

## **ARTICLE 2.00**

# **GENERAL PROVISIONS**

### **Section 2.01 -- ADMINISTRATIVE REGULATIONS**

#### **A. Scope of Regulations**

No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, or moved, except in conformity with the provisions of this Ordinance.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and construction is begun within six (6) months of the effective date, said building or structure may be completed in accordance with the approved plans. Furthermore, upon completion the building may be occupied under a Certificate of Occupancy for the use for which the building was originally designated, subject thereafter to the provisions of Article 3.00 concerning nonconformities. Any subsequent text or map amendments shall not affect previously issued valid permits.

#### **B. Minimum Requirements**

The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals, prosperity, and general welfare.

#### **C. Relationship To Other Ordinances or Agreements**

This Ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

#### **D. Vested Right**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety, and welfare, to the extent that such rights are not protected by the nonconforming use provisions in Article 3.00.

#### **E. Continued Conformity With Yard and Bulk Regulations**

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence.

No portion of a lot used in complying with the provisions of this Ordinance in connection with an existing or planned building, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

**F. Division and Consolidation of Land**

The division and consolidation of land shall be in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, the Township Subdivision Control Ordinance, and the Township Ordinance to Regulate the Division of Land. No lot or parcel shall hereafter be divided into two or more lots and no portion of any lot shall be sold, unless all zoning lots resulting from each such division or sale conform with all regulations of the zoning district in which the property is located. *(revised 10/1/02)*

**G. Unlawful Buildings, Structures, Site Designs and Uses**

A building, structure, or use which was not lawfully existing at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to the provisions of this Ordinance, such building or use shall be deemed an unlawful nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

**Section 2.02 -- ALLOWABLE USES**

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

- A. Uses lawfully established on the effective date of this Ordinance.
- B. Uses for which a Building Permit had been issued in accordance with Section 27.07. *(revised 12/1/98)*
- C. Permitted principal and accessory uses in the applicable zoning districts, subject to the requirements specified.
- D. Conditional and special uses in the applicable zoning districts, subject conditions and requirements specified.
- E. Temporary uses subject to the requirements specified in Section 2.07.

**Section 2.03 -- ACCESSORY BUILDINGS AND STRUCTURES**

**A. General Requirements**

**1. Timing of Construction**

No accessory building, structure, or use shall be constructed or established on a parcel unless there is a principal building, structure, or use being constructed or already established on the same parcel of land.

**2. Site Plan Approval**

If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures, or uses.

**3. Nuisances**

## General Provisions

Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that could produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance. These restrictions shall not be construed to limit or prevent activities permitted by the Michigan Right to Farm Act.

### 4. Conformance with Lot Coverage Standards

Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.

### 5. Location in Proximity to Easements or Rights-of-Way

Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way.

### 6. Use of Accessory Structures

Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units or for any business, profession, trade or occupation, or as storage space that is offered for rent, except that an accessory building may be used to house a permitted home occupation, subject to special land use approval. An accessory garage on a residential parcel shall be used only for the storage of vehicles or equipment or materials used by the occupants of the residence to which it is accessory. *(revised 1/9/96)*

### 7. Applicability of Other Codes and Ordinances

Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.

### 8. Accessory Farm Buildings

The requirements in this section shall not apply to accessory buildings (such as barns and silos) used in the agricultural operations on a bona-fide farm, as defined in Section 1.03, except that farm buildings shall comply with the setback requirements for the districts in which they are located. *(revised 2/3/98)*

## B. Attached Accessory Buildings

Unless otherwise specified in this Section, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building for the purposes of determining conformance with area, setback, height, and bulk requirements.

## C. Detached Accessory Buildings

### 1. Location

Detached accessory buildings shall not be located in a front yard or a required side yard, except as follows:

- a. The following accessory uses may be permitted in the front or side yards of commercial or industrial districts, subject to the approval of the Planning Commission: buildings for parking attendants, guard shelters, gate houses, and transformer pads.
- b. Detached garages, pole barns or other accessory building may be permitted in the front yard of RR, RE, and AG-SF districts, subject to the following requirements: *(revised 7/6/04)*

- (1) The maximum area of the accessory building located in the front yard shall be as permitted by the following table:

<u>Parcel Area</u>	<u>Accessory Building Area</u>
2 - 4.99 acres:	1,000 sq. ft.
5 - 5.99 acres:	1,400 sq. ft.

6 - 6.99 acres:	1,600 sq. ft.
7 - 7.99 acres:	1,800 sq. ft.
8 - 8.99 acres:	2,000 sq. ft.
9 - 9.99 acres:	2,200 sq. ft.
10 or more acres:	2,400 sq. ft.

(2) Any accessory building shall be set back a minimum of two hundred (200) feet.

(3) Accessory buildings shall comply with side and rear setback requirements.  
*(item b revised 1/9/96)*

- c. Detached garages, pole barns or other accessory buildings may be permitted in the front yard of an AG-C district provided that they comply with all setback requirements.

**2. Setbacks**

Detached accessory buildings shall comply with the following setback requirements:

- a. Front Yard Setback  
Unless otherwise specified, when an accessory structure is permitted in the front yard it shall comply with the front yard setback for the district in which it is located.
- b. Side Yard Setback  
The accessory building shall comply with the side yard setback for the district in which it is located; however, a ten (10)-foot side yard setback may be permitted in the RR, RE, and AG-SF districts provided that the accessory building covers less than 2,400 square feet of area, and that no part of the accessory building shall be located closer than sixty (60) feet to a principal residence on an adjoining parcel. *(revised 2/3/98, 7/3/01)*
- c. Rear Yard Setback  
Accessory buildings shall be located no closer than ten (10) feet to the rear lot line.
- d. Setback Increase Based on Height  
The side and rear yard setbacks specified above shall be increased by one (1) foot for every foot in height that an accessory building exceeds fourteen (14) feet in the R-1 and R-1-S districts and for single family detached housing in the RM-1 district. *(revised 2/3/98)*
- e. Distance from other Buildings  
Detached accessory buildings shall be located at least ten (10) feet from any building on the site.

**3. Size**

Unless otherwise specifically permitted elsewhere in this Ordinance, the maximum ground area coverage of all accessory buildings related to a principal residential use shall not exceed the following standards: *(sub-section 3 revised 2/3/98)*

- a. The total coverage (i.e., footprint of building, roof overhang, etc.) of any detached accessory building shall not occupy more than twenty-five percent (25%) of the required rear yard plus forty percent (40%) of any non-required rear yard.
- b. The total floor area of all accessory buildings shall not exceed 1,500 square feet, except on parcels with an area of 2 ½ acres or greater. The area covered by a lean-to or similar unenclosed roof structure shall be counted as part of the total floor area.

## General Provisions

- c. On parcels that are 2 ½ acres or greater, the total enclosed floor area of all accessory buildings that are incidental to the principal residential use on the parcel shall not exceed the limits specified in the following chart: *(revised 3/6/01)*

Parcel Size	Maximum Floor Area
2 ½ - 5 acres	2,400 sq. ft.
Greater than 5 acres	There is no maximum floor area standard, but site plan review is required if over 4,000 sq. ft.

The area covered by a lean-to or similar unenclosed roof structure shall be counted as part of the total floor area. All such accessory buildings shall comply with the following requirements:

- (1) Accessory buildings shall be located to the rear of the dwelling unit, except as otherwise permitted by Section 2.03(C)(1)(b). *(revised 3/6/01, 7/6/04)*
- (2) The location and character of the accessory building shall not have an adverse impact on existing dwelling units on adjacent parcels. In evaluating impact on adjacent land, factors that the Planning Commission shall consider include, but are not limited to:
  - The potential for generation of nuisances, as might be caused by increased traffic or noise. *(revised 3/6/01)*
  - The orientation of doors and access routes.
  - Site drainage patterns.
  - Impact on views.
- (3) Where the total of all accessory buildings is less than 4,000 square feet, administrative approval shall be required. Where the total of all accessory buildings is 4,000 square feet or greater, site plan review and approval shall be required (see Section 27.02). *(revised 10/1/02)*

#### 4. Height

Detached accessory buildings in the R-1, R-1-S, and P-1 districts shall not exceed one (1) story or fourteen (14) feet in height.

Detached accessory buildings in all other zoning districts shall comply with the maximum height standards for the district in which they are located.

#### 5. Screening

Individual detached accessory buildings over 2,400 square feet in area shall provide a landscaped screen, in compliance with Section 5.02E, if within 200 feet of a principal residence on an adjacent property. Existing vegetation may be used for screening provided that a visual barrier in compliance with Section 5.02E is provided. *(added 7/3/01)*

### D. Accessory Structures

#### 1. General Requirements

Accessory structures (for example, tennis courts, wind generators, antennae) shall be located in the rear yard and shall comply with height, setback, and lot coverage requirements for accessory buildings, unless otherwise permitted in this Ordinance. *(revised 1/9/96)*

#### 2. Exceptions to Accessory Structure Standards

Antennae and wind generators shall comply with the height standards specified in Sections 2.16 and 2.23.

**3. Solar Panels**

Freestanding solar panels shall be considered accessory structures and shall be located in the rear yard, subject to the setback requirements for accessory buildings.

**Section 2.04 -- LAWFUL USE OF A STRUCTURE AS A DWELLING UNIT**

**A. Incompletely Constructed Structures**

Any incompletely constructed structure which does not meet the requirements of the Building Code or this Ordinance shall not be issued a Certificate of Occupancy and shall not be used as a dwelling. For the purposes of this section, a basement which does not have a residential structure constructed above it shall be considered an incompletely constructed structure. The restrictions shall not prevent temporary use of structure as a residence in accordance with Section 2.07.

**B. Caretaker Residence**

No dwelling shall be erected in a commercial or industrial district, unless specifically permitted otherwise this Ordinance, except for the living quarters of a watchman or caretaker. Any such living quarters shall consist of a structure which is permanently affixed to the ground, constructed in accordance with the adopted building code, and provided with plumbing, heating, bathroom, and kitchen facilities. In no case shall such living quarters be used as a permanent single-family residence by anyone other than a watchman or caretaker.

**Section 2.05 -- RESIDENTIAL DESIGN STANDARDS**

Any residential structure, including manufactured dwellings and mobile homes not located in mobile home parks, shall be erected or constructed only if in compliance with the following residential design standards.

