale.
2. To grant a variance for one of the conditions specified above, all of the following standards must also be met:
 - a. The inability to conform with the requirements of this Article due to a hardship or practical difficulty that includes more than mere inconvenience or mere inability to attain a supposed higher financial return; and
 - b. That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person who requested the variance, and result from conditions which do not exist generally throughout the Township; and
 - c. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the individual hardships that will be suffered by a failure of the Zoning Board of Appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the public purpose and general intent of this Article; and
 - d. The variance granted is the minimum necessary to allow the applicant to enjoy the same rights as other establishments in the same zoning district, have a reasonable outlet for free speech and meet the intent of this Article; and
 - e. The variance will not adversely affect the health, safety and welfare of the public.

SECTION 10.14 – COSTS OF ENFORCEMENT.

Any costs or expenses incurred by the Township in enforcing this Article shall be paid by the owner of the sign found to be in violation of this Article; or upon default thereof, by the owner of the sign or the owner of the property to reimburse the Township for costs and expenses incurred in such enforcement. The owner of the property shall be billed for such cost and expenses in the same manner as other taxes.

SECTION 10.15 – CONFLICT WITH OTHER LAWS.

In any case where a provision of this Article is found to be in conflict with another provision of this Ordinance, or any building, housing, fire, safety, or health ordinance of Whiteford Township existing on the effective date of this Article, the provisions which establish the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of any other ordinance or Code of Whiteford Township establishes a lower standard for the promotion of health and safety of the people, the provisions of this Article shall prevail.

SECTION 10.16 - REGISTRY

The Building Official shall maintain an up-to-date registry of each sign erected in Whiteford Township after the effective date of this ordinance. The registry shall contain the following information: location of the sign, name and address of the property owner, advertiser, and individual or company erecting a sign and height, dimensions and face area, and date of placement on the site.

ARTICLE XI - NON-CONFORMING LOT, STRUCTURES AND USES

SECTION 11.01 - NON-CONFORMANCE REGULATED

Certain lots, structures, and uses of lots and structures may exist within districts established by this ordinance or amendments thereto which were lawful before this ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance and its amendments. It is the intent of this ordinance to permit such non-conformities to remain until they are discontinued or removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged, expanded, or extended, except as provided herein, and that non-conformities shall not be used as grounds for adding conformities as declared by this ordinance to be incompatible with the structures and uses permitted in the various districts.

SECTION 11.02 - NON-CONFORMING LOTS OF RECORD

A principal structure and customary accessory structures for a permitted use may be erected on a non-conforming lot which is of record as of the effective date of this Ordinance. A lot of record on which a structure could be lawfully erected as a valid conforming use immediately prior to the enactment of this ordinance may be used in the same manner after the enactment of this ordinance.

All other proposed developments which are not lawful under this ordinance shall be referred to the Board of Zoning Appeals for approval or disapproval based on their jurisdiction to act on variances; with the benefit of a site plan review in accordance with *Article VII*.

SECTION 11.03 - NON-CONFORMING USES OF PARCELS AND LOTS

Where, on the effective date of adoption or amendment of this ordinance, a lawful use of a parcel or lot exists that is no longer permissible under the provisions of this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No such non-conforming use of a parcel or lot shall be enlarged, expanded, or extended, to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this ordinance and no accessory use, building or structure shall be established therewith.
2. No such non-conforming use of a parcel or lot shall be moved in whole or in part to any other portion of such parcel or lot not occupied on the effective date of adoption or amendment of this ordinance.
3. If such non-conforming use of a parcel or lot ceases for any reason for a period of more than 180 consecutive days, the subsequent use of such parcel or lot shall conform to the regulations of the district in which such parcel or lot is located.

