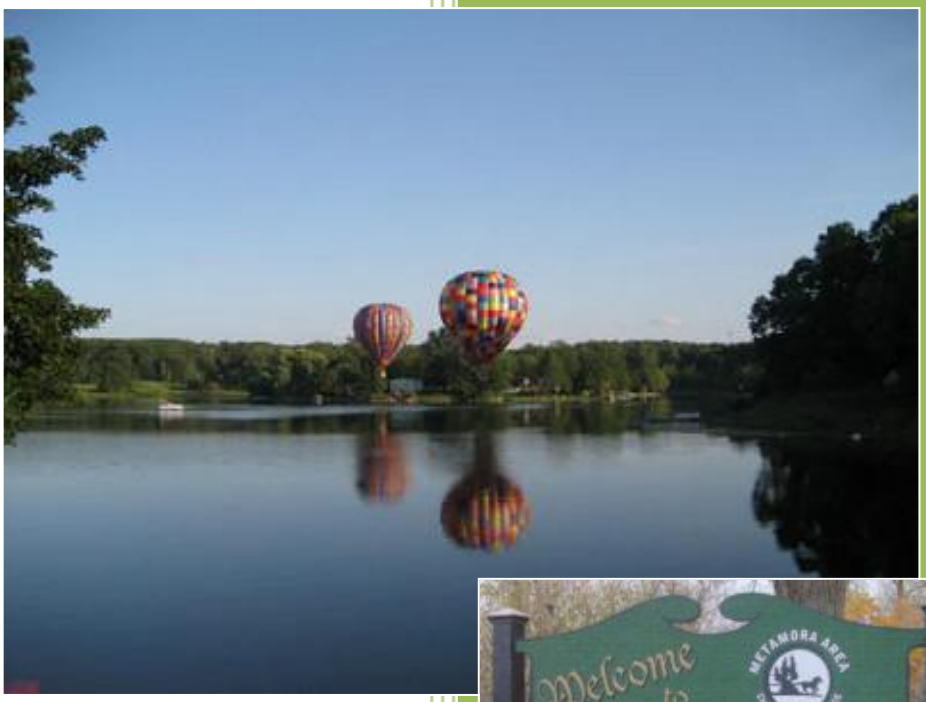
Township of Metamora Zoning Ordinance





Ordinance No. 23

Adopted April 13, 1987

As amended through September 21, 2015

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Zoning Ordinance
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METAMORA TOWNSHIP BOARD AND

PLANNING COMMISSION

Assisted by:

Birchler Arroyo Associates, Inc. Community Planners

Updated by:

ROWE PROFESSIONAL SERVICES COMPANY
PO Box 3748 | Flint, MI 48502

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Article 1. TITLE AND PURPOSE

Section 100 TITLE

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

Section 101 PURPOSE

The purpose of this Ordinance is to promote the public health, safety, morals, and general welfare; to encourage the proper use of land and natural resources in order to ensure their protection and preservation and limit their improper use; to limit the inappropriate overcrowding of land and congestion of population, transportation systems and other public facilities; to provide adequate light, air and open spaces; to reduce hazards to life and property; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; to meet the needs of all citizens for food, fiber, energy, places of residence, recreation, employment, trade, service, and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; and to conserve the expenditure of funds for public improvements and services.

Article 2. ZONING DISTRICTS AND MAP

Section 200 ZONING DISTRICTS

For the purposes of this Ordinance, Metamora Township is hereby divided into the following zoning districts:

A-1 Agricultural District
A-2 Agricultural District
R-1 Single Family Residential District
R-2 Single Family Residential District
RM Multiple Family District
MH Mobile Home District
RC Recreation District
O-1 Local Office District
B-1 Local Business District
B-2 General Business District
M-1 Light Manufacturing District

Section 201 ZONING MAP

The location and boundaries of the zoning districts are shown on the Zoning Map of Metamora Township which is hereby incorporated as a part of this ordinance. Unless otherwise shown, district boundary lines shall be interpreted as following section lines; the centerline of streets, highways or waterways; the shoreline of water bodies; the boundary lines of incorporated areas, recorded plats or subdivisions; or the property lines of legal record on the date of enactment of this Ordinance. Where, due to map scale or illegibility, the boundary cannot be determined with certainty, the Board of Appeals shall decide where the district boundary line was intended to be located.

Article 3. DEFINITIONS

For the purposes of this Ordinance certain words and terms are herein defined. All other words shall have the meaning customarily assigned to them in a standard dictionary of the English language. When not inconsistent with the context, words in the present shall include the future tense, words in the singular shall include the plural number, and words in the plural shall include the singular number. The word SHALL is mandatory and the word MAY is permissive.

Accessory Building Or Structure - A supplemental building or structure on the same parcel of land as the main building or buildings, structure, or use of land, the use of which is incidental or secondary to that of the main building or use.

Accessory Use - A use normally incidental or subordinate to, and devoted exclusively to the main use of the land, building or structure.

Agriculture - The art or science of cultivating the ground, the production of crops or livestock on a farm; but excluding agricultural business or industry such as fur farms, piggeries, farms used for disposal of garbage, sewage, rubbish or offal, and slaughtering of animals, except animals raised on the premises for the use and consumption of persons residing on the premises.

Altered - Any change in the location or use of a building or structure and any change in the supporting members of a building or structure such as bearing walls, columns, posts, beams, girders, and similar major components.

Ambient – The sound pressure level exceeded 90% of the time or L 90. ANSI means the American National Standards Institute. (Amended 01/11/10)

Anemometer tower – A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a utility grid wind energy system. (Amended 01/11/10)

Automobile Repair Garage - A building or premises where the following services may be carried out in a completely enclosed building; general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; painting and undercoating of automobiles.

Automobile Service Center - A building or premises used primarily for the sale and installation of major automobile accessories, such as tires, batteries, radio, air conditioners and mufflers, plus such services as brake adjustment, wheel alignment and balancing, but excluding any major mechanical repairs, collision work, undercoating or painting. Sale of gasoline (stored only in underground tanks) shall be incidental to the above enumerated activities.

Automobile Service Station - An establishment for the sale and dispensing of gasoline, oil, and major accessories, and for minor repairs such as tune-ups and flat tire repair, but not including body repair, engine rebuilding, rust-proofing and similar activities.

Basement - That portion of a building which is partly, or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the average grade to the ceiling is over five (5) feet, such basement shall be counted as a story. An approved earth-sheltered building shall not be considered a basement.

Bed & Breakfast Inn - A single family dwelling with not more than eight (8) guest rooms in which the owner/operator provides overnight accommodations to guests in return for payment, and without kitchen facilities for serving or preparing meals for the overnight guests which are separate from those for the residence.

Building, Height of - The vertical distance from the average grade to the highest point of the roof surface on a flat roof, to the deck line of mansard roofs, and to the mean height between the eaves and the ridge for gable, hip and gambrel roofs. Where a building is located on a terrace, the height may be measured from the average grade of the terrace along the front and back building walls.

Block - The property abutting one side of a street and lying between the two nearest intersecting streets, or between one intersecting street and a railroad right-of-way, un-subdivided acreage or stream; or between any of the foregoing and any other barrier to the continuity of development. In sparsely developed areas of the Township without identifiable blocks, a block shall constitute an area not more than one eight (1/8) mile on either side of the building or building site in question.

Boarding House – (The term boarding house, rooming house and lodging house are used synonymously in this Ordinance) A building, other than a hotel, where, for compensation and/or prearrangement for periods exceeding ten days, lodging and meals are provided for three or more persons, which may include one dwelling unit for occupancy by management.

Board of Appeals - The Zoning Board of Appeals of Metamora Township.

Building - Any structure, temporary or permanent, having one or more floors and a roof and intended for the shelter or enclosure of persons, animals and property.

Building, Main or Principal - A building or, where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated.

Building Line - A line parallel to the front lot line at the minimum required front setback line.

Commercial Service Drive - A public or private roadway, usually parallel to a major thoroughfare, designed to provide access to businesses and business property while limiting the points of ingress and egress onto the major thoroughfare.

Corner Building - shall mean a building with frontage on any two streets or a building at the corner of any street and a public alley.

dB(A) – The sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear. (Amended 01/11/10)

Decibel – The unit of measure used to express the magnitude of sound pressure and sound intensity. (Amended 01/11/10)

Display Window - shall include any window area designed to permit customers outside the building to view merchandise inside a store or that displays store merchandise in a specially designed area immediately inside the window glass, whether or not the rest of the store interior is visible.

Drive-in - A business establishment serving food and/or beverages that is so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons who will consume the food and/or beverages in the motor vehicles while on the premises of the drive-in establishment.

Dwelling Multiple-Family - A building or portion thereof containing three or more dwelling units.

Dwelling One-Family - A detached building containing one dwelling unit.

Dwelling, Two-Family - A detached building containing two dwelling units.

Dwelling Unit - One or more rooms with a bathroom and principal kitchen facilities as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes. In the case of mixed occupancy, the portion of a building occupied as a dwelling shall be regulated as a dwelling.

Earth-Sheltered Building - A building where a significant portion of the walls and /or roof are covered with earth, that is specifically designed and constructed to meet the requirements of this Ordinance and the building code for minimum floor area, light and ventilation, emergency egress, waterproofing, and similar requirements, and approved by the Building Inspector.

Efficiency Apartment - A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking and sleeping purposes and having no separate, designated bedroom.

Enlarged - Any change in the area or dimension, either vertical or horizontal or additions, improvements, enclosures, or changes less

Erected - Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

Essential Services - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings, which are necessary for the furnishing of adequate services to the Township by such utilities or Municipal departments for general health, safety, or welfare.

Family - An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration.

Family Day Care Rome- A private residence where care, protection, and supervision are provided, for a fee to no more than six (6) children at one time, except children related to an adult member of the family. A family day care home shall require no construction features or equipment not customary in a residential dwelling or district. (Amended 8-11-97)

Farm - All of the contiguous, neighboring, or associated land operated as a single unit on which any agricultural activity or the raising of livestock or small animals is occurring.

Floor Area, Gross - The total horizontal area of all floors of a building, measured from the exterior faces of the exterior walls and including all habitable basement areas, as determined by the Building Code.

Garage, Private - A space or structure suitable for storing one or more automobiles and designed and used for private rather than public, commercial or industrial purposes. Garages attached to dwellings shall be deemed a part of the dwelling for purposes of determining yard requirements, but not floor area.

Garage, Commercial - A building or structure designed or used for the storage, care, repair or commercial display of automobiles, tractors, trucks, or other power equipment.

Greenbelt - A strip of land of specified width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip.

Group Child Care Center (Nursery School)- A building or structure where care, protection, and supervision are provided on a regular schedule, at least twice per week, to more than twelve (12) children, or where pre-school education is offered for five (5) or more children on a regular schedule at least twice per week. (Amended 8-11-97)

Group Day Care Home- A private residence where care, protection, and supervision, for a fee to no more than twelve (12) children at one time, except children related to an adult member of the family. A group day care home shall require no construction features or equipment not customary in a residential dwelling or district. (Amended 8-11-97)

Home Occupation - An occupation, activity or hobby that is traditionally or customarily carried on within the walls of a dwelling unit. (Amended 8-14-00)

IEC – The International Electrotechnical Commission. (Amended 01/11/10)

ISO – The International Organization for Standardization. (Amended 01/11/10)

Junk Yard - An open area of more than two hundred (200) square feet, including an automobile wrecking yard, used for the purchase, sales, exchange, disassembly, storage, processing, baling or packaging of junk, including but not limited to scrap metals, unusable machinery or motor vehicles, tires, bottles and paper, and not including uses established entirely within enclosed buildings.