**A. General Requirements**

**1. Area and Bulk Regulations**

Any residential structure, including any mobile home dwelling unit, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located. Mobile homes shall comply with all regulations normally required for site-built housing in the zoning district in which it is located, unless specifically indicated otherwise herein.

**2. Foundation**

Any residential structure, including a mobile home, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted building code of the Township. A mobile home shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a mobile home to its permanent foundation.

**3. Other Regulations**

Residential structures shall be constructed in compliance with applicable state, Federal, or local laws or ordinances, including the Michigan State Construction Code. Mobile homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24CFR3280), as amended.

**4. Floodplain**

No dwelling unit, including mobile homes, shall be located within a one-hundred (100) year floodplain.

**5. Use**

Mobile homes and other structures shall be used only for the purposes permitted in the zoning district in which they are located.

**6. 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.

**B. Requirements Applicable to Mobile Homes**

Mobile homes or manufactured dwelling units erected outside of mobile home parks after the effective date of this Ordinance shall comply with the general requirements set forth previously in Section 2.05(A) and with the following regulations.

**1. Design Features**

The design and position of windows and other features of mobile homes and manufactured dwellings, including exterior wall colors and color combinations, shall be similar to site-built homes within one thousand, two hundred (1,200) feet of the mobile home property boundaries. If no more than one (1) site-built dwelling is presently located within one thousand, two hundred (1,200) feet of the proposed location, then the mobile home or manufactured dwelling shall be compared to the nearest fifty (50) site-built homes.

**2. 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., French provincial, Italianate, etc.) . The roof shall be finished with a type of shingle or other material that is commonly used in standard on-site residential construction in the vicinity.

**3. Exterior Materials**

The exterior siding of a mobile home or manufactured dwelling shall consist of materials that are generally acceptable for site-built housing in the vicinity, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

**4. Dimensions**

The dimensions and placement of mobile homes or manufactured dwellings shall be comparable to typical dimensions and placement of site-built housing in the vicinity. Therefore, a mobile home or manufactured dwelling shall be located on the lot so that the minimum width of the front elevation is no less than thirty-four (34) feet and the minimum dimension along any side or rear elevation is no less than twenty-four (24) feet. If there are any extensions or additions off of the front of the mobile home or manufactured dwelling, the minimum width of any such secondary front elevation shall be twenty-four (24) feet. Such dimensions shall be measured from the outer extremities and shall include additions to the main body of the mobile home or 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 mobile home or manufactured dwelling.

**5. Roof Overhang**

Mobile homes and 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.

**6. Exterior Doors**

Mobile homes and manufactured dwellings shall have not less than two exterior doors which shall not be located on the same side of the building. Where required because of a difference in elevation, all exterior doors shall be provided with steps that are permanently attached to the building.

## **Section 2.06 -- HOME OCCUPATIONS**

### **A. General Requirements**

Home occupations shall be subject to the requirements of the zoning district in which they are located, as well as the following standards, unless otherwise specified elsewhere in this Ordinance:

1. Home occupations must be clearly incidental to the use of the dwelling as a residence.
2. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises in residential districts. In agricultural districts, outside storage or display may be permitted subject to prior Planning Commission approval. In evaluating a request for outdoor display or storage, the Planning Commission shall consider the impact of the display or storage on the character of the neighborhood.
3. The appearance of the principal structure shall not be altered, nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, or vibrations.
4. Only the residents of the dwelling unit may be engaged in the home occupation.
5. The home occupation may increase vehicular traffic flow and parking by no more than two (2) additional vehicles at a time. No more than ten (10) customers or clients shall come to the dwelling unit for services or products during any one day. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
6. No home occupation shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.
7. No home occupation shall cause an increase in the use of any one or more utilities (water, sewer, electricity, trash removal, etc.) such that the combined total use for the dwelling unit and home occupation exceeds by more than ten (10) percent the average for the residence itself, measured over the previous twelve (12) month period.
8. One (1) non-illuminated nameplate, not more than two (2) square foot in area, shall be permitted. Said sign shall display only the name and occupation of the resident on the premises.
9. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater extent or frequency than would normally be generated in a similarly zoned residential district.
10. No more than twenty five (25%) percent of the total floor area shall be occupied by the home occupation.
11. Home occupations may be permitted in an accessory building subject to special land use approval.

## **Section 2.07 -- TEMPORARY STRUCTURES AND USES**

## **A. General Requirements**

Temporary buildings and structures shall comply with the following requirements:

### **1. Temporary Structures Used for Residential Purposes**

A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the Police, Fire, and Building Officials.

Also, a mobile home or other approved living quarters may be occupied as a residence on a temporary basis on sites for which a building permit has been issued for construction of a new dwelling unit or for major repair or remodeling of an existing dwelling unit, subject to the following:

- a. Such permits may be issued by the Building Official for up to six (6) months in duration and may be renewed for a period of up to six (6) months, provided that work is proceeding in an expeditious manner.
- b. The total duration of a temporary permit shall not exceed twelve (12) months.
- c. Temporary structures shall comply with the setback standards for the district in which they are located.
- d. The Building Official shall approve electrical and utility connections to any temporary structure.
- e. An approved temporary structure may be moved onto a site fourteen (14) days prior to commencement of construction and shall be removed within fourteen (14) days following issuance of a Certificate of Occupancy for the permanent dwelling.
- f. The applicant shall furnish the Township with a performance guarantee in the amount of no less than five hundred dollars (\$500.00) as determined by the Building Official to assure removal of the temporary structure.

### **2. Temporary Structures Used for Nonresidential Purposes**

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

### **3. Permits**

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

### **4. Use as an Accessory Structure**

A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.

### **5. Special Events and Other Temporary Uses**

## **General Provisions**

The Building Official may grant temporary use of land and structures for special events and other temporary uses, as defined in Article 1.00 of this Ordinance, subject to the following general conditions:

- a. Adequate off-street parking shall be provided.
- b. The applicant shall specify the exact duration of the temporary use.
- c. Electrical and utility connections shall be approved by the Building Official.
- d. The Building Official may require a performance bond to assure proper clean-up.

The following conditions apply to specific temporary uses:

- a. Carnival or Circus
  - Maximum duration: 10 days.
  - Operator or sponsor: Non-profit entity
  - Location: Shall not be located in or adjacent to any developed residential area except on church, school or park property.
- b. Sidewalk Display and Sale of Bedding Plants
  - Maximum duration: 90 days.
  - Location: In commercial districts only.
  - Sidewalk Coverage: Shall not cover more than 50 percent of the width of the sidewalk.
- c. Christmas Tree Sales
  - Maximum duration: 45 days.
  - Location: Shall not be located in or adjacent to any developed residential area.
  - Clean-up: Stumps, branches, and other debris shall be completely removed from site.
- d. Roadside Stands
  - See Article 8.00.
- e. Garage Sales
  - Maximum number of sales per year: 2
  - Location: Residential districts.
  - Purpose: For sale of items belonging to members of the household living on the premises where the sale is being conducted.
  - Permit: A permit shall not be required for garage sales.

## **Section 2.08 -- USES NOT OTHERWISE INCLUDED WITHIN A DISTRICT**

### **A. General Requirements**

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

#### **1. Determination of Compatibility**

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

**2. Conditions by which Use May Be Permitted**

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

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

**Section 2.09 -- YARD AND BULK REGULATIONS**

**A. General Regulations**

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

**1. Minimum Lot Size**

Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located. No yards in existence on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance.

**2. Number of Principal Uses per Lot**

Only one principal building shall be placed on a lot of record or parcel in single-family residential districts. In a single family site condominium project, only one principal building shall be placed on each condominium lot, as defined in Article 1.00.

**3. Projections into Required Yards**

Fire escapes, fire towers, chimneys, platforms, balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is located. The following table identifies permitted projections in required yards:

**PERMITTED PROJECTIONS INTO REQUIRED YARDS**

<u>Projection</u>	<u>All Yards</u>	<u>Rear Yard</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Court Yard</u>
Air conditioning equipment shelters	--	X	X	X	X
Access drives	X	--	--	--	--
Arbors and trellises	X	--	--	--	--
Awnings and canopies projecting into 10 percent or less of yard depth	X	--	--	--	--
Bay windows	X	--	--	--	--
Decks, open or enclosed	--	X	--	--	--
Eaves, overhanging	X	--	--	--	--
Fences*	X	--	--	--	--
Flagpoles	X	--	--	--	--
Gardens	X	--	--	--	--
Gutters	X	--	--	--	--
Hedges	X	--	--	--	--

**General Provisions**

Laundry drying equipment	--	X	X	--	--
Light standards, ornamental	X	--	--	--	--
Paved terraces and open porches*	--	X	--	--	--
Approved signs*	X	--	--	--	--
Stairways, open unroofed	X	--	--	--	--
Steps	X	--	--	--	--
Television or radio towers or antennas*	--	X	X	X	--
Trees, shrubs, and flowers	X	--	--	--	--
Walls (see Fences)*	X	--	--	--	--
Window air conditioning units	X	--	--	--	--

\* See additional regulations in this ordinance. x = Permitted

**Notes Related to Table**

1. Architectural Features  
Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend into any front or rear yard not more than three (3) feet.
2. Terraces and Porches  
Open paved terraces and open porches may project into a required rear yard up to ten (10) feet, provided that the unoccupied portion of the rear yard has a depth of at least twenty-five (25) feet. Open paved terraces and open, uncovered porches may project into a front yard up to ten (10) feet.
3. Access Drives and Walkways  
Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than nine (9) inches above grade.

**4. Unobstructed Sight Distance**

No fence, wall, structure, or planting shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway (see diagram). Fences, walls, structures, or plantings located in the triangular area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and six (6) feet above the lowest point of the intersecting road(s).

Trees shall be permitted in the triangular area provided that limbs and foliage are trimmed so that they do not extend into the cross-visibility area or otherwise create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet to the edge of any driveway or road pavement within the triangular area.

Unobstructed Sight Area

The unobstructed triangular area is described as follows:

- The area formed at the corner intersection of two public right-of-way lines, the two (2) sides of the triangular area being forty (40) feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides, or
- The area formed at the corner intersection of a public right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.

**5. Lots Adjoining Alleys**

In calculating the area of a lot that adjoins an alley for the purposes of applying lot area and setback requirements, one-half (1/2) of the width of said alley shall be considered a part of the lot.