SECTION 11.04 - NON-CONFORMING STRUCTURES

Where, on the effective date of adoption or amendment of this ordinance, a lawful structure exists that could not be built under the regulations of this ordinance by reason of restrictions upon lot coverage, floor area ratio, height, transition and landscape strips, off-street parking, loading spaces, and yard requirements, or other characteristics of such building or structure or its

location upon a lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

1. Such building or structure may be enlarged, expanded, extended or altered only if such enlargement, expansion, extension or alteration is approved by the Zoning Board of Appeals.
2. Should any such building or structure be damaged by any means to an extent of more than 60% of its replacement cost at the time of such damage, it shall not be reconstructed except in conformity with the provisions of the district in which it is located. Should any such building be damaged to an extent of 60% or less of its replacement cost, it may be replaced in its location and use existing prior to such damage, provided such replacement is commenced within one (1) year of the date of damage, and if replacement is diligently pursued to completion. Failure to complete replacement within two (2) years from date of issue shall result in loss of legal, non-conforming status.
3. Should any such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

SECTION 11.05 - NON-CONFORMING USES OF STRUCTURES

Where, on the effective date of adoption or amendment of this ordinance, a lawful use of a structure exists that is no longer permissible under the regulations of this ordinance, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. A non-conforming use shall not be extended into any portion of a structure not occupied by such use at the effective date of adoption or amendment to this ordinance.
2. A non-conforming use shall not be expanded or increased in area or intensity.
3. An existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall not be enlarged, constructed, reconstructed, moved, or structurally extended or altered except in changing the use of such building or structure to a use permitted in the district in which such building or structure is located.
4. When a non-conforming use of a structure, or structure and premises in combination, is discontinued for more than one (1) year except where government action impedes access to the premises, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
5. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations of the district in which situated, and the non-conforming use may not thereafter be resumed.
6. Where a non-conforming status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conformance status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than sixty (60) percent of the replacement cost at the time of damage.

SECTION 11.06 - REPAIRS AND MAINTENANCE

1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty percent (50%) of the state equalized valuation of the nonconforming

structure or nonconforming portion of the structure as the case may be; provided that the floor area or volume of such building, or the number of families housed therein, or the size of such structures as it existed on the date of adoption or amendment of this ordinance shall not be increased.

2. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and it is declared by the building Official to be unsafe or unlawful by reason of its physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
3. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition, of any building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

SECTION 11.07 - CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of an existing non-conforming use, building or structure.

SECTION 11.08 - EXPANSION AND SUBSTITUTION

1. The Board of Zoning Appeals shall determine if a non-conforming building or structure may be enlarged, expanded, or altered, and the conditions under which such improvements shall be made. The following provisions shall apply:
 - a. Limitations: The reasons for a non-conformity shall be limited to a minimum lot area, lot width, required yards, off-street loading and parking requirements, and transition strip and landscape strip requirements. In no case shall a building or structure that is non-conforming because of lot coverage, floor area ratio, lot area per dwelling unit, or height requirements be permitted to expand without removing the non-conformity, except as permitted under a variance.
 - b. Permitted Uses: The existing and proposed uses of such buildings and structures shall be among those permitted in the district in which it is situated.
 - c. Conformance Required: The proposed improvements shall conform to all requirements of the district in which it is situated and the following conditions:
 - 1) That the retention of the non-conforming building or structure is reasonably necessary for the proposed improvement in that requiring removal of such building or structure would cause unnecessary hardship.
 - 2) That the proposed improvement is reasonably necessary for the continuation of activities on the property.
 - 3) That the enlarged or otherwise improved non-conforming building or structure will not adversely affect the public health, safety and welfare.
 - d. Authority of Board: The Board of Zoning Appeals shall have authority to require modification of the non-conformity where such is reasonable, as a condition for approval. The Board of Zoning Appeals may attach other conditions for its approval which it deems necessary to protect the public health, safety and welfare.

- e. Site Plan Approval Required: All expansions permitted under this section shall meet all requirements of *Article VII, SITE PLAN REVIEW*.
- 2. A non-conforming structure shall not be substituted for, or replace, any conforming or nonconforming structure.
- 3. A non-conforming use of a structure may be substituted for another non-conforming use upon permission by the Board of Zoning Appeals; provided that no structural alterations are made, and provided, further, that such other nonconforming use is more appropriate than the existing non-conforming use in the district in which it is located. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with the provisions and intent of this ordinance. A non-conforming use, when superseded by a more appropriate use as provided in this subsection, shall not thereafter be resumed.

ARTICLE XII - BOARD OF APPEALS

SECTION 12.01 - CREATION

There is hereby created a Township Zoning Board of Appeals (referred to in this Article as the "ZBA"), which shall perform its duties and exercise its powers as provided in this division and in the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., and in such a way that the objectives of this Article shall be observed, public health, safety, and welfare secured, and substantial justice done.