Kennel, Commercial - An establishment where three or more dogs, cats or other pets are confined or kept for sale, boarding, breeding, or training purposes for remuneration.

Lease unit boundary – A boundary around property leased for purposes of a wind energy system, including adjacent parcels to the parcel on which the wind energy system tower or equipment is located. For purposes of setback, the lease unit boundary shall not cross road right-of-ways. (Amended 01/11/10)

Loading Space - An off-street facility or space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot Area - The total horizontal area within the lot lines of a lot. For lots fronting or adjacent to private streets, lot area shall mean that area within lot lines and not including any portion of said private street.

Lot Corner - Any lot located at the intersection of two streets. A lot on a curved street shall be considered a corner lot if the intersection of the two front lot lines forms an interior angle of less than 135 degrees.

Lot Coverage - That part or percent of the lot occupied by principal and accessory buildings.

Lot Depth - The horizontal distance between the front and rear lot lines measured along the median between the side lot lines.

Lot, Interior - Any lot other than a corner lot or through lot.

Lot Lines (Property Lines) - The lines bounding a lot as defined herein:

1. Front Lot Line: In line which separates the lot from the nearest abutting edge of the street right of way or easement. In the case of a corner lot or through lot, the lines which separate the lot from the nearest abutting edges of the street right of way or easement.
   (Amended 6-9-97)

2. Rear Lot Lines: That line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line, and wholly within the lot.

3. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. A lot line separating a lot from a side street is a front lot line.

Lot of Record - A parcel of land, the dimensions of which are shown on a recorded plat on file with the County Register of Deeds, or any parcel which has been separated therefrom in accordance with the provisions of the Subdivision Control Act and which exists as described. A lot of record must front a public street which is dedicated for access as a public street, or upon an approved private road.

Lot, Through - A double frontage lot, not a corner lot, having a street for both front and rear lot lines.

Lot Width - The length of a straight line measured between the two points where the building line or minimum required front setback line intersects the side lot lines.

Major Thoroughfare - An arterial street which is designated as a major thoroughfare on the Thoroughfare Plan for the Township.

Master Plan (Comprehensive Plan) - The official Comprehensive Plan for the development of the Township, including but not limited to graphic and written proposals for thoroughfares, parks, schools, public buildings, land use and the general physical development of the Township, adopted by the Planning Commission.

Marquee - A roof-like structure of a permanent nature projecting from the wall of a building.

Mezzanine - An intermediate or fractional story between the floor and ceiling of a main story occupying not more than one-third (1/3) of the floor area of such main story.

Mobile Home - A detached, portable, single-family dwelling unit, prefabricated on its own chassis, to be transported after fabrication to a location where it will be connected to existing utilities and utilized for long-term occupancy as a complete dwelling. This definition does not include a Travel Trailer.

Mobile Home Park - A parcel of land developed in conformity with Michigan Public Act 419 of 1976, as amended.

Multiple Street Frontage - (other than corner buildings) shall mean any building on a double frontage lot or any building with frontage on one street as well as a public alley.

Multiple Exposure Frontage - shall mean any building with frontage on one street as well as frontage on a shared commercial service drive or a shared parking lot between that building and at least one additional office or retail establishment.

Nonconforming Building, (Nonconforming Structure) - A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

Nonconforming Use - A use of a building or structure or of a parcel, or tract of land, lawfully existing at the time of adoption of the Ordinance or a subsequent amendment thereto, that does not conform to the use or regulations of this Ordinance for the zoning district in which it is situated.

Nonconforming Use and Building - A use and a building lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto which does not conform to the use, height, bulk, placement or yard provisions for the zoning district in which it is situated.

Nursery School (Day Care Center) - A public or private school, kindergarten or child care facility wherein day care or day care and education is provided for five (5) or more minor children.

Nursing Home (Convalescent or Rest Home) - A home for the care of the aged, infirm or those suffering from bodily and/or mental disorders, wherein more than six persons are housed or lodged and furnished with professional care.

Occupied - Used in any way at the time in question.

Odor Threshold - The minimum concentration, in air, of gas, vapor, or particulate matter that can be detected by the olfactory systems of a panel of healthy observers.

Off-street Parking Lot - A facility other than for single or two-family dwellings providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Onsite wind energy system – A land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site. (Amended 01/11/10)

Outdoor Sales - Shall mean the display and/or sale of merchandise or products outdoors that are customarily sold by the resident business within their business building. (Amended 11-20-96)

Owner - The person or persons, firm, or corporation having legal or equitable title to a lot or parcel of land, or their leasees or agents.

Park, Day-Use - A public or private park for outdoor recreation, such as a playground, sports playing field, picnic area, day camp of a church group or other quasi-public organization, or similar use, which does not include overnight camping facilities or outdoor lighting for use of the park property after dark.

Residential Accessory Occupation - Any occupation, business, personal or professional service customarily engaged in by residents at their place of residence for dwelling purposes, that cannot be conducted within the dwelling itself but occupies a portion of an accessory building. (Amended 8-14-00)

Right-of-way Line - (also Street or Road Easement Line) The dividing line between the street and a lot. (Amended 6-9-97)

Roadside Stand - A temporary or existing permanent structure containing not more than two hundred (200) square feet of enclosed floor area and operating for the purpose of selling agricultural, dairy or poultry products raised or produced only by the proprietor of the stand or by his family.

Rotor – An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind. (Amended 01/11/10)

Shadow flicker – Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling. (Amended 01/11/10)

Sign - The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known to the general public and is visible off the lot.

Sign Area - The entire area within a regular geometric form comprising all of the display area and all of the elements of the matter displayed. The sign area shall be computed on one side of a single or two-sided sign and on all sides of a sign with three or more faces.

Site Plan - A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan must include all of the information required by Section 1524 of this Ordinance.

Setback Line, Required - A line, marking the setback distance from the street right of way or lot lines, which establishes the minimum required front, side or rear open space of a lot. (Amended 6-9-97)

Sound pressure – An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver and reported in decibels (dB). (Amended 01/11/10)

Sound pressure level – The sound pressure mapped to a logarithmic scale. (Amended 01/11/10)

Stable, Private - An accessory building for the keeping of horses for non-commercial use of the residents of the principal building on the lot.

Stable, Riding or Boarding (Including Riding Academies) - A stable other than a private stable, carried on within an unplatted parcel of land of not less than forty (40) acres.

Story - That part of a building, except a mezzanine or basement, as defined herein, included between the surface on one floor and the surface of the next floor above it, or any portion of a building between the topmost floor and the roof having a usable floor area equal to at least fifty percent of the usable floor area of the floor immediately below it.

Street - A public thoroughfare or an approved private road which affords the principal means of access to abutting property.

Structure - Any constructed or erected material, the use of which requires locations on the ground or attachment to something having location on the ground, including but not limited to buildings, towers, sheds, fences and signs, but excepting walks, drives, pavements, and similar access or circulation facilities.

Structure mounted wind energy system – An on-site wind energy system mounted on a structure other than a tower, such as a building. (Amended 01/11/10)

Temporary Use, Temporary Building - A use or building permitted to exist during periods of constriction of a main building or use, or for special events.

Travel Trailer - A vehicle, self-propelled or nonself-propelled, so designed and constructed as to permit its being used as a conveyance on the public streets and duly licensable as such, and of a nature that will permit nonpermanent occupancy as a dwelling unit or rooming unit by one or more persons.

Use, Principal - The primary and chief purpose for which a lot or parcel is used.

Utility grid wind energy system – A land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as but not limited to a SCADA TOWER, electric substation. A utility grid wind energy system is designed and built to provide electricity to the electric utility grid. (Amended 01/11/10)

Variance - A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals in situations or under circumstances where permitted by law.

Wall - An obscuring structure of definite height and location, constructed of masonry, concrete or similar approved material.

Wind energy system – A land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also onsite wind energy system and utility grid wind energy system. (Amended 01/11/10)

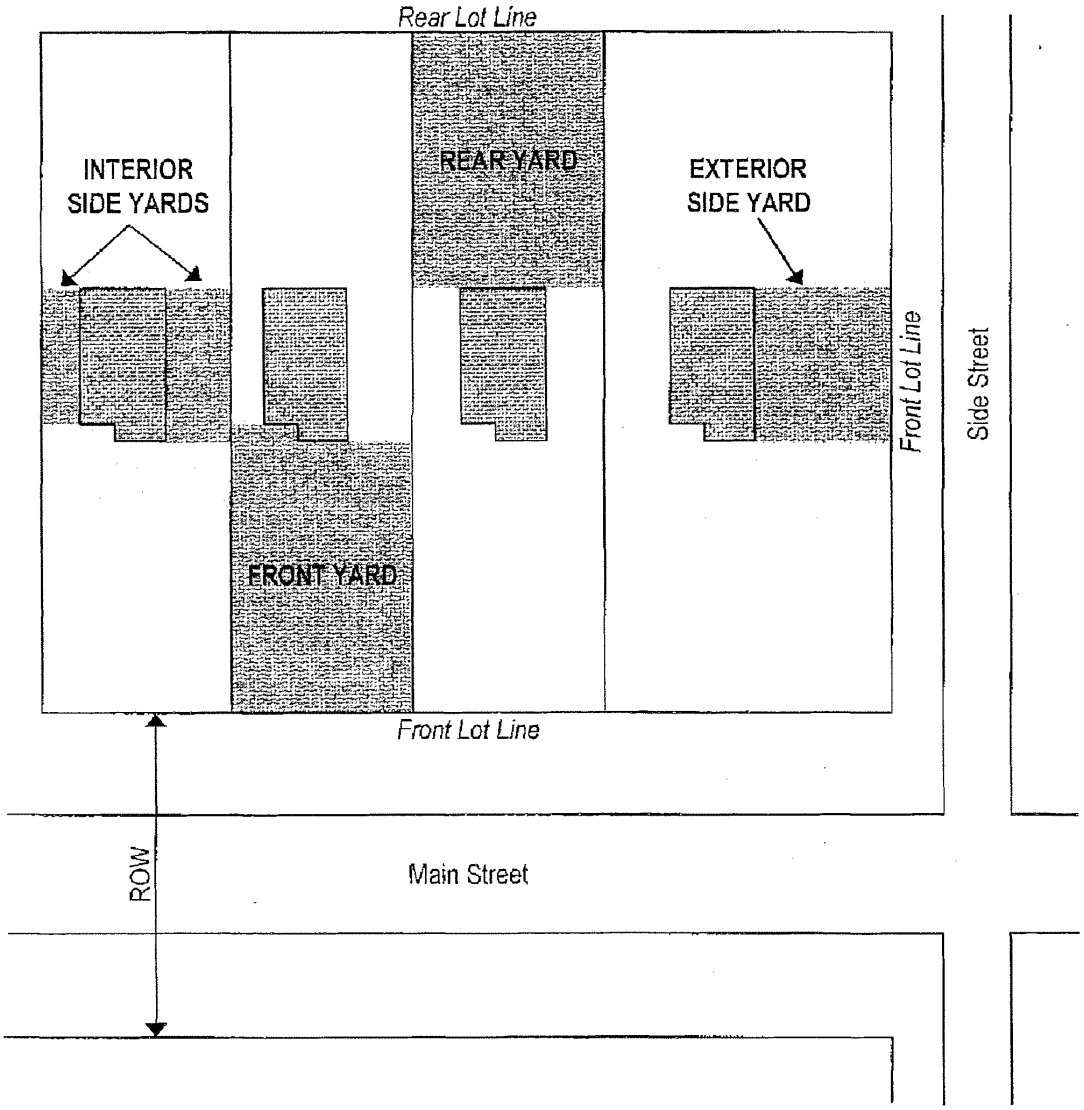
Wind site assessment – An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system. (Amended 01/11/10)

Yard - The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in the Ordinance, and as defined and illustrated herein:

1. Front Yard: An open space extending the full width of the lot, the depth of which is the horizontal distance between the front lot line and the front building line.