**6. Residential Lots Abutting Arterial Streets**

Subdivisions containing residential lots abutting arterial streets shall be platted with either: 1) Through lots oriented toward and having their sole vehicular access to the interior subdivision street, or 2) With side lot lines parallel to the arterial streets. Through-lots shall provide extra depth to permit greater distances between the building and street. The arterial frontage shall be developed as a greenbelt as specified in Section 5.02(D).

**7. Relocation of Existing Buildings Into the Township**

No existing building or structure shall be relocated upon any parcel or lot in Williamstown Township unless the building or structure conforms to all requirements for the district in which the building or structure is to be located.

## **Section 2.10 -- STREETS, ROADS, AND OTHER MEANS OF ACCESS**

### **A. Intent**

Unimpeded, safe access to parcels of land throughout the Township is necessary to provide adequate police and fire protection, ambulance services, and other public services, and to otherwise promote and protect the health, safety, and welfare of the public. The standards and specifications set forth herein are determined to be the minimum standards and specifications necessary to meet the above stated intentions.

### **B. Public Access Required/Minimum Frontage**

The front lot line of all lots shall abut onto a publicly dedicated road right-of-way. The required frontage on an approved road right-of-way shall be equal to or greater than the minimum lot width for the district in which the lot is located, as specified in Article 25.00; except that the minimum frontage of lots that abut the turnaround at the end of a cul-de-sac shall be equal to or greater than fifty percent (50%) of the minimum lot width. On lots located on a curve, frontage shall be measured along a straight line between the two points where the side lot lines intersect the curved right-of-way line (see drawing). Frontage on a "T" turnaround shall not be counted toward the minimum road frontage requirements.

### **C. Access on Residential Through Lots**

On through lots in residential districts, the driveway providing the primary means of vehicular access shall intersect the road on which lot frontage is greatest. However, if the property line abutting the other road has been designated as the "front lot line" on an approved lot split application or subdivision plat, then the driveway providing the primary means of vehicular access shall intersect the road that abuts said front lot line.

The Planning Commission may approve a primary means of access that varies from these requirements upon finding that such access would facilitate traffic safety (for example, by limiting access on an arterial street) or achieve consistency with existing adjacent and nearby residences.

### **D. Road and Driveway Standards *(revised 2/3/98)***

Public roads shall comply with the requirements of the Ingham County Road Commission or Michigan Department of Transportation, as applicable. Driveways shall comply with the following minimum requirements in addition to engineering standards that are enforced by the Township.

#### **Minimum Driveway Setbacks**

Driveways shall be set back a minimum of ten (10) feet from any side or rear property line, unless otherwise specified, except that in R-1 and R-1-S Districts and in Rural Open Space developments, driveways shall be set back a minimum of four (4) feet. *(added 2/3/98, revised 3/6/01)*

#### **Paving Waiver**

## **General Provisions**

Upon request from an applicant, the Planning Commission may waive paving requirements for driveways, parking areas, and other vehicle maneuvering areas upon making a determination that another surfacing material would be adequate and not in conflict with Township planning and zoning objectives. In making a determination whether an alternative surface material can be approved, the Planning Commission shall consider the following considerations: the level, type and frequency of traffic expected; the types of vehicles expected to use the facility (recognizing that certain types of heavy equipment may damage paved surfaces); alternatives to handle stormwater runoff; and, visibility and appearance of such areas from public roads and adjacent private property.

Prior to making an evaluation whether unpaved surfacing should be permitted, the Planning Commission may require the applicant to provide engineered plans and specifications. In all cases main vehicle maneuvering lanes and roads through any development shall be paved. The Planning Commission may require a performance guarantee and/or recordable document to provide for re-evaluation and possible completion of paving in the event that the intensity or nature of the use changes. *(added 2/3/98)*

### **Single Family Detached Residential (Plat, Site Condominium, Lots Created Through Lot Splits)**

Driveways to individual lots in plat or site condominium <sup>4</sup>	9 ft. pavement
Driveways to individual lots not within a plat or site condominium <sup>4</sup>	9 ft. gravel or paved <i>(revised 2/3/98)</i>

**UNOBSTRUCTED SIGHT DISTANCE**  
**Section 2.09, sub-section A.4**

**MEASUREMENT OF LOT FRONTAGE**  
**Section 2.10, sub-section B**



**Single Family Attached (Townhouse or Cluster)**

Roads throughout the development, Must comply with Ingham County Road Commission Standards including entrance road (revised 2/3/98)

Driveways to individual units 9 ft. pavement

**Multiple Family Residential**

Roads throughout the development 24 ft. pavement, curb & gutter

Roads or driveways within a parking area See Article 4.00

Entrance road <sup>1</sup> 27 ft. pavement, curb & gutter

**Commercial and Office Development**

Driveway serving 2 or more parcels (i.e., office park) 31 ft. pavement, curb & gutter

Main access driveways and internal circulation truck routes 31 ft. pavement, curb & gutter<sup>2</sup>

Roads or driveways within a parking area See Article 4.00

Entrance road<sup>1</sup> 31 ft. pavement, curb & gutter

Internal circulation routes not used by trucks 24 ft. pavement, curb & gutter

**Industrial Development**

Driveway serving 2 or more parcels (i.e., industrial park) 31 ft. pavement, curb & gutter

Main access driveways and internal circulation routes

- for 3 buildable parcels or less 27 ft. pavement, curb & gutter, no parking<sup>2</sup>
- all others 31 ft. pavement, curb & gutter<sup>2</sup>

Roads or driveway within a parking area See Article 4.00

Entrance road <sup>1</sup> 31 ft. pavement, curb & gutter

Internal circulation routes not used by trucks 24 ft. pavement, curb & gutter<sup>2</sup>

**Mobile Home Parks**

All roads See Article 16.00

**Miscellaneous**

Boulevard entrances with median (not public) 18 ft. pavement with curb & gutter in each direction. Minimum width of median: 16 ft.

"T" Turnaround<sup>3</sup> "T" Turnarounds shall comply with Ingham County Road Commission standards

Cul-de-Sac<sup>3</sup> The minimum radius for the cul-de-sac right-of-way or easement shall be 60 feet.

Secondary access roads 24 ft. pavement, minimum 30 ft. setback from edge of parallel public road.

**Vertical Clearance**

Driveways and roads needed for emergency and fire department access shall maintain a minimum vertical clearance of 13.5 feet.

**Footnotes**

- <sup>1</sup> The entrance road extends from the edge of the public road to the edge of any parking lot, intersection, tee, or similar terminus within the development
- <sup>2</sup> Curb and gutter requirements are not applicable for access routes through parking lots.
- <sup>3</sup> Subject to Ingham County Road Commission review and requirements, "T" turnarounds shall only be used at the end of the stub streets that have no dwelling units fronting on them, and a cul-de-sac shall be constructed at the end of all dead-end public roads, regardless of whether the roads are expected to be extended in the future. (revised 12/1/98)
- <sup>4</sup> Shared driveways for adjoining single family parcels shall be permitted provided that an access easement is recorded that provides for joint use and maintenance of the driveway. Both parcels shall comply with minimum road frontage and lot width requirements. (revised 2/3/98, 12/1/98)

**E. Access Across Residential District Land**

No land which is located in a residential district shall be used for a driveway, walkway, or access purposes to any land which is located in a nonresidential district, unless such access is by way of a public road. This provision is not intended to prevent access across residential district land to gain access to adjacent agricultural lands.

**F. Service Roads/Secondary Access Roads**

## **General Provisions**

If the Planning Commission determines that proposed or anticipated development will result in an excessive number of entrance or exit drives onto a public road, thereby creating potentially hazardous traffic conditions and diminishing the carrying capacity of the road, the Commission may permit or require construction of service roads across abutting parcels and generally parallel to the public road to allow traffic to circulate from one parcel to another without re-entering the public road. The service road shall comply with the following requirements:

1. An easement shall be recorded with the Ingham County Register of Deeds allowing free vehicular access across the service road between adjoining parcels. The easement shall be in a form acceptable to the Township Board, and it shall be recorded prior to issuance of a Certificate of Occupancy for the principal building.
2. The service road shall comply with the design requirements set forth previously in sub-section C. The service road shall comply with the engineering and construction standards established by the Township Board.
3. In anticipation of a future need for a service drive, the Planning Commission may require, as a condition of site plan approval, granting of an easement to allow future vehicular access between adjoining parcels.
4. In lieu of a designated service road, the Planning Commission may require the development of parking to permit vehicular circulation between parking lots on contiguous lots or parcels.
5. Each property owner shall be responsible for continued maintenance of the service road and easement so that it continues to provide a safe means of access from one parcel to another.
6. Backing from parking spaces onto the service road shall not be permitted except on a temporary basis.
7. The site plan shall indicate the proposed elevation of the service road at the property line and the Building Official shall maintain a record of all service road elevations so that their grades can be coordinated. Service road elevations shall conform to elevations established by the Building Official.

### **G. Performance Guarantee**

To assure completion of a service road in conformance with the requirements set forth herein, the Building Official may require the applicant or owner to provide a performance guarantee, in accordance with Section 2.18. (*revised 2/3/98*)

## **Section 2.11 -- GRADING REGULATIONS**

### **A. Intent and Scope of Requirements**

Compliance with the grading regulations set forth herein shall be required as follows:

#### **1. Intent**

Grading regulations are established to control the excavation and filling of land, to assure adequate drainage away from structures and to a natural or established drainage course, and to assure protection of trees on sites where grading is to take place. The regulations set forth herein also establish procedures and requirements for grading permits, inspection of finished grading operations, and penalties for violation of the grading regulations.

#### **2. Scope of Application**

A Grading Permit shall be required in all instances where grading, excavating, filling, stockpiling, or other alterations to the land exceeding fifty (50) cubic yards on any one lot are proposed. Grading Permits shall be subject to requirements in the 1994 Uniform Building Code, Appendix Chapter 33, dealing with when permits are required, exempted work, hazards, grading permit requirements, bonds, cuts and fills, setbacks, drainage and terracing, erosion control, grading inspection, and completion of work. The Grading Permit fee shall be established by resolution of the Township Board. (*revised 10/1/02*)

## **B. Grading Plan**

### **1. Grading Plan**

In the event that a Grading Permit is required, the applicant shall first submit a Grading Plan for review and approval by the Township Engineer and/or Building Official. Grading plans may be submitted in conjunction with a site plan review, or may be submitted as a separate plan. Such plans shall be prepared by a registered land surveyor or civil engineer.