SECTION 12.02 - MEMBERSHIP

1. The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board as follows:
 - a. The first member shall be a member of the Planning Commission;
 - b. The second member may be a member of the Township Board; and
 - c. The remaining members of the Board of Appeals shall be selected from the electors of the Township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township.
 - d. An elected officer of the Township shall not serve as chairperson of the Board of Appeals. An employee or contractor of the Township Board may not serve as a member or an employee of the Township Board of Appeals.
2. The Township Board may appoint no more than two (2) alternate members of the ZBA for the same term as regular members of the ZBA. They shall serve as members of the ZBA upon the call of the chairperson where a regular member is absent from, or unable to attend, meetings of the ZBA. An alternate member may also be called to serve in place of a regular member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons a conflict of interest. The alternate member, having been appointed, shall serve on the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the ZBA in the cases in which the alternate member serves.
3. The terms of office for members appointed to the ZBA 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 that they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be for the remainder of the term.
4. A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

SECTION 12.03 – MEETINGS AND HEARINGS

1. All meetings of the ZBA shall be held at the call of the chairperson or at such times as the ZBA shall determine. Special meetings shall be held at the call of the chairperson, as the ZBA shall determine or upon request of at least two (2) members of the ZBA; provided, however, that at least forty-eight (48) hours' notice shall have been given to each member prior to the time set for the special meeting. The ZBA shall not conduct business unless a majority of the members of the ZBA are present.
2. All meetings of the ZBA shall be open to the public. The ZBA shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official action.
3. The ZBA shall have the power to subpoena and request the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before the ZBA. The ZBA shall also have the power to request the production of additional documentation or information which it deems necessary to render a decision on an application, and shall have the power to postpone a decision on an application until such time as the additional information which has been requested is produced by the applicant.
4. The ZBA shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk.
5. The Board of Appeals shall hold a public hearing on all appeals interpretations and variance requests.

SECTION 12.04 - POWERS AND DUTIES OF ZONING BOARD OF APPEALS

1. **General.** The Zoning Board of Appeals has the power to act on matters as provided in this Ordinance and Act 110, of the Public Acts of 2006, as amended (MCL 125.3601 et. seq.). The specific powers of the Board are enumerated in the following Sections of this Article.
2. **Delegated Duties.** The Zoning Board of Appeals shall hear and decide upon the following:
 - a. Appeals of administrative decisions.
 - b. Requests for interpretation of the Zoning Ordinance or Zoning Map.
 - c. Requests for dimensional and other non-use variances.
 - d. All matters upon which it is required to pass under this Ordinance.

3. Appeals of Administrative Decisions. The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error or law in any order, requirement, decision or determination made by an administrative official or body in the enforcement of this Ordinance.

- a. Appeals shall be filed in writing within thirty (30) days of the written decision in question with the building official. The appellant must have a property interest and standing to be recognized under the law to challenge the decision. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the Zoning Board of Appeals to submit additional information to clarify the appeal.
- b. Appeals may be taken by the person aggrieved or by any officer, department, board, agency or bureau of the Township or State governments. In addition, a variance in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54.
- c. An appeal stays all proceedings in the furtherance of the action appealed from, unless the building official certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the building official from whom the appeal is taken, and on due cause shown.
- d. An administrative decision may be reversed, in whole or in part, or may be modified. In reaching its decision, the Zoning Board of Appeals shall only modify or reverse an administrative decision being appealed if one (1) or more of the following requirements are met:
 - 1) The administrative decision was arbitrary or capricious.
 - 2) The administrative decision was based on an erroneous finding of material fact.
 - 3) The administrative decision constituted an abuse of discretion; or
 - 4) The administrative decision was based on erroneous interpretation of the Zoning Ordinance or zoning law.

4. Interpretation.

- a. The Zoning Board of Appeals shall hear and decide requests for interpretation of this Ordinance or the Zoning Map, taking into consideration the intent and purpose of the Ordinance and the Master Plan. The Zoning Board of Appeals shall not have the power to alter or change zoning district boundaries, except where uncertainty exists as to the location of a boundary, land use classifications of any property, or Zoning Ordinance text.

- b. A record shall be kept by the Zoning Board of Appeals of all decisions for interpretation of this Ordinance or Zoning Map. The Zoning Board of Appeals may request the Planning Commission to initiate an Ordinance amendment that would correct or clarify the Ordinance.