2. Rear Yard: An open space extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the rear building line. In the case of a rear lot line lying along a water body, the rear lot line shall be that line recorded as the high water line.

3. Side Yard: An open space not defined as a front or rear yard, and located between the side lot line and the building extending from the front yard to the rear yard, the width of which is generally the horizontal distance between the side lot line and the side building line.


Rear Lot Line
INTERIOR
SIDE YARDS
REAR YARD
EXTERIOR
SIDE YARD
Front Lot Line
Side Street
FRONT YARD
Front Lot Line
ROW
Main Street

Article 4. AGRICULTURAL DISTRICTS, A-1 AND A-2

Section 400 INTENT

The agricultural districts are designed to provide areas where farming, dairying, raising of animals, forestry, raising of nursery stock and similar rural activities can coexist with rural residential development on acreage home sites. The Agricultural Districts are intended to protect land needed for agricultural pursuits from encroachment by untimely and unplanned urban use. Residential developments in these zones should be designed to preserve open space and protect the area's rural character without preempting neighboring agricultural uses.

Section 401 PRINCIPAL PERMITTED USES

Unless otherwise provided in this Ordinance, no building shall be erected and no building or land shall be used in the A-1 and A-2 districts except for one or more of the following:

A. Farm dwellings, buildings and structures.

B. Farms and agriculture, as defined in Article 2.

C. Single Family dwellings.

D. Reserved for Future Use. (Amended 8-14-00)

E. Private riding stables which comply with the following:

   1. Only horses belonging to the property owner and /or the occupant may be boarded.
   2. All stable buildings shall be set back at least one hundred (100) feet from a property line.
   3. All areas for stockpiling manure shall be screened from view, shall not be located closer than two hundred (200) feet to any property line, and shall not be allowed to become a nuisance.

F. Family Day Care Home. (Amended 8-11-97)

G. Accessory buildings and uses customarily incidental to any of the above permitted uses.

H. Onsite wind energy systems and anemometer tower (Amended 01/11/10)

Section 402 SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 14.

A. Accessory apartment (Sec. 1402)

B. Agribusiness uses (Sec. 1403)

C. Aircraft landing strips (Sec. 1404)

D. Campgrounds, overnight camping parks (Sec. 1407)

E. Caretakers residence (Sec. 1408).

F. Cemeteries (Sec. 1410).

G. Cluster Housing Option (Sec. 1412)

H. Churches (Sec. 1411).

I. Colleges and universities (Sec. 1413)

J. Commercial greenhouse (Sec. 1414)

K. Convalescent or rest home (Sec. 1416)

L. Golf Course (Sec. 1419)

M. Hog farms, feedlots, egg factories, mushroom processing plants and farms (Sec. 1421).

N. Kennels, Private (Sec. 1426)

O. Residential Accessory Occupations (Sec. 1428). (Amended 8-14-00)

P. Mining of sand/gravel/topsoil (Sec. 1429)

Q. (Reserved for future use)

R. Public buildings (Sec. 1433)

S. Riding academies and stables, commercial (Sec. 1436)

T. (Reserved for future use)

U. Schools (Sec. 1438)

V. Local utility structures, electric stations (Sec. 1440)

W. Bed & Breakfast Inns (Section 1442)

X. Indoor archery ranges (Section 1432). (Amended 9-11-95)

Y. Group Day Care and Group Child Care Facilities (Section 1430). (Amended 8-11-97)

Z. Adult Foster Care Homes for 7 to 20 residents (Section 1444). (Amended 9-8-97)

AA. Uses similar to the principal permitted uses listed in Section 401 may be permitted by the Planning Commission as special land uses, based upon findings of fact and the standards of Sections 1400 and 1443.

BB. Home Occupations (Section 1445). (Amended 8-14-00)

CC. Utility grid wind energy system, onsite wind energy system over sixty-six (66) feet high, and anemometer towers over sixty-six (66) feet high (Amended 01/11/10)

Section 403 DEVELOPMENT REGULATIONS

See Article 13, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

Article 5. SINGLE FAMILY RESIDENTIAL DISTRICTS, R-1 AND R-2, AND OPEN SPACE RESIDENTIAL DISTRICT, OSR

Section 500 INTENT

A. R-1 and R-2 Single Family Districts

The R-1 and R-2 Single Family Residential Districts are intended to provide low density homesites and a suitable environment for individuals, and families and individuals with children. To this end, uses are basically limited to single family dwellings, schools, parks, playgrounds, and similar uses which provide a neighborhood environment.

B. OSR Open Space Residential District

The intent of the Open Space Residential District, like the R-1 and R-2 districts, is to provide appropriate homesites and a suitable environment for individuals, and families / individuals with children. In addition to these, however, Open Space Residential is intended to encourage clustering of homesites and creation of common open spaces to be enjoyed by the residents of these developments. This is made possible by providing lot size alternatives to R-2 and greater opportunity for open space than is typically possible in R-1. (Amended 6-9-97)

Section 501 PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the R-1 and R-2, and Open Space Residential (OSR) districts except for one or more of the following: (Amended 6-9-97)

A. Single family dwellings.

B. Reserved for Future Use. (Amended 8-14-00)

C. Family Day Care Home. (Amended 8-11-97)

D. Large animals may be kept by the occupant of property in the R-1 and R-2 districts, as a permitted accessory use only, subject to the following:

1. Large animals shall be defined as including horses, ponies, cattle, and similar animals.

2. Small hoofed animals shall he defined as sheep, goats, pigs, and similar animals.

3. The minimum required parcel size for keeping up to 2 large animals shall be five (5) acres with an additional acre for each additional large animal.

4. The minimum required parcel size for keeping up to 4 small hoofed animals shall be two and a half (2½) acres with an additional acre for each two additional small hoofed animals.

5. All buildings used to house large animals shall comply with the requirements for private stables enumerated in section 401, subsection "E" of this Ordinance.

6. A suitable fence or other enclosure shall be erected (not including electric fencing) around the entire premises for outside use by all livestock.

E. Private stables may be permitted as an integral component of an Open Space Residential development, subject to the following limitations:
   1. The number of horses and/or ponies kept at an OSR private stable shall be based upon the standards for large animals in 501D above applied to the land area set aside as common open space.

   2. All buildings used to house large animals shall comply with the requirements for private stables enumerated in Section 401, subsection "E" of this Ordinance.

   3. A suitable fence or other enclosure shall be erected (not including electric fencing) around the entire premises for outside use by all livestock.

   4. The upkeep and maintenance of the private stable and its associated open space shall be guaranteed by a recorded set of association by-laws, such as those for a condominium, or by an equivalent, recordable legal instrument approved by the Planning Commission. (Amended 6-9-97)

F. Accessory buildings and uses customarily incidental to any of the above permitted uses.

G. Onsite wind energy systems and anemometer tower (Amended 01/11/10)

Section 502 SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 14.

A. Accessory apartment (Sec. 1402)

B. Cemeteries (Sec. 1410)

C. Churches (Sec. 1411)

D. Cluster housing in R-1 and R-2 (Sec. 1412)

E. Golf course (Sec. 1419)

F. (Reserved for future use)

G. Public buildings (Sec. 1433)

H. Schools (Sec. 1438)

I. Local utility structures (Sec. 1440)

J. Bed & Breakfast Inns (Sec. 1442)

K. Group Day Care Homes (Sec. 1430) (Amended 8-11-97)

L. Adult Foster Care Homes (Sec. 1444) (Amended 9-8-97)

M. Uses similar to the principal permitted uses listed in Section 501 may be permitted by the Planning Commission as special land uses, based upon findings of fact and the standards of Section 1400 and 1443.

N. Home Occupations (Sec. 1445) (Amended 8-14-00)

Section 503 DEVELOPMENT REGULATIONS

See Article 13, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

Article 6. MULTIPLE FAMILY DISTRICT, RM

Section 600 INTENT

The Multiple Family District is intended to provide sites that serve the Township's limited needs for apartment-type structures. Such development should be restricted to those sites where on-site soil conditions are suitable for septic tank/tile field sewage disposal and to areas where public sewers are likely.

Section 601 PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the RM districts except for one or more of the following uses:

A. Multiple family dwellings.

B. Two-family dwellings.

C. Rooming houses.

D. Family Day Care Home. (Amended 8-11-97)

E. Accessory uses customarily incidental to the above permitted uses.

F. Onsite wind energy systems and anemometer tower (Amended 01/11/10)

Section 602 SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 14.

A. Cemeteries (Sec 1410).

B. Churches (Sec. 1411).

C. Convalescent or rest home (Sec. 1416).

D. Hospitals (Sec. 1422).

E. Nursery schools, day care centers (Sec. 1430).

F. Schools (Sec. 1438).

G. Local utility structures (Sec. 1440).

H. Group Day Care and Group Child Care Facilities (Sec. 1430). (Amended 8-11-97)

I. Uses similar to the principal permitted uses listed in Section 601 may be permitted by the Planning Commission as special land uses, based upon findings of fact and the standards of Section 1400 and 1443.

Section 603 SITE PLAN APPROVAL

A site plan shall be submitted for approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 1524.

Section 604 DEVELOPMENT REGULATIONS

See Article 13, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

Article 7. MOBILE HOME DISTRICT, MH

Section 700 INTENT

The Mobile Home district is designed to provide sites where mobile homes can be placed in a higher density setting than that which is permitted in the other single family districts, while maintaining the neighborhood character that is important to many individuals and families.

Section 701 PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the MH districts except for one or more of the following uses:

A. Mobile home parks and mobile home subdivisions.

B. Recreational facilities, public buildings and uses.

C. Family Day Care Home. (Amended 8-11-97)

D. Accessory structures customarily incidental to the above permitted uses.

E. Onsite wind energy systems and anemometer tower. (Amended 01/11/10)

Section 702 SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 14.

A. Cemeteries (Sec. 1410).

B. Churches (Sec. 1411).

C. Nursery schools, day-care centers (Sec. 1430).

D. Public buildings (Sec. 1433).

E. Schools (Sec. 1438).

F. Local utility structures (Sec. 1440).

G. Group Day Care and Group Child Care Facilities (Sec. 1430). (Amended 8-11-97)

H. Uses similar to the principal uses listed in Section 701 may be permitted by the Planning Commission as special land uses, based upon findings of fact and the standards of Sections 1400 and 1443.

Section 703 HEIGHT REGULATIONS

A. In a mobile home park, no structure shall exceed a height of twenty-five (25) feet or two (2) stories.

B. See Schedule of Regulations, Section 1300, for mobile home subdivision requirements.

Section 704 AREA REGULATIONS

A. A mobile home park shall be permitted only on parcels of at least five (5) acres where sewer and water is available, and ten (10) acres where sewer and water is not available.