### **2. Grading Plan Standards**

At a minimum, grading plans shall show grade elevations adjacent to existing and proposed structures and at the nearest side of structures on adjacent properties, and sufficient existing and proposed elevations on the site to be altered and on as much of the adjacent property as is necessary to establish the proposed surface water drainage pattern. If excavation or filling is proposed, the amount of material to be excavated or filled shall be indicated on the grading plan. All elevations shall be based on United States Geological Survey (U.S.G.S.) datum. Elevations and location of bench marks used for determining elevations shall be shown on the plan.

### **3. Subdivision Grading Plans**

For any proposed subdivision, a grading plan prepared by a registered land surveyor or civil engineer shall be submitted with the preliminary subdivision plan. The grading plan shall show the topography of the area to be platted, the existing drainage pattern, and the proposed surface water drainage pattern. Drainage easements shall be provided across private property where necessary for handling surface drainage from adjacent properties.

## **C. Grading Standards**

### **1. Slope Away From Buildings**

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

### **2. Runoff Onto Adjacent Properties**

New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties, except through established drainage courses.

### **3. Stockpiling**

Stockpiling of soil, sand, clay, gravel and similar material shall be prohibited, except where permitted as part of an approved excavation operation, approved construction project, or approved use in an industrial district. Aside from these exceptions, all material brought onto a site in Williamstown Township shall be graded to match the natural grade on adjoining parcels. These restrictions shall not be construed to prohibit MDNR-monitored clean-up of contaminated soil.

### **4. Clean Fill**

## ***General Provisions***

Fill material brought into the Township shall be free of contamination from hazardous substances, debris, junk, or waste. The Building Official may require verification from a qualified soil testing laboratory that the fill is free of all contamination.

- 5. Removal of Soil, Sand, Clay, Gravel and Similar Material by a Commercial Operation**  
Businesses engaged in the removal of soil, sand, clay, gravel, and similar materials, rather than the moving, grading, or leveling of soil, sand, clay, gravel or similar materials on a site for the purposes of preparing the site for building construction or another permitted use shall comply with the regulations set forth for such uses in Section 2.13.
- 6. Excavations of Holes**  
The excavation or continued existence of unprotected holes, pits, or wells that constitute or are reasonably likely to constitute a danger or menace to the public health, safety, and welfare is prohibited. However, this restriction shall not apply to excavations for which a permit has been acquired from the Township, provided such excavations are properly protected with fencing, guard rails, and warning signs. This section also shall not apply to lakes, streams, ditches, reservoirs, or other bodies of water under the jurisdiction of the State of Michigan, County of Ingham, Township of Williamstown, or other governmental agency.

## **D. Review, Inspection, and Approval Procedures**

Grading plans shall be reviewed by the Township Engineer and/or Building Official. In the event that the grading plan is submitted in conjunction with a site plan, the Planning Commission shall review the grading plan as a part of normal site plan review. The Planning Commission shall review all plans for commercial profit-oriented operations as specified in sub-section C.5. The Building Official shall issue a Grading Permit after the determination has been made that the requirements set forth herein and in other applicable ordinances have been complied with.

Compliance with a grading plan and permit shall be verified by the Building Official after visual on-site inspection. Before final inspection and issuance of a certificate of occupancy, the rough grading must be completed; final grading shall be completed within six months after a certificate of occupancy has been issued.

## **Section 2.12 -- LIGHTING**

### **A. Intent**

The regulations in this section are intended to require sufficient lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas to ensure the security of property and safety of persons. These regulations are also intended to prevent the adverse effects of inappropriate lighting, including glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste. These regulations are also intended to permit and encourage the use of lighting that complements and enhances the rural environment and natural features of the Township.

### **B. Definitions**

Words and phrases used in this Section shall have meaning set forth below. Words and phrases not defined herein but defined in Article 1.00 shall be given the meanings set forth in Article 1.00. All other words and phrases shall be given their common, ordinary meaning, unless context clearly requires otherwise.

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

**Candela (cd):** A unit of luminous intensity. One candela is one lumen per steradian. Also known as one candlepower.

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

**Filtered fixture:** Light fixtures having glass, acrylic, or translucent enclosures to filter the light.

**Fixture:** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector (mirror), refractor (lens), the ballast, housing, and the attachment parts.

**Floodlight:** A fixture or lamp designed to “flood” an area with light.

**Footcandle:** Illuminance produced on a surface one foot from a uniform point source of one candela or when one lumen is distributed into an area of one square foot.

**Fully shielded fixture:** An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded

fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.

**High pressure sodium (HPS) lamp:** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures (100 torr).

**Incandescent lamp:** A lamp that produces light by a filament heated to a high temperature by electric current.

**Laser Source Light:** An intense beam of light, in which all photons share the same wavelength.

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

**Low pressure sodium (LPS) lamp:** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure (about 0.001 torr). A LPS lamp produces monochromatic light.

**Lumen:** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One footcandle is one lumen per square foot. One lux is one lumen per square meter.

**Luminaire:** The complete lighting unit, including the lamp, fixture, and other parts.

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

**Metal halide lamp:** A high-intensity discharge mercury lamp where the light is produced by radiation from metal-halide vapors.

**Non-essential lighting:** Outdoor lighting which is not required for safety or security purposes.

**Recessed canopy fixture:** An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

### **C. General Requirements**

1. Sufficient lighting, as defined by the most recent edition of the “Illuminating Engineering Society of North America (IESNA) Standards,” shall be required for parking areas, walkways, driveways, building entrances, loading areas, and public common areas to ensure the security of property and safety of persons.
2. All outdoor lighting shall be shielded as required in Section 2.12.D.
3. Non-essential lighting shall be turned off after business hours, leaving only that lighting that is necessary for site security.
4. Light trespass from a property shall not to exceed 0.5 footcandles at the property line, measured five feet from the ground.
5. To prevent sky glow, lighting shall be shielded or designed to prevent light to project above a 90 degree horizontal plane (see illustration).
6. Uplighting of buildings for aesthetic purposes shall be confined to the target surface as much as possible.

7. Gas station canopies and similar structures shall have fully recessed lighting fixtures and the total initial lamp output under the canopies shall be limited to 40 lumens per square foot of canopy.

**D. Permitted Lighting Sources and Shielding Requirements**

Outdoor lighting shall comply with the following use and shielding requirements:

<b>Lamp Type</b>	<b>Permitted Use</b>	<b>Shielding Requirement</b>
High Pressure Sodium & Low Pressure Sodium	Street lighting; parking and security areas; sports parks, tennis courts; residential / agricultural security lighting	Fully
Metal Halide (filtered and in enclosed luminaries only)	Signage, display and sports lighting, where color rendering is critical	Fully
Fluorescent (warm white and natural lamps preferred)	Residential lighting, internal sign lighting (see Section 7.06, sub-section B)	Fully
Incandescent greater than 100 watt	Sensor activated residential lighting	Fully
Incandescent less than 100 watt	Porch lighting and other low-wattage residential uses	None
Any light source of 50 watts or less	Any	None
Glass tubes filled with neon, argon, and krypton	Display/advertising	None

**E. Height**

Lighting fixtures shall not exceed a height of twenty-two (22) feet measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of approximately seven (7) feet above ground level.

The Planning Commission may modify these height standards in commercial and industrial districts, based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of surrounding land use. In no case shall the lighting exceed the maximum permitted building height in the district in which it is located.

**F. Sign Lighting**

Illuminated signs shall comply with the regulations set forth in Article 7.00.

**G. Prohibited Lighting**

**1. Recreational Facility Lighting**

No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m. except to conclude a permitted recreational or sporting event or other activity in progress prior to 11:00 p.m.

2. **Outdoor Building and Landscaping Lighting**  
Unshielded illumination of the exterior of a building or landscaping is prohibited except with incandescent fixtures having lamps of 100 watts or less.
3. **Mercury Vapor and Wall Pack Lighting**  
The installation of mercury vapor fixtures is prohibited. Wall pack fixtures are also prohibited, except where the lens is fully shielded.
4. **Laser Source Light**  
The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
5. **Searchlights**  
The operation of searchlights for advertising purposes is prohibited between 10:00 p.m. and sunrise the following morning.

## **H. Exceptions**

8. **Fossil Fuel Light**  
Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).
9. **Temporary Carnival and Civic Uses**  
Lighting for permitted temporary circus, fair, carnival, or civic uses is exempt from the provisions of this Section.
10. **Construction and Emergency Lighting**  
Lighting necessary for construction or emergencies is exempt from the provisions of this article provided that said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency.
11. **Special Conditions**  
Additional exception may be permitted, subject to site plan review, and upon finding that unique or special conditions on the site warrant the exception.

## **I. Application for a Permit**

1. Any person applying for site plan approval or for a building, electrical or sign permit to install outdoor lighting fixtures shall submit evidence that the proposed work will comply with this Section.
2. The site plan or building, electrical, or sign permit application shall identify the location, type, height, method of mounting, and intensity of proposed lighting. If available, the manufacturer's catalog specifications and documents, drawings, and certified test reports shall be submitted. The information submitted shall be sufficiently complete to demonstrate compliance with Ordinance requirements. (*revised 3/6/01*)

**Section 2.12 - LIGHTING REQUIREMENTS**

## **SHIELDED LIGHTING FIXTURE**

### **Section 2.13 -- SAND, GRAVEL, AND MINERAL EXTRACTION**

Sand, gravel, coal, topsoil, and mineral deposits are unrenovable natural resources which are necessary and beneficial to the economy of the Township and the region. The standards in this Section are intended to assure removal of such resources occurs in a manner that is compatible with existing and planned development of the Township and to insure the proper restoration of the land.

#### **A. Review and Approval Process**

**1. Permit Required**

Permits shall be required for all extractive operations. Permits may be approved for a one (1) year period by the Township Board after recommendation by the Planning Commission. Unless the owner or operator of the extractive operation ignores or violates any conditions of approval, the permit may be renewed for one (1) year periods, subject to the master plan and timetable requirements in section 2.13(B)(4). If the extractive operations vary from the approved timetable, a public hearing shall be required prior to permit renewal pursuant to Section 27.03(D) to determine if the extractive operation with the new timetable continues to comply with the standards for Special Land Use approval. A permit shall not be required for normal land balancing related to building site development, or for excavation of a basement or building foundation.

**2. Special Land Use Approval**

Proposals for extractive operations shall be reviewed in accordance with the procedures for Special Land Use review in Section 27.03.