5. Dimensional and Other Non-Use Variances.

- a. Where a literal enforcement of the provisions of this Ordinance would involve practical difficulties within the meaning of this Article, the Zoning Board of Appeals shall have the power to authorize such variation of the provisions of this Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Article and so that public safety and welfare be secured and substantial justice done.
- b. Dimensional or other non-use variances shall not be granted by the Zoning Board of Appeals unless it can be determined that all of the following facts and conditions exist:

Exceptional characteristics of property for which the variance is sought make compliance with dimensional requirements substantially more difficult than would be the case for the great majority of properties in the same zoning district. Characteristics of property which shall be considered include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation, and other similar characteristics.

- 1) The characteristics which make compliance with dimensional requirements difficult must be related to the premises for which the variance is sought, not some other location.
 - 2) The characteristics which make compliance with the dimensional requirements shall not be of a personal nature.
 - 3) The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.
 - 4) The proposed variance will not be harmful or alter the essential character of the area in which the property is located, will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property value within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.
- c. The Zoning Board of Appeals shall not find that any of the above criteria have been met without substantial evidence provided by the applicant to that effect.
 - d. The proposed variance will be the minimum necessary, and no variance shall be granted where a different solution not requiring a variance would be possible.

6. The ZBA shall not have the power or authority to:

- a. Alter or change this Article or the zoning map.
- b. Alter or change the zoning district classification of any property.
- c. Grant a use variance or otherwise approve of a use not specifically permitted under the zoning district classification. Such prohibition shall not be interpreted to restrict the power of the ZBA to classify an unlisted use and to determine the appropriate zoning district for such unlisted use.
- d. Grant a dimensional variance for any residential property which has the effect of rezoning that residential property to a different residential zoning classification provided in this chapter. For purposes of this subsection, the term "effect of rezoning" means a

request to vary or reduce the required lot area regulations in any residential zoning classification by an amount of fifteen percent (15%) or greater. However, such prohibition shall not apply in the case of a property owner seeking such a dimensional variance to develop one (1) residential structure on a single parcel of residential land.

- e. Hear an appeal relative to any decision rendered on a planned unit development.
- f. Hear an appeal relative to any decision rendered on a special land use.
- g. Hear an appeal from a decision rendered by the Planning Commission or Township Board on any matter not otherwise expressly under the jurisdiction of the ZBA.

SECTION 12.05 - VALIDITY OF ORDERS

1. An application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall not 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 materially changed conditions found upon consideration by the Zoning Board of Appeals to be valid.
2. Prior to granting a variance for a particular parcel of property, all other existing infractions or violations of the Zoning Ordinance or other Township ordinances or regulations related to the property shall be resolved.

ARTICLE XIII - AMENDMENTS

SECTION 13.01 - INITIATING AMENDMENTS

The Township Board may, from time to time, amend, modify, supplement, or revise the district boundaries or the provisions and regulations of this ordinance. Amendments may be initiated by the Township Board, the Township Planning Commission, or by petition of one or more property owners of Whiteford Township, or by one or more persons acting on behalf of a property owner(s) of Whiteford Township. All proposed amendments shall be referred to the Township Planning Commission for review and recommendation before action may be taken thereon by the Township Board.

SECTION 13.02 - FEES

The Township Board shall establish, by resolution, fees for zoning amendment petitions. Such fee shall be paid in full at the time of application and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments proposed by any government agency or body.

SECTION 13.03 - REVIEW

The procedure for amending this Ordinance shall be in accordance with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., and the provisions of this Ordinance.

1. A request for the rezoning of land from one (1) zoning classification to a different zoning classification, or a request for a text amendment, shall be made by submitting an application, along with all required information and the required fee as established by the Township Board, to the building official. Upon receipt of a completed application, the building official shall transmit a copy of the application and required information to the Planning Commission. The Planning Commission shall hold a public hearing on the application.
2. All required notices shall be given in accordance with Section 3.12.
3. Upon receipt of a recommendation from the Planning Commission, the Township Board may hold a public hearing if it considers same to be necessary or otherwise required. The Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail addressed to the Clerk of the Township.

SECTION 13.04 - INFORMATION REQUIRED

1. When the petition involves an amendment to the official zoning map, the petitioner shall submit the following information:
 - a. A legal description of the property, including a street address and the tax code number(s).
 - b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - c. The name and address of the petitioner.