B. See Schedule of Regulations, Section 1300, for mobile home subdivision requirements.

Section 705 OPEN SPACE REQUIREMENTS

A. In a mobile home park the following open space requirements shall apply to each unit within the park:

1. Twenty (20) feet from any part of another mobile home. In order to provide mobile home park residents with more usable yard space, mobile homes may be placed directly on one of the side lot lines, provided, however, that this is accomplished on a uniform basis throughout the park.

2. Ten (10) feet from any on-site parking space of an adjacent mobile home site.

3. Ten (10) feet from any detached structure on an adjacent mobile home site.

4. Fifty (50) feet from a permanent building within the mobile home park.

5. Ten (10) feet from a pedestrian walkway or sidewalk.

6. Thirty-five (35) feet from any public right-of-way and twenty (20) feet to all other property lines of the park boundary.

B. See Schedule of Regulations, Section 1300, for mobile home subdivision requirements.

Section 706 OFF-STREET PARKING

Off-street parking shall be provided according to the requirements of Section 1513 of this Ordinance.

Section 707 SIDEWALKS

The Township Board may require, upon recommendation of the Planning Commission, that sidewalks be installed along at least one side of all major streets

within a mobile home park to ensure pedestrian safety at all times. For purposes of this section, a major street shall be denied as all streets within the mobile home park, except dead-end or cul-de-sac streets less than 150 feet long. All walks shall be concrete, 60 inches wide, and provide access to all service facilities and the park entrance.

Section 708 LANDSCAPED GREENBELT

A landscaped greenbelt at least ten (10) feet in width shall be provided along all boundaries of the mobile home park which directly adjoin property zoned R-1 or R-2. (Section 1510)

Section 709 SITE PLAN APPROVAL

A site plan shall be submitted for approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district, except an individual mobile home in an approved mobile home subdivision. See Section 1524.

Section 710 DEVELOPMENT REGULATIONS

See Article 13, Schedule of Regulations, for height, bulk, density, area, and setback requirements in mobile home subdivisions and for permanent buildings in mobile home parks.

Article 8. RECREATION DISTRICT, RC

Section 800 INTENT

Recognizing that a substantial portion of the Township's land area is devoted to public and private recreation activities, the Recreation District is designed to encourage full utilization of the Township's recreational potential.

Section 801 PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the RC districts except for one or more of the following uses:

A. Public and private day-use parks and similar facilities on a minimum site of ten (10) acres.

B. Single family detached residences, when accessory to a permitted recreation facility, for use by staff or park officials only, subject to the Development Regulations of the R-1 district.

C. Accessory uses customarily incidental to the above permitted uses.

D. Onsite wind energy systems and anemometer tower. (Amended 01/11/10)

Section 802 SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 14.

A. Campgrounds, overnight camping parks (Sec. 1407).

B. Golf courses (Sec. 1419).

C. Outdoor shooting range, gun club (Sec. 1439); Indoor archery range (Sec. 1432). (Amended 9-11-95)

D. Riding academies and stables (Sec. 1436).

E. Local utility structure (Sec. 1440).

F. Uses similar to the principal permitted uses listed in Section 801 may be permitted by the Planning Commission as special land uses, based upon findings of fact and the standards of Sections 1400 and 1443.

Section 803 SITE PLAN APPROVAL

A site plan shall be submitted for approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use.

Site plan approval is required for all permitted uses and special land uses in this district. See Section 1524.

Section 804 DEVELOPMENT REGULATIONS

See Article 13, Schedule of Regulations, for height, bulk, density, area and setback requirements.

Article 9. LOCAL OFFICE DISTRICT, O-1

Section 900 INTENT

Because office uses are generally lower in intensity than other commercial uses, the Local Office district is designed to provide sites for general, professional, and medical offices, and certain related retail and services uses, at locations that serve as a transition between Local and General Business districts and nearby Residential districts.

Section 901 PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the O-1 districts except for one or more of the following uses:

A. Office buildings for occupations such as, real estate, accounting, clerical, stenographic, insurance, legal, architectural, engineering and similar professions.

B. Medical and dental offices, including clinics.

C. Public buildings and utility company buildings, without service or storage yards or buildings.

D. Banks, credit unions, and similar uses.

E. Retail and service businesses normally associated with and complimentary to office districts such as, office supplies, business machine sales and repair, while-you wait printers, and similar uses. All questions regarding whether a retail business is compatible with the O-1 district shall be resolved by the Planning Commission after considering the need for a transition from B-1 and B-2 districts to nearby residential areas.

F. Accessory uses customarily incidental to the above permitted uses.

G. Onsite wind energy systems and anemometer tower. (Amended 01/11/10)

Section 902 SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 14.

A. Nursery schools, day care centers (Sec. 1430).

B. Retail uses (Sec. 1435)

C. Local utility structures (Sec. 1440)

D. Engineering, research, and testing related to product and prototype development, but excluding manufacturing, subject to the following standards:
   1. The Planning Commission shall find that the proposed use fosters a campus of research oriented activities that are compatible with other office uses permitted in the district.

   2. The proposed use shall be conducted within a completely enclosed building.

   3. There shall be no hazardous materials stored or disposed of onsite.

   4. The amount and type of equipment shall be limited to those utilized for permitted engineering, research, testing, and development activities and shall not be used for production, other than prototype development. (Amended 7/14/03)

E. Uses similar to the principal permitted uses listed in Section 901 may be permitted by the Planning Commission as special land uses, based upon the findings of fact and the standards of Sections 1400 and 1443.

Section 903 SITE PLAN APPROVAL

A site plan shall be submitted for approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 1524.

Section 904 DEVELOPMENT REGULATIONS

A. See Article 13, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

B. Refer to Section 1524 Site Plan Review for the commercial service drive easement requirements.

Article 10. LOCAL BUSINESS DISTRICT, B-1

Section 1000 INTENT

The Local Business district is designed to provide locations for neighborhood shopping where retail and personal services can be found that serve the day-to-day needs of persons residing in nearby residential areas. Protection of nearby residential areas is so important that all uses in a B-1 district must be conducted within a completely enclosed building.

Section 1001 PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the B-1 district except for one or more of the following uses:

A. All principal permitted uses in the O-1 district.

B. Generally recognized retail business which supply commodities on the premises such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing or notions, and hardware.

C. Personal service establishments which perform services on the premises such as, but not limited to: watch, radio, television, or shoe repair, tailor shops, beauty parlors or barber shops, photographic studios, self-service laundries or dry cleaners, and printing.

D. Laundry, dry cleaning establishments or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.

E. Restaurants, except drive-ins.

F. Carry-out restaurants, provided they are located in a building which includes at least one other principal permitted use.

G. Churches.

H. Public buildings, excluding service or storage yards.

I. Outdoor sales by resident businesses may be permitted in the B-1 districts, subject to the following:

    1. Only sales by the resident business on-site are permitted.

    2. Only those products customarily sold by the resident business may be sold outdoors.

3. The outdoor sales/display area may not occupy a street right-of-way, required parking, loading, driveway or landscape area, shall not result in hazards for vehicles or pedestrians, and shall be shown on approved site plan.

4. Resident businesses may conduct outdoor sales of products not customarily sold by the resident business without prior site plan approval for the two weeks prior to and including the following holidays or events: Metamora Days, Independence Day, Halloween and Christmas.

J. Accessory uses customarily incidental to the above permitted uses. (Amended 11-20-96)

K. Onsite wind energy systems and anemometer tower. (Amended 01/11/10)

Section 1002 SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 14.

A. Auto service station (Sec. 1406).

B. Nursery schools, day-care centers (Sec. 1430).

C. Local utility structures (Sec. 1440).

D. Car wash (Section 1409).

E. Uses similar to the principal permitted uses listed in Section 1001 may be permitted by the Planning Commission as special land uses, based upon findings of fact and the standards of Sections 1400 and 1443.

Section 1003 SITE PLAN APPROVAL

A site plan shall be submitted for approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 1524.

Section 1004 DEVELOPMENT REGULATIONS

A. See Article 13, Schedule of Regulations, for height, bulk, density, area and setback requirements.

B. Refer to Section 1524 Site Plan Review for the commercial service drive easement requirements.

Article 11. GENERAL BUSINESS DISTRICT, B-2

Section 1100 INTENT

The General Business district is designed to provide sites for more intensive and more diversified business types which would often be incompatible with nearby residential uses.

Section 1101 PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the B-2 district except for one or more of the following uses:

A. All principal permitted uses in the B-1 district.

B. Automobile service stations, tire, battery and accessory sales, and other similar types of light auto repair facilities that do not have outdoor storage of materials, wastes, or damaged or wrecked vehicles.

C. Car wash when fully enclosed in a building.

D. Veterinary offices and clinics, excluding kennels.

E. New car or boat sales offices and showrooms, including accessory service facilities, provided that outdoor sales areas for used cars and boats are permitted only as an accessory use to the new vehicle dealership.

F. Clubs, lodge halls, rental or catering halls, and similar uses.

G. Funeral homes.

H. Hotels and motels.

I. Bus passenger stations.

J. Utility distribution system structures.

K. Outdoor sales by the resident businesses may be permitted in the B-2 districts, subject to the following:

    1. Only sales by the resident business on-site are permitted.

    2. Only those products customarily sold by the resident business may be sold outdoors.

    3. The outdoor sales/display area may not occupy a street right-of-way required parking, loading, driveway or landscape area, shall not result in hazards for vehicles or pedestrians, and shall be shown on an approved site plan.

4. Resident businesses may conduct outdoor sales of products not customarily sold by the resident business without prior site plan approval for the two weeks prior to and including the following holidays or events: Metamora Days, Independence Day, Halloween, and Christmas.

L. Accessory uses customarily incidental to the above permitted uses. (Amended 11-20-96)

M. Onsite wind energy systems and anemometer tower. (Amended 01/11/10)

Section 1102 SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 14.

A. Auto service centers (Sec. 1405)

B. Campgrounds, overnight camping parks (Sec. 1407)

C. (Reserved for future use.)

D. Commercial outdoor recreation (Sec. 1415)

E. Drive-in restaurant (Sec. 1418)

F. Kennels, commercial (Sec. 1425)

G. Nursery schools, day-care centers (Sec. 1430)

H. Outdoor sales lots (Sec. 1431).

I. Local utility structures (Sec. 1440)

J. Warehouse for self-storage (Sec. 1441)

K. Uses similar to the principal permitted uses listed in Section 1101 may be permitted by the Planning Commission as special land uses, based upon findings of fact and the standards of Sections 1400 and 1443.