**3. Performance Guarantee**

Submittal of a performance guarantee, in accordance with Section 2.18, may be required as a condition of approval of a sand, gravel, or other extractive operation.

**4. Inspections**

To insure compliance with Ordinance requirements, the Building Official shall conduct periodic inspections and shall file a written notice to the permit holder if a violation is found. Thirty (30) days prior to the renewal date of permit, the Building Official shall file a written report with the Township Board on the status and compliance of the operation.

**5. Violations**

In the event of deviation from an approved plan, the Building Official shall notify the permit holder of a violation. Failure to correct the violation within thirty (30) days shall automatically void any permits issued, and shall prevent the issuance of new permits until such time as the violation has been corrected. Appeals from a decision of the Building Official regarding an alleged violation shall be directed to the Township Board.

**6. Agreement**

Before the issuance of a permit, the applicant and Township shall enter into an agreement stipulating the amount and disposition of a fee for regulation, inspection, and administration of the special land use permit. Said fee may be based on the acreage mined or amount of mineral or other material extracted. The final settlement of the fee shall be specified in the written agreement.

**B. Application Data Requirements**

Applications for a permit for a sand, gravel or other extractive operation shall include the following information, in addition to all information required as a part of site plan review and special land use review:

**1. Aerial Photograph**

Vertical aerial photograph, enlarged to a scale equal to one (1) inch equal to two hundred (200) feet, from an original photograph at a negative scale no smaller than one (1) inch equals one thousand (1,000) feet. The area covered by the vertical aerial photograph shall include: all land included in the petition; all contiguous land which is proposed to be used or has been used by the owner or leasehold applicant for any extraction, treatment or storage; and, all public roads which can provide first point of access. Each such area or feature shall be delineated on the aerial.

**2. Survey**

Five (5) copies of a land survey, prepared by an engineer or surveyor certified by the State of Michigan to prepare such survey, drawn to a scale of one (1) inch equals two hundred (200) feet. This survey shall include the boundary of the entire tract by courses and distances, boundary of the area where the extraction is proposed, and the means of vehicular access to the proposed operation. An estimate of the quantity of excavation shall also be provided.

**3. Watershed Report**

Report by a qualified soil scientist, soils engineer or geologist regarding the effect the proposed operation will have upon the watershed. Particular attention shall be focused on the impact on the water table and groundwater recharge. The report shall indicate if water bodies are to be created and the anticipated permanence of such.

**4. Master Plan and Timetable**

A master plan for the extraction of the natural resource deposits. The plan shall include a timetable for various stages of the operation and detailed restoration plan indicating how the parcel will be reused for a use permitted in the zoning district in which the operation is located. A timetable for extraction and restoration shall be included for each yearly permit requested; subsequent requests shall include an evaluation of work completed in the preceding year. The restoration plan shall specify the proposed use of the parcel, the proposed topography drawn at contour intervals of two (2) feet, indication of water bodies and other major physical features, and the delineation of areas intended to be partitioned or subdivided, including a preliminary subdivision layout.

**5. Access Routes**

An explanation of the access routes which will be used, together with an estimate of the size, weight, and frequency of trips. The proposed routing shall be submitted to the Ingham County Road Commission (ICRC) for review. The Township shall report any circulation or routing problems to the applicant and ICRC. After consultation with the ICRC, the Township may require use of alternate access routes or limited use of existing problem routes.

**6. Information Required by Outside Agencies**

All information required for submittal by State or Federal agencies having jurisdiction over the operation.

**7. Site Plan**

A site plan drawn to scale and sealed by a registered professional engineer, which shall include all information required for Site Plan Review (Section 27.02) and Special Land Use Review (Section 27.03), and the following information:

- a. Boundaries of the site and adjacent parcels.
- b. Locations and names of all streams, drains, roads, railroads, utility lines, and pipelines on or adjacent to the site.
- c. Location of all structures within one thousand (1,000) feet of the boundaries of the site, present owners and occupants of such structures, and current use of each structure.
- d. Location, extent, and depth of proposed extractive operations.

- e. Location of proposed mines, wastedumps, tailing ponds, sediment basins, stockpiles, structures, roads, railroads, utilities and other permanent or temporary facilities to be used in the extractive operation.
- f. Estimated depth to groundwater.

**8. Description of Proposed Extractive Operations**

Plans and written documentation prepared by a registered professional engineer describing the proposed extractive operation, including the following:

- a. A description of the material(s) to be extracted.
- b. A description of the extraction and processing equipment to be used.
- c. A description of measures to be taken to control noise and vibrations from the operation.
- d. A statement of the hours of operation.
- e. A description of measures to be taken to buffer or screen the operation from view.
- f. Proposed primary travel routes to be used to transport the extracted material to processing plants or away from the property.
- g. A description of the plans for topsoil storage.
- h. A description of probable hydrologic consequences, including plans to dewater any portion of the mined area, the amount of groundwater affected and method of disposal, such as, pumping into County drains or other water bodies.
- i. A timetable for commencement, duration, and cessation of extractive operations.

**9. Reclamation Plan**

A reclamation plan, which shall include all information required by any State or Federal agency having jurisdiction, and which includes the following:

- a. Description and location of each phase, number of acres included in each phase, estimated starting and termination dates of each phase and the amount of time that will be required to complete the entire reclamation operation.

All areas shall be reclaimed progressively as they are worked out. Reclaimed sites shall be reasonably natural and inconspicuous, lacking in any hazards and in a condition that they can be reused for a use permitted in the district in which the site is located. All slopes and banks shall be graded to angles which do not exceed those found in the natural topography of surrounding areas, and they shall be treated to prevent erosion.

- b. Provisions for grading, drainage (especially agricultural field tiles) revegetation, and stabilization that will minimize soil erosion, sedimentation and public safety problems.
- c. Description of proposed future land uses.
- d. Description of plans for disposition of all structures, roads, drains or related facilities after cessation of the extractive operation.

- e. A plan for disposal or treatment of all harmful or toxic materials found in any formations penetrated by the extractive operation or produced during the processing of minerals on the site and of chemicals or materials used during the extractive, processing, or reclamation operations.
- f. All information required as part of a reclamation plan that is required by state or Federal law, such as the Surface Mining Control and Reclamation Act, Public Law 95-87.

**10. Additional Information**

Any additional information deemed necessary by the Planning Commission or Township Board to determine the nature of the operation and its effect on surrounding area to determine compliance with the requirements set forth herein.

**11. Compliance with Sub-section C.**

A detailed explanation of how the applicant intends to comply with the operating requirements contained in Sub-section C, following.

**C. Operating Requirements**

A sand and gravel extraction permit shall not be issued unless the applicant demonstrates that the operation will comply with all of the following requirements:

**1. General Requirements**

The removal of materials by excavation, stripping, mining or another method, and the on-site operations appurtenant to the extraction, including washing, grading, sorting, crushing and grinding operations, shall be carried on within the limits of an area approved for such activities. All extraction from new pits begun subsequent to the effective date of this Ordinance shall be washed, graded, and further processed and stored within the limits of the area approved. No natural resource extracted outside the limits of this area shall be brought in for washing, grading, or further processing, except in instances where the Township Board, following Planning Commission recommendation, finds that such activities will not conflict with the reasonable use and development of neighboring properties. Resource-related industries including, but not limited to, concrete batch plants and asphalt mixing plants, shall not be permitted as a part of the operation unless specifically approved and regulated as an accessory operation to the principal permitted use.

**2. Setbacks**

No topsoil, earth, gravel or sand shall be removed, and no excavation, washing and stockpiling of extracted material shall be conducted closer than three hundred (300) feet to the outer boundary of the area approved for extractive operation, or closer than five hundred (500) feet to any residentially zoned or used district. This setback may be reduced upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding land use. Extractive operations shall not encroach upon required setback areas.

**3. Control of Off-Site Impacts**

In order to reduce the effects of airborne dust, dirt, and noise, all equipment for sorting, crushing, grinding, loading, weighing, and other operational structures shall not be built closer than three hundred (300) feet from any public street right-of-way line or adjacent property lines. This setback may be reduced upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding use.

Driveways, parking lots, and loading and unloading areas shall be paved, oiled, watered, or chemically treated to limit the nuisance caused by wind blown dust. Trucks hauling extractive

materials to or from the site shall be loaded and covered in accordance with all applicable State and County and local regulations.

Private access roads serving the operation shall be paved or treated to create dust-free surfaces for a distance of three hundred (300) feet from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the Township.

**4. Frontage and Access**

Extractive operations shall be located on parcels having minimum frontage of two hundred fifty (250) feet on an arterial or collector road.

The Township Board shall approve routes for truck movement in and out of the facility in order to minimize the wear on public streets, to prevent hazard and damage to properties and to avoid densely populated residential areas.

Entrance ways shall be no closer than 500 feet to the intersection of the right-of-way of any two public streets.

**5. Fencing**

The entire site shall be fenced with a six (6) foot high fence with suitable gates. "KEEP OUT - DANGER" signs shall be posted at two hundred (200) foot intervals along the perimeter. The gate shall be locked at all times when the site is not in use or when an attendant is not present.

**6. Slopes**

Finished slopes shall be no steeper than three (3) feet horizontal to one (1) foot vertical. Where ponded water is created as a result of extraction, the 3 on 1 slope shall be extended into the water to a depth of five (5) feet. The slope requirements shall be met as the work in any one section of the excavation proceeds. Stockpile slopes shall be no steeper than 45 degrees.

**7. Fill Material**

No garbage or refuse of any nature shall be used for fill. Only the following materials may be used for fill: sand, gravel, clay, topsoil and other clean earth materials which provide a suitable base for future building sites.

**8. Liability**

The owner or operator shall maintain liability insurance with the Township named as an insured party, and the Township shall be indemnified and held harmless in respect to any liability and claims which may arise in conjunction with the extractive and reclamation operations. Proof of such insurance in the form of a certificate issued by an insurance company licensed to do business in Michigan shall be submitted to the Township. The policy shall remain in full force and effect during the term of the permit and renewal, including all reclamation operations.

**9. Gravel Roads**

Gravel roads which are within three hundred (300) feet of occupied residences shall not be used for ingress and egress to the excavation site. However, the owner or operator of the extractive operation may arrange at his expense to have such roads paved, subject to Ingham County Road Commission approval.

**10. Removal of Structures and Equipment**

All buildings, structures and equipment shall be removed within six (6) months after completion of the excavation, unless otherwise permitted by the Planning Commission.