- d. The petitioner's interest in the property; if the petitioner is not the owner, the name and address of the owner(s), and the owner(s) signed consent to the petition.
 - e. Signature(s) of petitioner(s) and owner(s), certifying the accuracy of the information.
 - f. Identification of zoning district requested; existing zoning classification of subject property and purpose for rezoning request.
 - g. Vicinity map showing location of property, and adjacent land uses and zoning classifications.
2. In addition to the above general criteria, land uses for sites with known or suspected environmental sensitivity, for developments of high intensity and/or traffic generation, and for subdivisions over 25 lots. The Township Board may also require the following:
- a. Environmental Impact Analysis (EIA) natural environment with regard to:
 - 1) Surface water impacts,
 - 2) Groundwater impacts,
 - 3) Air quality,
 - 4) Soil Engineering Index and features.
 - b. Traffic Impact Study (TIS) when:
 - 1) The request is located along any corridor identified or a Minor Arterial and above in the Whiteford Township Master Plan, and/or
 - 2) The request would permit uses that would generate 100 or more directions, trips during peak hours, or at least 750 trips per day.
3. When a petition involves a change in the text of the zoning ordinance, the petitioner shall submit the following information:
- a. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.
 - b. Name and address of the petitioner.
 - c. Reasons for the proposed amendment.

SECTION 13.05 - FINDINGS OF FACT REQUIRED

- 1. In reviewing any petition for a zoning amendment, the Planning Commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition to the Township Board following a public hearing.
- 2. The factors to be considered by the Planning Commission may include, but shall not be limited to, the following:
 - a. Whether the rezoning is consistent with the policies and (1) uses proposed for that area in the Township's Master Land Use Plan;

- b. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
 - c. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning;
 - d. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land;
 - e. Whether the condition and/or value of property in the Township or in adjacent communities would be significantly adversely impacted by a development or use allowed under the requested rezoning;
 - f. Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance; and
 - g. Whether precedents might result from approval or denial of the petition, and the possible effects of such precedents.
3. All findings shall be made a part of the public records of the meetings of the Planning Commission and the Township Board.

SECTION 13.06 – PUBLICATION

Following Township Board approval of a petition to amend the zoning ordinance, the amendment shall be filed with the township clerk, and one (1) notice of ordinance adoption shall be published in a newspaper of general circulation in the township within fifteen (15) days after adoption. The notice of ordinance adoption shall include the following information:

- 1. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- 2. The effective date of the ordinance.
- 3. The place and time where a copy of the ordinance may be purchased or inspected.

SECTION 13.07 - CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming a provision of the Zoning Ordinance to a decree of a court of competent jurisdiction as to any specific lands, may be adopted by the Township Board and notice of the adopted amendment published without referring the amendment to any board or agency provided for under the Michigan Zoning Enabling Act, Public Act No. 110 of 2006, MCL 125.3101 et seq., as amended.

SECTION 13.08 – CONDITIONAL REZONING PROCEDURES

1. Authorization and Limitations. The Township Board shall have the authority to place conditions on a rezoning, provided the conditions have been voluntarily offered in writing by the applicant and are acceptable to the Township Board. In exercising its authority to consider a conditional rezoning, the Township is also authorized to impose the following limitations:

- a. An owner of land may voluntarily offer written conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as

set forth below.

- b. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.
- c. Any use or development proposed as part of an offer of conditions that would require special use approval under the terms of this ordinance may only be commenced if special use approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- d. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

2. Amendment of Conditions. The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the Township Board, provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

3. Procedure. The procedure for consideration of Conditional Rezoning request shall be the same as other rezoning requests and the requirements of said Sections shall be applicable to Conditional Rezoning in addition to the following:

- a. A Conditional Rezoning request shall be initiated by the submission of a proposed Conditional Rezoning Agreement. A Conditional Rezoning Agreement shall include the following:
 - 1) A written statement prepared by the applicant that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.
 - 2) A written statement prepared by the applicant that confirms that the property shall not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.
 - 3) A list of conditions proposed by the applicant.
 - 4) A time frame for completing the proposed improvements.
 - 5) A legal description of the land.
 - 6) A Sketch Plan in sufficient detail to illustrate any specific conditions proposed by the applicant.
- b. The Notice of Public Hearing on a Conditional Rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.