L. Adult Entertainment Uses, subject to the general standards of Section 1400 and 1446. (Amended 8-14-00)

M. Principal permitted uses listed in Section 1201, with exclusions, may be permitted by the Planning Commission as special land uses, based upon findings of fact and the standards of Sections 1400 and 1443. (Amended 9-21-15)

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement for enclosure. (Amended 9-21-15)

2. Research and office uses related to permitted industrial operations. (Amended 9-21-15)

3. Any of the following uses when conducted wholly within a completely enclosed building:

    a. Warehousing and wholesale establishments, tool, die, gauge and machine shops. (Amended 9-21-15)

    b. The manufacture, compounding, processing, packaging or treatment of such products as: cosmetics, pharmaceutical, toiletries, food products, hardware and households supplies. (Amended 9-21-15)

    c. The manufacture, compounding, assembling or treatment of articles or merchandise from the following types of previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fur, glass, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), ferrous and non-ferrous metals (excluding large castings and fabrications), shell, wax, wire, wood (excluding saw and planing mills) and yarns. (Amended 9-21-15)

4. The manufacture of pottery and figurines, or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas. (Amended 9-21-15)

5. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps or other small molded rubber products, or injection molded or vacuum-formed plastic products. (Amended 9-21-15)

6. Manufacture or assembly of electrical appliances, electronic instruments, radios and phonographs, computers, and similar products. (Amended 9-21-15)

7. Experimental, film or testing laboratories. (Amended 9-21-15)

8. Manufacture and repair of electric or neon signs, light sheet metal products, such as heating and ventilating equipment and ductwork, gutters, downspouts, and the like. (Amended 9-21-15)

9. Storage, transfer and trucking terminals, electric and gas company and municipal service buildings and yards (excluding sewage treatment and disposal plants). (Amended 9-21-15)

10. Lumber yards, building materials storage and sales. (Amended 9-21-15)

11. Heavy automobile repair garages (excluding junk yards or storage of wrecked vehicles and salvage yards). (Amended 9-21-15)

12. Indoor racquet sports building, ice arena, and similar uses involving large structures of the type that can be easily converted to industrial usage. (Amended 9-21-15)

13. Contractor or builder's office, including an equipment storage yard if related to the contractor or builder's business. (Amended 9-21-15)

14. Rental space for storage of travel trailers, motor homes, recreational vehicles, campers, boats and the like, provided all sides which abut property zoned for residential use shall have a six (6) foot high, completely obscuring wall or fence. (Amended 9-21-15)

15. Accessory uses customarily incidental to the above permitted uses. (Amended 9-21-15)

16. Onsite wind energy systems and anemometer tower. (Amended 9-21-15)

Section 1103 SITE PLAN APPROVAL

A site plan shall be submitted for approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See section 1524.

Section 1104 DEVELOPMENT REGULATIONS

A. See Article 13, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

B. Refer to Section 1524 Site Plan Review for the commercial service drive easement requirements.

Article 12. LIGHT MANUFACTURING DISTRICT, M-1

Section 1200 INTENT

The M-1 Light Manufacturing district is intended to accommodate certain industrial, research and warehousing activities whose external physical effects are minimal and in no way detrimental to surrounding districts plus certain wholesale and intensive service activities of a nature that does not justify their inclusion in any commercial use district. To this end, all M-1 uses shall comply with the Performance Standards of Sec. 1517.

Section 1201 PRINCIPAL PERMITTED USES

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the M-1 districts except for one or more of the following uses:

A. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement for enclosure.

B. Research and office uses related to permitted industrial operations.

C. Any of the following uses when conducted wholly within a completely enclosed building:

    1. Warehousing and wholesale establishments, tool, die, gauge and machine shops.

    2. The manufacture, compounding, processing, packaging or treatment of such products as: cosmetics, pharmaceutical, toiletries, food products, hardware and households supplies.

    3. The manufacture, compounding, assembling or treatment of articles or merchandise from the following types of previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fur, glass, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), ferrous and non-ferrous metals (excluding large castings and fabrications), shell, wax, wire, wood (excluding saw and planing mills) and yarns.

    4. The manufacture of pottery and figurines, or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.

D. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps or other small molded rubber products, or injection molded or vacuum-formed plastic products.

E. Manufacture or assembly of electrical appliances, electronic instruments, radios and phonographs, computers, and similar products.

F. Experimental, film or testing laboratories.

G. Manufacture and repair of electric or neon signs, light sheet metal products, such as heating and ventilating equipment and ductwork, gutters, downspouts, and the like.

H. Storage, transfer and trucking terminals, electric and gas company and municipal service buildings and yards, sewage treatment and disposal plants.

I. Lumber yards, building materials storage and sales.

J. Heavy automobile repair garages (excluding junk yards or storage of wrecked vehicles).

K. Indoor racquet sports building, ice arena, and similar uses involving large structures of the type that can be easily converted to industrial usage.

L. Contractor or builder's office, including an equipment storage yard if related to the contractor or builder's business.

M. Rental space for storage of travel trailers, motor homes, recreational vehicles, campers, boats and the like, provided all sides which abut property zoned for residential use shall have a six (6) foot high, completely obscuring wall or fence.

N. Accessory uses customarily incidental to the above permitted uses.

O. Onsite wind energy systems and anemometer tower. (Amended 01/11/10)

Section 1202 SPECIAL LAND USES

The following special land uses shall be permitted only after proper notice has been given, and after review and approval by the Planning Commission, subject to the requirements and standards of Article 14.

A. Aircraft landing strips (Sec. 1404).

B. Drive-in movie theater (Sec. 1417).

C. Hazardous waste facilities (Sec. 1420).

D. Incinerators, energy recovery plants (Sec. 1423).

E. Junkyard, auto salvage/recycling operations (Sec. 1424).

F. Kennels, commercial (Sec. 1425).

G. Landfills, transfer stations (Sec. 1427)

H. Retail uses (Sec. 1434)

I. Outdoor shooting ranges, gun clubs (Sec. 1439); Indoor archery range (Sec. 1432). (Amended 9-11-95)

J. Utility uses (Sec. 1440).

K. Uses similar to the principal permitted uses listed in Section 1201 may be permitted by the Planning Commission as special land uses, based upon findings of fact and the standards of Sections 1400 and 1443.

L. Utility grid wind energy system, onsite wind energy system over sixty-six (66) feet high, and anemometer towers over sixty-six (66) feet high (Amended 01/11/10)

Section 1203 SITE PLAN APPROVAL

A site plan shall be submitted for approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 1524.

Section 1204 DEVELOPMENT REGULATIONS

See Article 13, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

Article 13. SCHEDULE OF REGULATIONS

Section 1300 HEIGHT, BULK, DENSITY, AREA AND SETBACK REQUIREMENTS BY ZONING DISTRICT (Amended 6-9-97; 1-13-03)

District	Minimum Lot Area	Minimum Lot Width	Required Open Space or Yards (Building Setbacks)			Maximum Height		Minimum Floor Area Per Unit (Sq. Ft.)	Minimum First Floor Area For Multi-Story Unit (Square Feet) [Section 1302]
			Front	Each Side	Rear	Feet	Stories		
A-1	1 ac (g)(h)	150′	50′(e)	15′(a)	30′	35′(b)	2 ½(b)	1,100	750
A-2	10 ac (g)(h)	330′	50′(e)	15′(a)	30′	35′(b)	2 ½(b)	2,000	1,000
R-1	1 ac (g)(h)	150′	50′(e)	15′(a)	30′	35′(b)	2 ½(b)	1,200	750
OSR	2.5 ac (g)(h)	165′	50′(e)	15′(a)	30′	35′(b)	2 ½(b)	1,600	800
R-2	5 ac (g)(h)	220′	50′(e)	15′(a)	30′	35′(b)	2 ½(b)	1,600	800
RM	1 ac (c)(h)	200′	50′(e)	20′	30′	25′	2	(d)	
MH Parks	See Article 7 for regulations regarding mobile home parks. Also refer to current Rules & Regulations of Michigan Mobile Home Commission								
MH Subdivision	24,000 sq ft(h)	120′	30′(e)	15′(a)	30′	20′	1	900	
RC	10 ac	330′	50′(e)	20′(a)	30′	25′	2		
O-1	20,000 sq ft	100′	(e)	15′	20′	35′	2		
B-1	20,000 sq ft	100′	(e)	20′(f)	20′	35′	2		
B-2	20,000 sq ft	100′	(e)	20′(f)	20′	35′	2		
M-1	30,000 sq ft	150′	(e)	30′	50′	40′	2		

Section 1301 FOOTNOTES TO SCHEDULE OF REGULATIONS

(a) Minimum setback from both streets on corner lots is fifty (50) feet where the corner lot abuts a side lot line of the adjoining lot.

(b) Maximum building height shall not apply to farm buildings in A-1 and A-2 districts.

(c) For multiple family uses, the following minimum land area shall be provided, per dwelling unit, based upon the mix of units in the building:

5,000 square feet per one bedroom or efficiency unit 5,500 square feet per two bedroom unit 6,000 square feet per three or more bedroom unit

(d) The minimum floor area, per unit, for multiple family dwellings shall be as follows:

600 square feet for efficiency unit
720 square feet for one bedroom unit
840 square feet for two bedroom unit
960 square feet for three bedroom unit
120 square feet additional per bedroom over three

(e) In A-1, A-2, R-1, R-2, OSR, RM, MH, and RC districts the front setback shall be measured from the nearest abutting edge of the existing public or private street right of way or easement. (Amended 6-9-97)

In O-1, B-1, B-2 and M-1 districts the front setback shall be measured from the centerline of the future right-of-way, as designated on the Township's adopted Master Plan, as follows:

175' setback on Regional Highways
160' setback on Major or Secondary Thoroughfare
93' setback on Collector Street
80' setback on Local Street or Private Road

(f) No interior side yards are required in B-1 and B-2 districts provided proper access is provided to the rear of the building for loading/unloading and emergency services, and provided the wall located on the lot line has no openings and complies with the requirements of the building code for proper construction and fire rating.

(g) Cluster Design Standards

1. Requirement Established

All subdivisions, condominium subdivisions, and all developments which include a new or extended public or private road, must conform to either the

following Cluster Design Standards or the Open Space Preservation Option design standards of Section 1303. (Amended 1/13/03)

2. Intent

   The intent of these Cluster Design Standards is to encourage the long-term preservation of open space, agricultural land, unique rural character, natural features and the provision of recreation and open space areas.

3. Conceptual Parallel Plan

   All residential proposals which meet the criteria in Footnote G.1 above shall include a conceptual parallel plan which portrays a realistic layout of the site designed to ordinance standards, without application of the required open space standards in the table under subsection 4a below.

4. Required Cluster Design Standards

   a. The following table details required design standards for all proposed developments which meet the criteria in Footnote G.1 above:

ZONE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	REQUIRED OPEN SPACE*
A-1	1 Acre	150’	30%
A-2	10 Acres	330’	40%
R-1	1 Acre	150’	30%
OSR	2.5 Acres	165’	30%
R-2	5 Acres	220’	35%

   *Open space required as percentage of total site area including lots, rights-of-way and easements. For purposes of calculating required open space, not more than 50% of any State-regulated wetland, floodplain or open body of water may be included. (Amended 6-9-97)

   b. All lots shall be served by an internal road network. No lots shall front upon the existing County road.

   c. The permanent open space shall include the site’s most significant natural and/or cultural environmental features, such as:

      (1) steep slopes,
      (2) wetlands, floodplains, natural watercourse s,
      (3) woodlands,
      (4) scenic views,
      (5) agricultural or equestrian components,
      (6) historical structures,
      (7) recreational pathways and facilities,
      (8) similar features approved by the Planning Commission.

d. Individual dwellings and clusters of homes shall be visually screened from view along existing roadway corridors, in order to reduce visual impact and the appearance of a typical subdivision.

e. The open space shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network.

5. Open Space Maintenance

a. All open space shall be permanent and set aside in perpetuity.

b. Open space shall be in single ownership and maintained by any of, but not necessarily limited to, the following:

(1) Deed restrictions or condominium master deed restrictions with the Township named as a controlling party regarding preservation and maintenance of dedicated open space areas.