**11. Hours of Operation**

Mining, processing and reclamation activities shall occur only on Monday through Saturday during the following times:

- a. Processing and stockpiling of aggregates shall occur only between the hours of 7:00 a.m. and 9:00 p.m.
- b. Mining or extracting operations shall occur only between the hours of 7:00 a.m. and 6:00 p.m.
- c. Equipment maintenance and repair shall occur only between the hours of 7:00 a.m. and 9:00 p.m.

**12. Top Soil Replacement**

All top soil shall be stockpiled on the site so that the entire area may be recovered with a minimum of three (3) inches of top soil when excavating operations are completed. No topsoil shall be removed from the extraction site or sold. The top soil replacement shall occur immediately following the termination of extraction operations. All replaced top soil shall immediately be planted with grass or other plant material acceptable to the Township so as to prevent erosion. Lands under water or in approved beach areas are excluded from top soil replacement and planting requirements.

**13. Explosives**

Explosives shall be used in accordance with the regulations established by the Michigan State Police, Fire Marshall Division.

**14. Soil Erosion and Sedimentation Control**

All extractive operations shall comply with the soil erosion and sedimentation control requirements of Ingham County and the Michigan Department of Environmental Quality.

**15. Lighting**

Adequate security lighting shall be provided on the site. Lighting shall comply with the requirements of Section 2.12.

**16. Pollution Control**

The proposed extractive operation shall comply with applicable local, state, or Federal environmental and pollution control laws and standards, including air, water and natural resources protection standards of the Michigan Environmental Protection Act, Public Act 127 of 1970, as amended, and applicable standards in Article 9.00 of this Ordinance. Operations shall not cause pollution of surface or subsurface water bodies.

**17. Buffer Zone**

Where deemed necessary by the Planning Commission, a berm and/or greenbelt in accordance with Article 5.00 shall be provided to screen the extractive operation from residential uses located within one thousand (1,000) feet of the operation.

## **Section 2.14 -- JUNKYARDS AND LANDFILLS**

### **A. Junk Yards or Salvage Yards**

The following regulations shall apply to Junk Yards and Salvage Yards:

**1. Setbacks**

A minimum setback of two hundred fifty (250) feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing, and junk materials shall be set back at least two hundred fifty (250) feet from any road or highway right-of-way line, and at least three hundred (300) feet from any

property line which abuts a residentially-zoned (R-1, R-1-S, RR, AG-SF, RM-1, or MHP) or used district.

**2. Screening**

The entire junk yard or salvage yard site shall be screened with an eight (8) foot obscuring masonry wall, or solid wood fence constructed in accordance with the Article 6.00. The wall or fence shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.

**3. Surfacing**

All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Building Official so as to confine any wind-borne dust within the boundaries of the site.

**4. Regulated Activities**

Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.

**5. Permits**

All required Township, County, and State permits shall be obtained prior to establishing a junkyard.

**6. Stacking**

Junk, automobiles, or other debris shall not be stacked in a manner such that the material could be visible outside the site. Junkyards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.

**B. Landfills, Dumping and Sewage Disposal Facilities**

**1. General Requirements**

a. Design and Operation Standards

Any such use shall conform to current standards established by the U. S. Environmental Protection Agency, the U. S. Department of Agriculture, the Michigan Department of Environmental Quality and other regulatory agencies.

b. Environmental Impact Statement

An environmental impact statement shall be prepared in accordance with Section 2.23 and submitted to the Township Board for review and approval.

**2. Landfills and Dumping**

a. Intent

These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the Township, including landfills.

b. Scope of Application

No person shall pile, place, store, dump, bury, dispose of, or keep in open containers on any land within the Township any garbage, sewage, refuse, trash, debris, rubbish or other solid waste, including cans, bottles, waste paper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance. In no instance shall any landfill, dump, parcel of land, or other facility be used for the disposal of gasoline, tanks containing gasoline, or hazardous substances, unless the landfill is specifically licensed to accept such material.

c. Exceptions

These provisions shall not prevent the reasonable use of fertilizers, manure and similar materials for improvement of land being lawfully utilized for farming purposes, provided that such use is carried out in a healthy and sanitary manner without creating a nuisance for the surrounding area.

**3. Permit Requirements for Landfills and Dumping**

a. Issuance

A permit shall be required in all instances where landfill or dumping activity is proposed in the Township.

b. Review Procedures

Applications for landfill or dumping permits shall be reviewed in accordance with the procedures for review of Special Land Uses in Section 27.03. Permits for such uses shall be issued by the Township Board for a one (1) year period. Permits may be renewed for one (1) year periods unless the owner or operator violates any conditions of approval.

c. Performance Guarantee

To assure conformance with the requirements specified herein, the Township may require the applicant or owner to provide a performance guarantee, in accordance with Section 2.18. The performance guarantee shall be held in escrow, and may be released to the applicant in proportion to the work completed on the various restoration activities, provided an inspection report has been submitted to the Township Engineer and approved by the Township Board. No more than ninety percent (90%) of the performance guarantee shall be returned until all work has been completed and inspected.

The amount of the performance guarantee shall be reevaluated on an annual basis when the permit is renewed to insure that it is adequate to complete the project as proposed, based on current construction costs.

The Township Board may approve a performance guarantee that covers less than the total site, provided that no excavation or dumping may take place in an area until a performance guarantee has submitted to assure proper completion of the activities proposed for the area.

d. Application Requirements

The following information shall be provided on an application for a landfill or dumping permit:

(1) Aerial Photography. Vertical aerial photographs of the site, enlarged to a scale of one (1) inch equals two hundred (200) feet. The aerial photograph shall include all land included in the application, all contiguous land which is proposed to be used or has been used by the owner or operator, and all surrounding public roads.

(2) Survey. A metes and bounds survey of the subject site, prepared by a registered land surveyor and drawn to a scale of one (1) inch equals two hundred (200) feet. The survey shall include the boundary of the entire site and topography of the site at two (2) feet contour intervals.

(3) Engineering Report. Report by a qualified soil scientist, soils engineer, or geologist regarding the effect of the proposed operation on the watershed of the area. Particular attention should be focused on the potential pollution or contamination of groundwater.

- (4) Master Plan. A detailed plan for the landfill, including a timetable for various stages of the operation. A specific timetable for dumping and restoration shall be included with each annual permit request.
- (5) Restoration Plan. A detailed restoration plan indicating how the area will be re-used in a manner compatible with the Township Master Plan. The restoration plan shall include the proposed use of the restored area and the proposed topography drawn at two foot contour intervals.
- (6) Operating Specifications. A detailed description of operating procedures, so as to demonstrate conformance with the standards in sub-section 4, following.

**4. Standards**

All landfill and dumping activity shall be subject to the following standards:

- a. Limits of Approval  
All landfill and dumping activities shall be carried on within the boundary limits approved for such activities.
- b. Setbacks  
Landfilling, dumping, and stockpiling shall not be conducted closer than one hundred (100) feet to the approved outer boundary for the operation, and not closer than five hundred (500) feet to any property line that abuts a residentially zoned or used district. The required setback area may be used only for access roads and greenbelt plantings and landscaping. All equipment for sorting, processing, storing, weighing, and other operations shall be located at least three hundred (300) feet from any public street right-of-way line or adjacent property line.
- c. Noise, Dust, Debris  
All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive noise, dust, debris, or other impacts beyond the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.
- d. Road Treatment  
All private access roads shall be paved or treated to create a dust-free surface. The operator shall work with the Township to minimize dust on public access roads serving the site.
- e. Frontage and Access  
The subject site shall have a minimum frontage of 250 feet on an arterial or collector road.
- f. Fencing  
Landfill and dumping operations shall comply with the following fencing requirements:
  - 1) Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, the proposed operation shall be enclosed with a six (6) foot high cyclone fence or similarly effective barrier located at least fifty (50) feet outside the edge of the excavation area.

## **General Provisions**

- 2) Where collection of water greater than one (1) foot in depth occurs for a period of one (1) month or more in an area occupying two hundred (200) square feet or more, fencing shall be required as previously noted.

g. Slopes

Finished slopes shall not exceed a four to one grade (4 feet horizontal per 1 foot vertical). These requirements shall be complied with as each phase of the excavation or dumping proceeds. The finished slopes shall be achieved within twelve (12) months after work has begun on any section.

h. Topsoil and Seeding

Sufficient topsoil shall be stockpiled so that a minimum of two (2) feet of topsoil will be placed on the top of the finished operation. The topsoil shall be planted immediately with grass or other groundcover, subject to approval by the Township Board.

i. Berms

A ten (10) foot high berm with side slopes of no greater than four on one grade shall be required around any active cell which is adjacent to a road or exterior property line. This requirement may be waived when the existing topography or other screening exists that would accomplish the purpose of the berm.

**5. Violations**

To insure compliance with these regulations, the Building Official shall conduct periodic inspections. In the event that a violation is found, the Building Official shall send a written notice to the permit holder. Failure to correct the violation within thirty (30) days shall automatically void the permit. No new permits shall be issued until the violation has been corrected.

## **Section 2.15 -- SAFETY PROVISIONS**

### **A. Public Service Access**

All structures shall be provided with adequate access for fire, police, sanitation, and public works vehicles.

### **B. Fire Protection**

All structures shall be provided with adequate fire protection, which may include adequate water supply for fire fighting purposes, adequate internal fire suppression system, use of fire walls and fire-proof materials, and other fire protection measures deemed necessary by the Township Fire Chief or Building Official.

**1. Fire Protection Systems**

The Fire Chief or Building Official shall have the authority to require fire protection systems installed in any zoning district.

**2. Site Development Standards**

To facilitate fire protection during site preparation and construction of buildings, consideration shall be given to the following:

## **General Provisions**

- a. If public water is available, water mains and fire hydrants shall be installed prior to construction above the foundation. Hydrants shall be spaced to provide adequate fire fighting protection for all buildings and uses, subject to applicable codes and review by the Township officials.
- b. Prior to construction of buildings and other large structures, a hard surfaced roadbed shall be provided to accommodate access of heavy fire fighting equipment to the immediate job site at the start of construction. The roadbed shall be maintained until all construction is completed or until another means of access is constructed.
- c. Free access from the street to fire hydrants and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.
- d. The Building Permit holder shall provide scheduled daily cleanup of scrap lumber, paper products, corrugated cardboard and other debris. Construction debris shall be disposed of in accordance with methods approved by the Building Official.