- c. A Conditional Rezoning may only be approved upon a finding and determination that all of the following are satisfied:
- 1) The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.
 - 2) The conditions, proposed development and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one of the following:
 - a) A change in Township policy since the Master Plan was adopted.
 - b) A change in conditions since the Master Plan was adopted.
 - c) An error in the Master Plan.
 - 3) The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.
 - 4) Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
 - 5) The conditions, proposed development and/or proposed use shall insure compatibility with adjacent uses of land.

4. Amendment to Zoning Map. Upon approval by the Township Board of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this Section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.

5. Expiration. A Conditional Rezoning Approval shall expire following a period of two (2) years from the effective date of the rezoning unless progress has been diligently pursued and substantial completion has occurred in accordance with permits issued by the Township.

ARTICLE XIV – ENACTMENT

SECTION 14.01 - EFFECTIVE DATE

This Ordinance was adopted by the Board of Trustees of Whiteford Township, Monroe County, Michigan, at a meeting held on December 20, 2016, and notice thereof ordered published within fifteen (15) days thereafter in the Monroe Evening News, a newspaper having general circulation in said Township, as required by the Michigan Zoning Enabling Act, Public Act No. 110 of 2006, MCL 125.3101 et seq., as amended. Said notice of adoption was published in the Monroe Evening News on January 5, 2016. This Ordinance shall be effective immediately.

Date: December 20, 2016

Township Supervisor
Walter Ruhl

Date: December 20, 2016

Township Clerk
Angela Christensen

SECTION 14.02 - CERTIFICATES

- A. We, the undersigned members of the Board of Trustees of Whiteford Township, Monroe County, Michigan, duly assembled in a regular meeting of said Board held at 8000 Yankee Rd, Suite 100, Ottawa Lake, MI 49267 in said Township on December 20, 2016, do hereby approve and adopt this Zoning Ordinance of Whiteford Township, and annexed Official Zoning Map.

Supervisor: _____
Walter Ruhl

Clerk: _____
Angela Christensen

Treasurer: _____
Tim Hill

Trustee: _____
Bernice Heidelberg

Trustee: _____
Donald Sahloff

- B. I, Angela Christensen, Clerk of Whiteford Township, Monroe County, Michigan, hereby certify that the Zoning Ordinance of Whiteford Township was duly adopted by the Township Board of the Township of Whiteford, at a regular meeting held on December 20, 2016. I further certify that the Whiteford Township Planning Commission held a public

hearing on October 11, 2016, and that the public notices of said hearing was given pursuant to the Michigan Zoning Enabling Act, Public Act No. 110 of 2006, MCL 125.3101 et seq., as amended. Following said public hearing the proposed Zoning Ordinance was submitted to the Monroe County Planning Commission.

I further certify that, **Donald Sahloff** moved adoption of said ordinance and that **Tim Hill** supported the motion.

I further certify that the following Members moved for adoption of said ordinance:

Walter Ruhl

Angela Christensen

Tim Hill

Bernice Heidelberg

Donald Sahloff

I further certify that said ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and Township Clerk.

Date: December 20, 2016

Township Clerk
Angela Christensen

NOTICE

NOTICE OF ADOPTION

WHITEFORD TOWNSHIP BOARD OF TRUSTEES ZONING ORDINANCE #68

A new Zoning Ordinance regulating the development and use of land has been adopted by the Township Board of the Township at Whiteford, Monroe County, Michigan.

This Zoning Ordinance replaces the former Township Zoning Ordinance (Ordinance #44). A copy of this new Zoning Ordinance is on file and available for inspection or purchase at the office of the Whiteford Township Clerk, 8000 Yankee Road, Suite 100, Ottawa Lake, Michigan 49267 during normal business hours from Monday through Thursday 9:00 a.m. to 3:00 p.m. and Fridays 9:00 a.m. to 1:00 p.m. (except holidays). Also a copy may be purchased by calling (734) 854-2416.

Angela Christensen, Clerk
Whiteford Township

Attest:

Walter Ruhl, Supervisor
Whiteford Township

December 20, 2016

ADOPTED: December 20, 2016

PUBLISHED: January 5, 2017

EFFECTIVE: February 5, 2017