(2) Dedication of open space to a public body or private land conservancy or trust.

(3) Conservation easement granted to a public body or private land conservancy or trust.

c. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to approval by the Planning Commission.

d. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to approval of the development proposal by the Planning Commission.

6. Review Process

All proposed development which meets the criteria in Footnote G.1 above shall be reviewed in compliance with the appropriate procedure for the type of development (subdivision, condominium subdivision etc.) in accordance with the design criteria outlined in this section.

The Planning Commission shall review The Cluster Design Plan and The Conventional Parallel Plan and shall approve the plan which, in the Planning Commission’s opinion, best conforms to the following:

a. Preservation of streams, watercourses, wetlands, floodplains, areas of unique topography, prime agricultural or equestrian lands, woodlands or open fields.

b. Minimizes impact of road, utility and lot construction on the existing topography and land cover.

c. Minimizes necessary extensions of roads, utilities and other Infrastructure.

7. Cluster Density Bonus Option

Subject to the provisions of Section 1412 - Cluster Housing Density Bonus Option - and after special land use approval by the Planning Commission, an optional density bonus may be applied for by the applicant and land owner (see Section 1412)

(h) Refer to Section 1303 for Open Space Preservation Option. (Amended 1/13/03)

Section 1302 TABLE OF MINIMUM REQUIRED FLOOR AREA FOR SINGLE FAMILY DWELLINGS

ZONING DISTRICT	Minimum Floor Area (Sq. Ft.) - 1st Floor and Total					
	1 Story		1.5 Stories		2 Stories	
	First Floor	Total	First Floor	Total	First Floor	Total
A-1	1,100	1,100	900	1,200	750	1,500
A-2	2,000	2,000	1,350	2,000	1,000	2,000
R-1	1,200	1,200	900	1,200	750	1,500
OSR	1,600	1,600	1,000	1,600	800	1,600
R-2	1,600	1,600	1,000	1,600	800	1,600
MH (Subs.)	900	900	750	1,125	750	1,500

Section 1303 OPEN SPACE PRESERVATION OPTION (Amended 1/13/03)

A. Intent

The intent of the Open Space Preservation Option is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas in accordance with M.C.L. 125.3506.

B. Eligibility Requirements

In areas that are served by municipal sewers, eligible properties shall be zoned for three (3) or fewer dwelling units per acre (A-1, A-2, R-1, OSR, R-2, RM (two-family units), and MH subdivisions). In areas which are not served by municipal sewers, eligible properties shall be zoned for two (2) or fewer dwelling units per acre (A-1, A-2, R-1, OSR, R-2, RM (two-family units), and MH subdivisions)

C. Density

1. Land meeting the above eligibility requirements may be developed with the same number of dwelling units on a portion of the site, but not more than 50%, that could otherwise be developed under existing ordinances, laws, and rules on the entire land area, as determined by the approving body.

2. Density shall be calculated as follows:

   A parallel plan shall be submitted to the approving body in order to establish the maximum permitted density. A parallel plan shall identify how a parcel could be developed, including all roads and other infrastructure improvements, under the conventional development standards of the Township. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan including but not limited to wetlands, watercourses, drains, floodplains, steep slopes, habitat areas, woodlands and similar features. The approving body shall make the determination that a parallel plan is acceptable once it meets all applicable Township ordinance requirements and, based on the plan, determine the number of dwelling units that would be permitted under the Open Space Preservation Option. A separate review fee for the parallel plan shall be submitted with the application.

D. Design Requirements

1. A minimum of fifty (50%) percent of the gross site area shall be preserved as permanent open space in an undeveloped state.

2. Permanent open space shall include important natural, environmental, agricultural, and/or cultural features, such as:

   a. steep slopes,
   b. wetlands, floodplains, natural watercourses,
   c. woodlands and wildlife habitat,
   d. scenic views,
   e. agricultural or equestrian components,
   f. historical structures, and historical or archeological sites,
   g. recreational pathways and facilities,
   h. buffers from major thoroughfares and more intensive land uses, and
   i. similar features acceptable to the approving body.

3. Under the Open Space Preservation Option, minimum lot size and width shall be according to the following table, unless the approving body determines that a smaller minimum lot size shall be necessary to comply with the requirements of M.C.L. 125.3506. In such cases the approving body may modify lot area and lot width requirements so as to assist in the creation of open space if the Applicant can demonstrate approval of reduced lot area and width from the County Health Department. In those instances where lot sizes are reduced in accordance with the Open Space Preservation Option, yard

requirements for a given lot shall be governed by that zoning district which has minimum lot area and width standards that correspond to the dimensions of the typical lot within the development.

	Min. Lot Area (acres)*	Min. Lot Width (feet)
A-1	0.5*	120
A-2	5	220
R-1	0.5*	120
OSR	1.25*	150
R-2	2.5	165
RM (two-family units)	0.5*	120
MH	0.25*	90
*Minimum lot area is subject to approval of on-site sewage disposal by the Lapeer County Health Department.		

4. Open space areas shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes and provisions for adequate, unrestricted agricultural, farming, implement or other access necessary for agricultural uses or activities. Access to agricultural use areas shall be separate from residential access to units and open space areas.

5. Preserved open space shall be connected with adjacent open space, public land, and existing or planned pedestrian/bicycle paths, where feasible, as determined by the approving body.

6. Homes shall be visually screened from view along existing roadway corridors, in order to reduce visual impact and the appearance of a compact subdivision in a rural area. A minimum 100-foot buffer area along existing county and State roads shall be maintained for the entire frontage of the development. Only access to new internal roadways shall be permitted to bisect this buffer area. The buffer shall be landscaped in a manner that generally follows Section 1510, or maintained in its natural vegetative state if it provides an equivalent level of screening, and will count as part of the required minimum open space.

E. Open Space Maintenance

1. All open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.

2. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to acceptance by the approving body.

3. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development.

F. Review Process

1. All proposed Open Space Preservation Option developments shall be reviewed in compliance with the appropriate procedure for the type of development (lot split, subdivision, site condominium etc.) and in accordance with the development standards in this Section and other applicable ordinances.

2. All open space preservation option plans shall include a resource inventory that contains the following:

   a. All floodplains, wetlands, and water bodies;
   b. A woodlands analysis identifying all significant woodlands;
   c. All wildlife habitat areas.
   d. An analysis of on-site soils and topography to identify limitations to development; and
   e. An analysis of the cultural features of the site, such as scenic views, historic structures, patterns of original farm fields, fences or stone walls, recreational uses, archeological sites, and the like.

3. The approving body shall determine that the open space preservation option plan satisfies the intent of Subsection D.2 above.

Article 14. SPECIAL LAND USES

Section 1400 GENERAL REQUIREMENTS

Special land uses are uses which would ordinarily not be appropriate in a particular district but which at certain locations, can be compatible with other uses in the district subject to meeting special standards and any specific conditions imposed by the Planning Commission that are designed to ensure their compatibility with neighboring uses.

For all special land uses, a site plan shall be submitted for approval by the Planning Commission and shall conform to the requirements and procedures for site plan review set forth in Section 1524. If the plans meet the required standards of this ordinance and indicate no adverse effects, which in the opinion of the Planning Commission, cause injury to the residents, users, or owners of adjoining property, or the Township as a whole, the Commission shall approve the use. In consideration of all applications for special land use approval, the Planning Commission shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth below.

A. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.

B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location of and access to off-street parking, and provisions for pedestrian safety.

C. The location, size, intensity, site layout and periods of operation of any such proposed use shall be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

D. The proposed use shall be such that the proposed location and height of building or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

F. The proposed use is necessary for the public convenience at the proposed location.

G. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.

H. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

Section 1401 PROCEDURES

A. Approval

If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked, provided, however, the Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.

B. Denial

If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial. The decision to deny the special land use may be appealed before the Metamora Township Zoning Board of Appeals. The Board of Appeals shall prepare a transcript of the proceeding of any such appeal which shall constitute the official record of appeal.

C. Record

The decision on a special land use shall be incorporated in the minutes of the Planning Commission meeting at which it was considered. The minutes shall specify any conditions imposed. The decision shall also be incorporated into a Special Land Use Permit prepared by the Township Planner that includes a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

The Special Land Use Permit shall be signed by the Applicant and the Planning Commission Chair and Secretary. A copy of the signed Permit shall be provided

to the Applicant. The original Permit shall be filed in the office of the Township Clerk.

D. Hearings

The Planning Commission shall investigate the circumstances of each such case and give notice of the time and place of a public hearing held relative thereto by publishing one notice in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property to which approval is being considered, to all persons whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the boundary of the property in question regardless of whether the property or occupant is located within Metamora Township. The notice shall be given not less than 15 days before the public hearing date, in accordance with M.C.L. 125.3101 et seq. The notice shall describe the nature of the special land use request, indicate the property that is subject to the request including a listing of all existing street addresses within the subject property, state when and where the public hearing will be held, and indicate when and where written comments will be received.

E. Conditions

The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by State Law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land and to promote the use of the land in a socially and economically desirable manner. Conditions imposed shall be all the following:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the

landowner. The Planning Commission shall maintain a record of changes granted in conditions.

F. Transfers

1. The Planning Commission may grant approval to transfer a Special Land Use Permit from a current owner-occupant to a new owner-occupant upon receipt of a request that demonstrates no changes have been made in the use as originally approved.

2. All Special Land Use Permits that are issued shall state that the owner-occupant must notify Metamora Township of any sale. Failure to notify the Township of any sale to a new owner-occupant shall be grounds for rescinding the Special Land Use Permit. (Amended 8-14-00)

Section 1402 ACCESSORY APARTMENT

One (1) accessory apartment per single family dwelling unit may be permitted in A-1, A-2, R-1, and R-2 districts subject to the following:

A. The dwelling unit must be situated on a lot or parcel in conformance with the minimum lot area and setback requirements of the Schedule of Regulations.

B. Either the principal unit or the accessory apartment must be owner-occupied. The Zoning Board of Appeals may modify this requirement only when it is clearly demonstrated that the single family character of the neighborhood will not be affected.

C. The Health Department shall certify that the on-site septic system is properly designed to handle the anticipated additional load.

D. Exterior changes to the dwelling shall be kept to a minimum and shall not change the overall single family character of the dwelling unit or the surrounding neighborhood.

E. Only one accessory apartment shall be permitted per lot and per single family dwelling.

F. One (1) additional off-street parking space shall be provided, exclusive of the driveway.

G. Only one entrance to the building shall face the street on which the dwelling is located.

H. An accessory apartment shall contain at least 550 square feet and shall not exceed 35% of the total floor area of the principal unit and the accessory apartment combined. This shall be construed to prohibit the creation of an accessory apartment in a single family dwelling unit with a total floor area of less than 1,600 square feet.

I. No accessory apartment shall include more than 2 bedrooms or exceed 650 square feet.

Section 1403 AGRIBUSINESS USES

Agribusiness uses, such as but not limited to, cider mills, farmers markets, farm dairies and pick-your-own farms, may be permitted in A-1 and A-2 districts, subject to the following:

A. All such uses shall be located on a paved, major or secondary thoroughfare unless the use is seasonal in nature and has no permanent buildings for use by the public.

B. All buildings, any equipment, materials or produce being stored or for sale shall be set back at least one hundred (100) feet from all property lines.