### **C. Excavations and Holes**

Excavations and holes created in conjunction with a construction project shall be adequately barricaded and illuminated if not filled in at the end of the working day. Where such excavations or holes are located in a public right-of-way, it shall be the responsibility of the contractor to notify the Ingham County Sheriff of their existence.

### **D. Building Demolition**

Before a building or structure is demolished, the owner, wrecking company, or person who requests the demolition permit shall notify all utilities providing service to the building. A demolition permit shall not be issued until all utilities have provided notification that service has been properly terminated.

## **Section 2.16 -- EXCEPTIONS**

### **A. Essential Services**

Essential services, as defined in Article 1.00, shall be permitted as authorized and regulated by franchise agreements and federal, state, and local laws and ordinances, it being the intention of this ordinance to permit modification to regulations governing lot area, building or structure height, building or structure placement, and use of land in the Township when strict compliance with such regulations would not be practical or feasible.

Although essential services may be exempt from certain regulations, proposals for construction of essential services shall still be subject to site plan review and special land use review, it being the intention of the Township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or essential operation of said services.

### **B. Exceptions to Height Standards**

The height limitations of this Ordinance shall not apply to chimneys, church spires, public monuments, wireless transmission towers, farm buildings, water towers, and flag poles, provided that the following requirements are complied with:

#### **1. Windmills**

The maximum height of windmills used for pumping water to farm uses or for generation of electricity shall be thirty-five (35) feet, provided that the windmill is set back from all property lines a distance equal to the height of the windmill. Windmills shall be located in the

rear yard of a residential district, but may be located in the non-required front yard of an agricultural district if necessitated by the configuration of farm buildings and uses.

**2. Variances**

Variances from height standards may be sought from the Zoning Board of Appeals. In considering such a request, the Zoning Board of Appeals shall consider the character of the surrounding uses, the height of surrounding structures, and potential detriment to the use or value of surrounding properties.

**C. Voting Place**

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

## **Section 2.17 -- SIDEWALKS**

The Planning Commission may require sidewalks as a condition of site plan approval where deemed necessary to facilitate safe pedestrian and non-motorized travel. Sidewalks shall be subject to the following regulations:

**A. General Requirements**

**1. Location and Width**

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

**2. Design Standards**

Sidewalks shall be constructed of concrete in accordance with established engineering standards for the Township.

**3. Alignment with Adjacent Sidewalks**

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

**4. Signage**

The Planning Commission may require installation of signage for the purposes of safety where it is necessary to separate vehicular traffic from pedestrian and bicycle traffic, or where it is necessary to alert vehicular traffic of the presence of the sidewalks.

**5. Maintenance**

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

**6. Permits**

It shall be the responsibility of the owner or developer to secure any required permits from the Ingham County Road Commission or Michigan Department of Transportation to allow sidewalk construction in the road right-of-way.

## **Section 2.18 -- PERFORMANCE GUARANTEE**

### **A. Intent and Scope of Requirements**

To insure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Township Board may require that a performance guarantee be deposited with the Township to insure faithful completion of improvements, in accordance with Section 16f of the Township Rural Zoning Act, Public Act 184 of 1943, as amended.

Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, driveways and parking, acceleration/deceleration lanes, traffic control devices, sidewalks, and land reclamation activities.

### **B. General Requirements**

The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an irrevocable bank letter of credit or cash escrow. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Supervisor attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Supervisor presents an affidavit to the agent attesting to the Township's right to receive funds whether or not the applicant protests that right.
2. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.
3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Building Official.
4. The entire performance guarantee shall be returned to the applicant following inspection by the Building Official and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten percent (10%) shall be held back on each element until satisfactory completion of the entire project.
5. An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least one (1) year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Zoning Administrator that all landscape materials are being maintained in good condition.

### **C. Unsatisfactory Completion of Improvements**

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

## Section 2.19 -- TRASH REMOVAL AND COLLECTION

### A. Standards for Siting and Screening of Trash Dumpsters

Dumpsters may be permitted or required as accessory to any use other than single and two-family residential uses, subject to the following conditions:

**1. Location**

Dumpsters shall be located in the rear yard, provided any such dumpster shall not encroach on a required parking area, is clearly accessible to servicing vehicles, and is located at least ten (10) feet from any building. Dumpsters shall comply with the setback requirements for the district in which they are located, and shall be located as far as practicable from any adjoining residential district.

**2. Concrete Pad**

Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of three (3) feet in front of the dumpster enclosure.

**3. Screening**

Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a permanent building, decorative masonry wall, wood fencing, or earth mound, not less than six (6) feet in height or at least one (1) foot above the height of the enclosed dumpster, whichever is taller. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides.

**4. Wood Screening Standards**

If wood fencing is selected as the desired dumpster screening alternative, the following standards shall apply:

a. Materials

Only solid No. 1 pressure-treated wood shall be permitted.

b. Posts

Posts shall be set in concrete 42 inches below grade level. Two types of posts shall be permitted: (1) 6 inch x 6 inch pressure-treated wood, or (2) 3 inch diameter galvanized steel posts.

**5. Bollards**

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

**6. Site Plan Requirements**

The location and method of screening of dumpsters shall be shown on all site plans and shall be subject to the approval of the Planning Commission.

## Section 2.20 -- FLOODPLAINS *(this section revised 12/1/98)*

### A. Purpose

It is the purpose of this Section to significantly reduce hazards to persons and damage to property as a result of flood conditions in the Township of Williamstown, 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, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976, and redesignated as 44 FR 31177, May 31, 1979.

Further, the objectives of this Section include:

1. The protection of human life, health, and property from the dangerous and damaging effects of flood conditions;
2. 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;
3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
5. To insure that the public has access to information indicating the location of land areas subject to periodic flooding; and
6. To preserve the ability of floodplains to carry and discharge a base flood.

### **B. Delineation of Flood Hazard Area**

1. The regulations in this Section apply to the Flood Hazard Area. The boundaries of the Flood Hazard Area, for the purposes of these regulations, shall coincide with the boundaries of the 100-year flood area delineated on the Flood Boundary and Floodway Map for Williamstown Township (dated 4/15/82). This map is adopted by reference, appended, and declared to be a part of this Ordinance. The most recent base flood elevation data received from the Federal Emergency Management Agency shall take precedence over data from other sources.
2. Where there are disputes as to the location of a Flood Hazard Area boundary, the Board of Zoning Appeals shall resolve the dispute in accord with Section 27.05.
3. In addition to other requirements of this Ordinance, compliance with the requirements of this Section shall be necessary for all development occurring within the Flood Hazard Area. If there is a conflict between the requirements of this Section and other requirements of this Ordinance or any other ordinance, the requirement that furthers the objectives of this Section to the greatest extent shall apply.

### **C. Permitted Uses in the Flood Hazard Area**

Within the Flood Hazard Area, no land shall be used except for one or more of the following uses, which have a low flood damage potential and present no, or minimal obstruction to flood flows. Such uses are permitted to the extent that they are not prohibited by any other ordinance and provided they do not require new structures, fill, or storage of materials or equipment, unless specifically permitted by the regulations herein. No use shall in any manner affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

1. Agriculture, pasture land, and animal grazing.
2. Site grading.
3. Harvesting of a native or wild crop permitted by law such as wild rice, marsh hay, berries, and seeds.
4. Harvesting of trees.
5. Parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, par three golf courses, golf driving ranges, bridle paths, nature paths, and trails.
6. Wildlife preserves.
7. Fishing, trapping, and hunting in compliance with current laws and regulations.
8. Hunting and conservation clubs, and noncommercial archery, rifle, and shooting ranges.
9. Historic sites and structures.
10. Swimming beaches, fishing, and boating docks in accord with the provisions of Part 301 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.
11. Required open space or lot area for permitted uses that are outside of the Flood Hazard Area.
12. Uses incidental to single family dwellings, including lawns, gardens, and play areas.
13. The following accessory buildings, structures and uses are permitted, subject to the requirements that generally apply to such accessory buildings, structures and uses in Section 2.03: off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility lines, pumphouses, bank protection structures, signs, fences, and similar outdoor equipment and appurtenances, provided each of the following requirements are met:
  - a. Any such accessory building, structure, or use shall not cause an increase in water surface elevation, obstruct flow, or reduce the impoundment capacity of the floodplain.
  - b. All equipment, buildings and structures shall be anchored to prevent flotation and lateral movement.
  - c. Lot coverage of an accessory structure shall not exceed five hundred (500) sq. ft.
  - d. Compliance with these requirements shall be certified by a licensed engineer.
14. Extraction of sand, gravel, and other materials, provided that the owner and/or operator of the extractive operation demonstrates to the satisfaction of the Township Board that no threat of ground water or surface water contamination will result from any part of the

operation (including, but not limited to mining, processing, sorting, operation of vehicles and equipment, fueling, or any other part of the operation).

**D. Filling and Dumping**

Dredging and fill and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state regulations are met including but not limited to regulations set forth in Parts 31, 301, 303 and 315 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.