C. One (1) non-illuminated sign, not exceeding a total of thirty-two (32) square feet and eight (8) feet in height, is permitted for all agribusiness uses on the same parcel.

D. Adequate off-street parking shall be provided to serve the expected number of patrons and shall have at least a gravel surface properly graded and dust-free at all times. In determining the adequacy of the number of spaces being proposed, the Planning Commission shall compare the proposed use to similar uses.

E. Whenever the proposed use is adjacent to a Residential Zoning District, a ten (10) foot wide landscaped greenbelt shall be provided along the entire property line between the Residential Zoning District and the agribusiness use.

Section 1404 AIRCRAFT LANDING STRIPS

Private aircraft landing strips, and platforms, hangers and other facilities for the operation of aircraft, may be permitted in A-1 and A-2 districts and public use airports may be permitted in the M-1 districts, subject to the following requirements:

A. The applicant shall design the proposed facility in accordance with the rules and regulations of the Michigan Aeronautics Commission (MAC). MAC approval shall be obtained prior to a request for special land use approval from the Township.

B. The approach to all runways, landing strips, landing fields, and the like shall not be located over properties zoned R-1, R-2, RM or MH for at least one quarter mile (1,320 feet) beyond the airport boundary.

C. All buildings and all areas for the storage of aircraft shall be set back at least five hundred (500) feet from all property lines.

D. Off-street parking requirements for public use airports shall be determined by the Planning Commission based on a general standard of one (1) space for each

private aircraft stored at the facility plus one (1) space for each employee. Additional parking may be required for a facility which provides regular air passenger service.

E. Storage of damaged or wrecked aircraft shall be limited to thirty (30) days unless such aircraft is part of any State or Federal investigation into the cause of an aircraft crash.

F. The Commission shall find that the proposed use will not significantly change the character of the neighborhood or unreasonably reduce the value of nearby property.

G. The establishment of a private, aircraft landing strip shall not in any way conflict or overlap with flight patterns and approach areas of any other airport or landing field.

Section 1405 AUTO SERVICE CENTERS

Auto service centers such as muffler and brake shops, new tire sales, tune-up shops, quick oil change shops, and similar establishments for minor repairs, routine maintenance and auto accessories, may be permitted in the B-2 General Business Districts subject to the following:

A. The use shall be completely enclosed within a building.

B. No vehicles awaiting repair shall remain on-site for more than 72 hours.

C. All parking areas shall be paved and screened from view of an abutting residential district by a 4 foot 6 inch high masonry wall of face brick or precast masonry panels with the appearance of face brick.

D. All trash storage areas shall be screened from view by a 6 foot high enclosure approved by the Planning Commission. Old parts such as tires, mufflers, pipes, and the like, shall be kept inside the enclosure and shall not be permitted to accumulate for periods longer than 1 week unless stored within the building.

E. Management plans shall be submitted for the collection, storage, and recycling or proper disposal of all used or waste automotive fluids resulting from repair or service operations.

Section 1406 AUTO SERVICE STATIONS

Auto service stations for sale of gasoline, oil, minor accessories and minor repairs, but not including body repair, engine rebuilding, rust-proofing, and similar activities, may be permitted in the B-1 Local Business districts, subject to the following:

A. No vehicles awaiting service shall remain on-site for more than 36 hours.

B. All repair services shall be conducted within a completely enclosed building.

C. All trash storage areas shall be screened from view by a 6 foot high enclosure approved by the Planning Commission. The trash containers shall be emptied at least once each week.

D. All parking areas shall be paved and screened from view of an abutting residential district by a 4 foot 6 inch high masonry wall of face brick or precast masonry panels with the appearance of face brick.

E. Management plans shall be submitted for the collection, storage, and recycling or proper disposal of all used or waste automotive fluids resulting from repair or service operations.

Section 1407 CAMPGROUNDS, OVERNIGHT CAMPING PARKS

Campgrounds and overnight camping parks for tents, campers, travel trailers, and similar recreational vehicles may be permitted on a minimum site of twenty (20) acres in A-1, A-2, and RC districts or on a minimum site of ten (10) acres in B-2 districts, subject to the following:

A. There will be no permanent storage of tents, campers, or travel trailers, and mobile home units will not be allowed in the development. No individual tent or recreational vehicle may occupy the same site in any campground for periods longer than 30 days.

B. Accessory commercial uses, such as convenience food stores, gift shops, self-service laundries, and similar uses, shall be housed in a single building and designed to serve primarily the needs of park users and shall provide off-street parking in accordance with the standards of this ordinance.

C. Where a campground site abuts property zoned residential, the entire perimeter shall be properly fenced. In addition, no active use areas shall be situated within 100 feet of the abutting residential zone and a 30 foot wide greenbelt shall be provided unless a dense growth of natural vegetation already exists.

Section 1408 CARETAKER'S RESIDENCE

One caretaker's residence, where such residence is accessory to a permitted agricultural use, may be permitted in A-1 and A-2 districts, subject to the following:

A. Where a caretaker's residence will be located within or attached to a permitted agricultural building, it shall not be constructed prior to a permanent residence on the same parcel.

B. Where a caretaker's residence will be located as a separate building on the property, it shall meet all requirements of Section 13.00, 13.01 and 13.02 for lot size, house size, setbacks and height limits. This shall be construed to require a

minimum parcel size of 2 acres In an A-1 district and 20 acres in an A-2 district where a caretaker's residence will be a separate building.

Section 1409 CAR WASH

A car wash may be permitted in the B-2 General Business districts, subject to the following:

A. There shall be 3 off-street waiting spaces for each 20 feet of length of the wash line or for each bay in a self-service car wash, in addition to sufficient off-street parking for the number of employees in the largest shift.

B. Where the site abuts a residential district, a 4 foot 6 inch high masonry wall of face brick or precast masonry panels with the appearance of face brick shall be provided around all off-street parking and waiting areas.

C. The design of the facility shall ensure that vehicles entering or leaving the site will not have to stand in the public right-of-way.

Section 1410 CEMETERIES

Cemeteries may be permitted in all Agricultural and Residential districts, subject to the following:

A. Minimum site size shall be 10 acres with a minimum lot width of 330 feet.

B. There shall be no burial plots within 50 feet of any property line.

C. No service building shall be located closer than 100 feet to any property line and all service and storage yards shall be screened from view by an obscuring wall or fence at least 6 feet high.

D. On all sides abutting property in a zoning district that permits residential uses, there shall be a landscaped greenbelt at least 25 feet wide.

Section 1411 CHURCHES, HOUSES OF WORSHIP

Churches and other places of worship may be permitted in all Agricultural and Residential districts, subject to the following:

A. The site shall have direct access to a major or secondary thoroughfare as designated on the Township's adopted Master Plan.

B. All parking areas shall be screened from adjoining properties by a four foot six inch high masonry wall of face brick or decorative precast panels with the appearance of face brick. The Planning Commission may permit the substitution of a landscaped greenbelt or earth berm after submission and review of a Landscape Plan.

C. A Drainage and Retention Plan shall be submitted for the parking area and all other impervious surfaces showing the method of holding storm water and preventing it from flowing onto or otherwise affecting adjoining properties.

D. The principal building shall comply with all setback requirements of the district in which it is located provided, however, that in no case shall the principal building be located closer than twice its height to any property line.

E. The applicant shall provide evidence of Health Department approval of all on-site water supply and sewage disposal facilities to be used by the public.

Section 1412 CLUSTER HOUSING DENSITY BONUS OPTION

The Cluster Housing Density Bonus Option may be permitted in the A-2, OSR and R-2 districts. The purpose of this development technique is to encourage further preservation of natural features such as mature tree stands, unusual topography, water and wetland areas, floodplains, and equestrian or agricultural areas by providing for variation in minimum lot sizes and widths. On sites without important natural features, this option may be used to protect rural vistas and equestrian or agricultural areas, create permanent open spaces, and/or recreation facilities designed to enhance the quality of the Township's residential areas. All proposals under this option must comply with the following: (Amended 6-9-97)

A. The land must be platted and subdivided under the State Subdivision Control Act and the Metamora Township Subdivision Regulation Ordinance, or the State Condominium Act and the Metamora Township Condominium Subdivision Approval Requirements (Section 1528), or proposed as a parcel split with a public road.

B. The parcel of land possesses one or more of the following physical or locational characteristics:

1. Topography of the site exceeds twenty (20) percent slope.
2. Street slopes would exceed the maximum of six (6) percent on the site without mass grading of the site.
3. The proposed area of open space accounts for at least the minimum percentage of open space required under Section 1412.D.1 below.
4. The parcel contains a readily identifiable physical resource which is to be conserved by the developer. Items classified as a physical resource may include streams, watercourses, wetlands, floodplains, areas of unique topography, prime agricultural lands, tree stands and/or other natural vegetation areas, and other areas as determined appropriate for open space preservation by the Planning Commission.

C. The development plan should encourage a more efficient, aesthetic, and desirable use of the land by preserving certain unique characteristics, thereby allowing a consolidation of the developed areas that could result in lower overall development costs.

D. The following guidelines shall be used in designing a cluster housing development proposal under this Density Bonus Option:

1. Cluster Design Standard Modifications

The following table outlines the design standard modifications which may be permitted by the Planning Commission under this Section: (Amended 6-9-97)

ZONE	MAXIMUM DENSITY BONUS	MINIMUM LOT AREA	MINIMUM REQUIRED OPEN SPACE	MINIMUM LOT WIDTH
A-2	30%	4.0 Acres	50%	250’
R-2	25%	2.25 Acres	45%	175’
OSR	20%	1.25 Acres	40%	135’

2. Design and Plan Requirements

All applications shall comply with the following requirements for information, plan content and design:

a. A Community Impact Statement shall be submitted which describes the project’s anticipated impact on:
   (1) Public services and facilities such as, police and fire protection, emergency medical service, public schools, and the like.
   (2) The local public road system.
   (3) Neighboring uses.
   (4) Visual character of the site.

   The Community Impact Statement may be incorporated onto the site plan for small scale projects, or included with the application as a separate written submittal.

b. A resource inventory shall be submitted which clearly identifies the following:
   (1) All floodplains, wetlands and waterbodies.
   (2) A woodlands analysis describing all significant tree stands and methods of preserving identified areas.
   (3) A survey and analysis of on-site soils and slopes, based on Soil Conservation and USGS maps and data.
   (4) An analysis of the cultural features of the site, such as views, historic structures, patterns of original farm fields, active agricultural or equestrian uses, fences or stone walls, recreational uses and the like.

   The resource inventory components may be incorporated onto the site plan or submitted as a separate written document.

c. All lots shall be served by an internal road network. No lots shall front upon the existing major road.

d. The permanent open space shall include the site's most significant natural and/or cultural environmental features, such as:

(1) steep slopes,
(2) wetlands, floodplains, natural watercourses,
(3) woodlands,
(4) scenic views,
(5) agricultural or equestrian components,
(6) historical structures,
(7) recreational pathways and facilities,
(8) similar features approved by the Planning Commission.

e. Individual dwellings and clusters of homes shall be visually screened from view along existing roadway corridors, in order to reduce visual impact and the appearance of a typical subdivision.

f. The open space shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network.