**E. Standards for Flood Hazard Areas**

1. Except as noted in sub-section C, all new construction shall be prohibited in the Flood Hazard Area. Substantial improvements to existing structures shall be prohibited in the Flood Hazard Area, except where the improvements would clearly lessen the impact of the structure on the floodplain.
2. No existing building or structure shall be converted, or substantially improved or replaced unless the lowest floor, including the basement, is elevated to or above the base flood level.
3. No existing building or structure shall be converted, or substantially improved or replaced, and no land shall be filled or building or structure used in a flood hazard area unless the proposed improvements are in full compliance with the Zoning Ordinance. Any proposed conversion, substantial improvement, or replacement of an existing structure shall also comply with Appendix Chapter 31, Division I, of the Uniform Building Code, involving Flood-Resistant Construction. Approval shall not be granted until permits have been submitted from the Department of Environmental Quality under authority of Parts 31 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended; the Ingham County Drain Commission, and Ingham County Department of Health.
4. Relocation of a building or structure may be permitted only where the relocation would clearly lessen the impact of the structure on the floodplain.
5. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
6. Land shall not be divided in a manner that creates parcels or lots which cannot be used in conformance with the requirements of this Section.
7. 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.
8. Available flood hazard data from federal, state, or other sources shall be used to determine compliance with this Section. Data furnished by the Federal Emergency Management Agency shall take precedence over data from other sources.
9. Developers of substantially improved or relocated structures within the Flood Hazard Area shall submit written documentation to the Building Official indicating:

- a. The elevation of the lowest floor in the structure, including basement.
- b. The elevation to which a structure has been floodproofed, if floodproofing methods have been employed.
10. Proposed specifications and as-built drawings shall be kept on record and made available for public inspection and for use in determining flood insurance risk premium rates.
11. When floodproofing measures are employed, a licensed engineer or architect shall certify that the methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and any other factors associated with the intermediate regional floodplain elevation. Such certification shall indicate the elevation to which the structure is floodproofed.
12. Improvements made to existing structures, including mobile homes, shall be firmly anchored to prevent flotation and lateral movement, and shall be constructed with flood resistant materials and methods.
13. If new and replaced utility and sanitary facilities must be located below the 100-year flood elevation, they shall be constructed so as to be watertight, to resist hydrostatic and hydrodynamic loads and to be resistant to the effects of buoyancy. All measures to flood proof utility and sanitary facilities are subject to approval of the Township Engineer.
14. On site waste disposal systems, such as septic tanks and leach fields, and service facilities, such as electrical and heating equipment, shall not be located in a floodplain.
15. The application or discharge of persistent toxic compounds whose direct or indirect effects through residuals have a half-life greater than six months onto land within the Flood Hazard Area shall not be permitted.
16. Fill shall be protected from erosion by rip-rap, vegetative cover, bulkheading, or other appropriate technique approved by the Ingham County Drain Commissioner.
17. Should any watercourse relocation or alteration be proposed, notification of said change in the watercourse shall be sent by the developer to adjacent affected communities, the Michigan Department of Environmental Quality, and the Federal Emergency Management Agency. Such modifications shall not impair the flow and impoundment capacity of the floodplain.
18. In no case shall any permanent structure be erected closer than fifty (50) feet to the banks of the Red Cedar River or to the center of any open county drain. The banks of the Red Cedar River shall be determined by legal survey. The center of public drains shall be determined from legal descriptions which are on public record.
19. New subdivisions and other developments shall be designed and located to minimize flood damage within the Flood Hazard Area, and to prevent adverse impact in the Flood Hazard Area as a result of chemical contamination (for example, from fertilizer, herbicide, and pesticide usage; tree cutting; expanding impervious surface area, etc.).

Public utilities in subdivisions, including sewer, gas, electrical, and water systems, shall be located and designed to minimize potential flood damage.

20. Where relocation of an existing structure is permitted, the structure shall be placed on the site so as to minimize obstruction to the flow of floodwaters; accordingly, whenever possible, the structure shall be placed with its longitudinal axis parallel to the direction of flood flow.
21. No approval shall be granted for the substantial improvement or relocation of existing structures, or development of any kind within the floodway hazard area when such improvement, relocation, or development would cause any increase in flood level associated with a 100-year flood.

#### **F. Disclaimer of Liability**

Approval of the use of land under this Section shall not be considered a guarantee or warranty of safety from flood damage. Any such approval shall not be considered a guarantee or warranty that areas outside the flood hazard area will be free from flood damage.

## **Section 2.21 -- SOIL EROSION AND SEDIMENTATION CONTROL**

#### **A. Scope of Requirements**

Any development in Williamstown Township shall comply with the Standards and Specifications for Soil Erosion and Sediment Control as adopted by the Ingham County Soil Conservation District, as well as the standards set forth in this Section. All site plans, shall include sufficient information to demonstrate compliance with the soil erosion and sediment control standards of the Ingham County Soil Conservation District. The applicant shall bear the full responsibility for the installation and construction of all such required erosion control measures.

#### **B. Information Requirements**

The following information shall be submitted to the Township on or with the site plan for the entire tract of land, whether or not the tract will be developed in stages:

1. A boundary line survey of the site on which the work is to be performed.
2. General topographic and soil conditions of the site.
3. Location and description of existing and proposed development.
4. Plans and specifications for proposed soil erosion and sedimentation control measures to be implemented, based on standards and specifications of the Ingham County Soil Conservation District.
5. A schedule indicating the anticipated starting and completion dates of development.

#### **C. Design Standards**

In addition to the Standards and Specifications for Soil Erosion and Sedimentation Control promulgated by the Ingham County Soil Conservation District, the following design standards shall be used to provide effective control of soil erosion and sedimentation:

1. The development plan shall complement the topography and soils on the site so as to minimize erosion potential.
2. Permanent vegetation and improvements such as streets, storm sewers or other features of the development, capable of carrying storm runoff in a safe manner, shall be scheduled for installation prior to removing the vegetative cover from an area, if feasible.
3. Where feasible, natural vegetation shall be retained where it aids in soil erosion and sedimentation control.
4. The smallest practical area of land shall be exposed at any one time during development, for the shortest practical period of time.
5. Soils exposed during construction shall be protected with temporary vegetation, mulching, or other protection.
6. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
7. Provisions shall be made to accommodate the increasing run-off caused by changed soil and surface conditions during and after development.
8. Permanent vegetation and soil erosion control devices shall be installed as soon as practical during development.

**D. Maintenance of Soil Erosion and Sedimentation Control**

Individuals or developers carrying out soil erosion and sediment control measures under this Ordinance, and all subsequent owners of property on which such measures have been installed, shall adequately maintain all permanent erosion control measures, devices and plantings in effective working condition.

**Section 2.22 -- RECEPTION ANTENNAE FACILITIES**

In all zoning districts the installation of reception antenna facilities shall be permitted as an accessory use, subject to the provisions in this section.

**A. Purpose**

The purposes of this section are as follows:

1. To provide reasonable regulations for the placement of reception antenna facilities.
2. To promote safety and prevent dangers to persons and property resulting from accidents involving antenna facilities that may become dislodged and fall due to wind load, snow load or other forces.
3. To require screening of ground-mounted facilities and to minimize the visibility of roof or structure mounted facilities in the interest of maintaining the high architectural and aesthetic qualities of the Township and in the interest of maintaining and preserving property values.

**B. Ground-Mounted or Tower-Mounted Antennas**

Ground-mounted or tower-mounted antennas shall be subject to the following conditions:

1. The maximum height of any part of a ground-mounted or tower-mounted antenna shall be twenty (20) feet or the minimum height necessary to achieve adequate reception.

2. Ground-mounted or tower-mounted antennas shall comply with the setback requirements for the district in which they are located, and shall not be located in front yards. However, an antenna may be located in the front yard if suitable reception cannot be achieved in any other location on the site, and provided that the antennas in the front yard are screened as noted in the following sub-section 3.
3. Ground-mounted or tower-mounted antennas shall be obscured from view from adjacent properties and from any public road by a screen wall, fence, evergreen plantings, or a combination thereof in compliance with Township ordinances, provided that screening shall not be required that would unreasonably prevent reception.

### **C. Roof-Mounted Antennas**

Antennas mounted on a roof of a building shall be subject to the following regulations:

1. The maximum length and width of the antenna facility itself shall be eight (8) feet. Antennas mounted on a building shall not exceed an overall height of twenty (20) feet or the minimum height necessary to achieve adequate reception. Antennas mounted on a roof shall not extend higher than three (3) feet above the highest point of any part of the roof within ten (10) feet, provided that in no case shall an antenna extend higher than the maximum height permitted in the district in which it is located unless necessary to achieve adequate reception.
2. Roof-mounted antennas shall be permitted on the side of building facing a road only if there is no other option available to achieve adequate reception.
3. Roof or structure-mounted antennas shall comply with the setback requirements for the district in which they are located.

### **D. General Requirements**

All antennas shall comply with the following regulations:

1. Antennas shall not be solid sheet or panel construction and shall not be used as a sign or message board. Antennas shall be painted a flat grey or other color to minimize visibility.
2. Permits required by the adopted building or electrical code shall be obtained prior to construction of an antenna. The applicant shall submit a site plan indicating the exact location where the antenna will be located, plus electrical and structural plans and documentation.
3. All wiring to the antenna shall be installed underground.
4. In the event that approval is requested for an antenna that is higher than the minimum standards specified in this section, or if other variations from the required standards are proposed, documentation shall be provided demonstrating the need for such variations in order to achieve adequate reception.
5. Notwithstanding the setback requirements specified previously in this section, antennas with a wind resistance surface of seven (7) square feet or less and all open element and monopole antennas shall be set back from all property lines a minimum distance equal to thirty percent (30%) of the height of the antenna.

## **Section 2.23 -- IMPACT ASSESSMENT**

**A. Intent**

The purpose of an Impact Assessment is to assess the developmental, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the site development and performance standards set forth in this Ordinance. Where required, preparation of the Impact Assessment shall be the responsibility of the applicant. The applicant shall use qualified personnel to complete the Impact Assessment, which shall address the following issues, at minimum:

1. Water, noise, and air pollution associated with the proposed use.
2. Effect of the proposed use on public utilities.
3. Historic and archeological significance of the site and adjacent properties.
4. Displacement of people and other land uses by the proposed use.
5. Alteration of the character of the area by the proposed use.
6. Effect of the proposed use on the Township's tax base and adjacent property values.
7. Compatibility of the proposed use with existing topography, and topographic alterations required.
8. Impact of the proposed use on surface and groundwater.
9. Operating characteristics and standards of the proposed use.
10. Proposed screening and other visual controls.
11. Impact of the proposed use on traffic.
12. Impact of the proposed use on flora and fauna.
13. Negative short-term and long-term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.

**B. Information Required**

Where required, an Impact Assessment shall contain all applicable information that is required for Conceptual Review of Planned Development, as set forth in Section 27.04.

**C. Evaluation of the Impact Assessment**

The Planning Commission and Township Board shall consider the criteria listed below in their evaluation of an Impact Assessment. Failure to comply with any of the criteria shall be sufficient justification to deny approval of the application. The Township Board and Planning Commission shall determine that the proposed use:

1. Will be harmonious with and in accordance with the general objectives of the Master Plan.
2. Will be designed, constructed, operated, and maintained in harmony with the existing or future neighboring uses.
3. Will not be hazardous or disturbing to existing or future neighboring uses.

## ***General Provisions***

4. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
5. Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection, and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
6. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.

### **D. Applicability of Other Standards and Ordinances**

Approval of the Impact Assessment shall not relieve the project's sponsor from complying with other land development standards of the Zoning Ordinance, or with any other Township ordinance, or with any other applicable local, State or Federal law or regulation.