3. Open Space Maintenance

a. All open space shall be permanent and set aside in perpetuity.

b. Open space shall be in single ownership and maintained by any of, but not necessarily limited to, the following:

(1) Deed restrictions or condominium master deed restrictions with the Township named as a controlling party regarding preservation and maintenance of dedicated open space areas.
(2) Dedication of open space to a public body or private land conservancy or trust.
(3) Conservation easement granted to a public body or private land conservancy or trust.

c. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to approval by the Planning Commission.

d. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to approval of the development proposal by the Planning Commission.

4. Conceptual Parallel Plan

   All proposals for the Cluster Housing Density Bonus Option shall include a conceptual plan which portrays a realistic layout of the site, designed to ordinance standards, without application of the Cluster Housing Density Bonus Option.

5. Compliance With Other Criteria

   All proposals for special Land Use Approval under this section shall comply with all provisions of Section 1300 Footnote G which are not specifically modified under this Section 1412.

6. Review Process For Density Bonus Option

   All proposals for the Cluster Housing Density Bonus Option shall be reviewed in accordance with the provisions of Article 14 Special Land Uses.

Section 1413 COLLEGES AND UNIVERSITIES

Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education may be permitted in A-1 and A-2 districts subject to the following:

A. Any use permitted herein shall be developed only on sites of at least twenty (20) acres in area.

B. All ingress and egress from said site shall be directly onto a major or secondary thoroughfare.

C. No building other than a single family residential dwelling shall be closer than 100 feet to any property line and/or existing or proposed public right-of-way.

D. All service and storage areas shall be screened from view by a masonry wall or a decorative fence of pressure-treated wood panels at least 6 feet high, approved by the Planning Commission.

E. All areas for student and staff parking shall be set back at least 100 feet from an abutting residential district or residential use.

Section 1414 COMMERCIAL GREENHOUSE

A commercial greenhouse may be permitted in A-1 and A-2 districts, subject to the following:

A. Accessory retail sales shall be limited to only those products which are grown.

B. All areas for customer and employee parking shall be set back at least 100 feet from all property lines. A Drainage and Retention Plan shall be submitted for proper control of storm water run-off from the parking areas.

C. All greenhouse buildings shall be set back at least 50 feet from any property line.

D. All service and storage areas for equipment and materials shall be screened from view of an abutting residential district or residential use by a 6 foot high masonry wall or obscuring fence approved by the Planning Commission.

E. One (1) non-illuminated sign may be placed no closer than twenty-five (25) feet to any lot line.

Section 1415 COMMERCIAL OUTDOOR RECREATION

Commercial outdoor recreation such as, golf driving ranges, miniature golf, batting practice cages, water slide parks, tourist-oriented outdoor amusements, and similar uses, may be permitted in B-2 General Business districts, subject to the following:

A. No activities shall take place within 100 feet of an abutting residential district.

B. Use of loudspeaker or public address systems for broadcasting music or continuous announcements shall be prohibited.

C. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or interfere with driver visibility on any public or private street or public right-of-way.

D. Hours of operation may be restricted by the Planning Commission where protection of abutting residential areas is desirable and necessary.

Section 1416 CONVALESCENT OR REST HOME

A convalescent or rest home, orphanage, or home for the elderly may be permitted, in the A-1, A-2 and RM districts, subject to the following:

A. All vehicular ingress and egress shall be directly onto a major or secondary thoroughfare.

B. The minimum site size shall be twenty (20) acres in A-1 and A-2 districts and five (5) acres in RM districts.

C. All buildings shall be set back at least 75 feet from all property lines.

Section 1417 DRIVE-IN MOVIE THEATER

Because drive-in or outdoor movie theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular

traffic in terms of ingress and egress from their parking area, they shall be permitted in M-1 districts only, subject to the following:

A. The proposed internal layout shall be designed to properly collect and store storm water so that it is not allowed to run off onto adjoining properties.

B. All vehicular access shall be directly from an abutting major thoroughfare with an existing right-of-way at least 120 feet wide.

C. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space in the ratio of one (1) space for every ten (10) viewing spaces within the drive-in. No vehicle shall be permitted to wait or stand within a public right-of-way.

D. The entire site shall be completely screened with an obscuring wall or fence with a minimum height of eight (8) feet. Such wall or fence may be modified in height to not less than six (6) feet, depending upon terrain features of the site and adjacent uses, as determined by the Planning Commission.

Section 1418 DRIVE-IN RESTAURANT

Because of the auto-oriented character of drive-in restaurants and similar establishments, they shall be permitted in B-2 Districts only, provided the following conditions are met:

A. A setback of at least sixty (60) feet from the planned future street right-of-way lines shall be maintained.

B. Ingress and egress points shall be located at least fifty (50) feet from the intersection of any two (2) street right-of-way lines or abutting residential district.

C. Lighting shall be shielded so that it does not project onto abutting residential districts, nor shall it interfere with driver visibility on nearby streets.

D. The side and rear of the parcel abutting any residential district shall be screened from view by a 6 foot high masonry wall of face brick or precast masonry panels with the appearance of face brick. The Planning Commission may substitute a decorative, pressure treated wood fence where a fence is determined to be more appropriate.

Section 1419 GOLF COURSE

Golf courses which do not include driving ranges or miniature golf courses may be permitted in A-1, A-2, R-1, R-2 and RC districts, subject to the following:

A. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop

may be located in separate structures. No structure shall be located closer than seventy-five (75) feet from the lot line of any adjacent residential district or public right-of-way.

B. All maintenance, service, and storage yards shall be screened from view by a 6 foot high masonry wall or pressure treated wood fence approved by the Planning Commission.

C. All parking areas shall be paved and shall be located or screened so as not to affect any adjoining residential district.

D. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.

E. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.

F. Whenever included, swimming pools shall be provided with a protective fence not less than six (6) feet in height, and entry shall be provided by means of a controlled gate or turnstile.

Section 1420 HAZARDOUS WASTE FACILITIES

Hazardous waste facilities for disposal, treatment, storage or transfer of hazardous wastes may be permitted in the M-1 district, subject to the issuance of a permit under the Metamora Township Hazardous Wastes Ordinance, and subject to the following locational guidelines and site requirements:

A. The site shall be located within the interior of an industrial district, as presently zoned, or as shown on the Township's adopted Master Plan.

B. The site shall have direct access to a paved major thoroughfare of at least 120 feet of right-of-way, capable of carrying Class A loadings year-round.

C. Plans for the facility shall be designed to show full compliance with all requirements of Michigan Public Act 64 of 1979, as amended, including an enforceable operating permit, and full compliance with the Metamora Township Hazardous Wastes Ordinance.

D. Active disposal, treatment, storage or handling areas shall be set back at least 500 feet from all property lines.

Section 1421 HOG FARMS, FEEDLOTS, EGG FACTORIES, MUSHROOM PROCESSING PLANTS AND FARMS

Because of the nature of hog farms, piggeries, egg factories and poultry raising operations, cattle feedlots, mushroom processing plants and farms, they may be allowed only in the A-1 and A-2 districts, subject to the following:

A. All of the above operations shall strictly adhere to the performance standards of this ordinance.

B. All pens, cages, fenced areas and buildings used to house any animal shall be set back one hundred fifty (150) feet from all property lines in A-1 and A-2 districts and two hundred (200) feet from all property lines in abutting residential districts.

C. Buildings and/or processing plants, other than those for keeping of animals, shall be set back at least one hundred (100) feet from all property lines.

D. Areas used for the dispensing of compost shall be set back at least one hundred (100) feet from all property lines and screened from view by an obscuring, pressure treated wood fence of at least six (6) feet in height.

E. Areas used for the stockpiling or storage of animal manure shall be set back at least two hundred (200) feet from property lines, three hundred (300) feet from any adjacent residential dwelling and shall be completely screened from view. The Planning Commission may waive this requirement for specialized manure handling systems that contain all odors within the property lines.

F. The minimum size parcel required for all of the above uses shall be 40 acres. The Planning Commission may modify the acreage requirements for specialized operations that control odors, noise and other objectionable features associated with such commercial animal and crop raising plants. In no case, however, shall the site be reduced to less than 20 acres.

Section 1422 HOSPITALS

General hospitals and similar facilities may be permitted in the RM districts, subject to the following:

A. All hospitals shall be developed on sites consisting of at least five (5) acres for the first one hundred (100) beds or less plus one (1) acre for each additional twenty-five (25) beds.

B. The proposed site shall have at least one property line abutting a major thoroughfare and vehicular access to and from the site shall be directly onto said thoroughfare.

C. The site plan shall show that a proper relationship exists between the major thoroughfare and any proposed service roads, driveways and parking areas to ensure pedestrian and vehicular traffic safety.

D. All the development features including the principal building and any accessory buildings, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property.

Section 1423 INCINERATORS AND ENERGY RECOVERY PLANTS

Incinerators and energy recovery plants may be permitted in the M-1 districts, subject to the following:

A. All activities involving the receipt of incoming garbage or other wastes shall be conducted within an enclosed building.

B. Areas for storage of recycled materials shall be completely enclosed within a building.

C. All removal of ash for disposal shall occur in covered containers or covered trucks.

D. The plant shall be located in the interior of the M-1 district and shall maintain a minimum setback of 300 feet from all lot lines.

E. Blowing trash or debris shall not be permitted to leave the site and shall be collected daily.

F. The entire perimeter of the plant and all other buildings and active use areas on-site shall be enclosed by a chain link-type fence at least 6 feet in height.

G. All internal drives, parking areas, roadways and the like shall be designed and paved to handle the weight of anticipated heavy vehicles.

H. All access to and from the site shall be directly onto a paved major thoroughfare of at least 120 feet right-of-way capable of carrying Class A loadings on a year-round basis.

Section 1424 JUNK YARD, AUTO SALVAGE / RECYCLING OPERATIONS

Junk yards and auto salvage and/or recycling operations may be permitted in the M-1 districts subject to the following:

A. Only those operations whose purpose is the eventual recycling of scrap materials shall be permitted. A use that intends to permanently store wrecked cars and other materials will not be allowed.

B. The entire area for storage, dismantling and all other on-site operations shall be completely enclosed by an obscuring fence at least 8 feet in height.

C. In order to protect groundwater resources in Metamora Township, all areas for dismantling shall be fully enclosed, and situated on a paved surface that includes a system for collecting spills of automotive and automotive-type fluids to be contained and recycled or disposed of in accordance with State and Local Law.

Section 1425 KENNELS, COMMERCIAL

Commercial kennels, animal hospitals, offices of a veterinarian and the like, may be permitted in B-2 and M-1 districts only, subject to the following:

A. The site shall abut a public road shown as a major thoroughfare on the Township's adopted Master Plan.

B. Pens and runs shall be located no closer than one hundred fifty (150) feet to any property line.

C. All runs and breeding areas shall be enclosed.

D. All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.

E. Kennels housing more than 10 dogs shall provide one (1) off-street parking space for each five (5) kennel runs. Other uses shall provide parking to accommodate the maximum number of patrons using the facility at any one time. The parking area shall be screened from view of an abutting residential district in a manner that is satisfactory to the Planning Commission.

F. All objectionable noise shall be controlled as required by the Performance Standards of this ordinance.

G. Any use permitted by the Township under this section shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this ordinance violated.

Section 1426 KENNELS, PRIVATE

Private kennels for housing only those animals owned by the proprietor may be permitted in A-1 and A-2 districts, subject to the following:

A. A private kennel must be accessory to a permitted single family residence.

B. No animal shall be allowed to run free. Pens and runs shall be located no closer than 100 feet to any property line.

C. The minimum site size shall be 5 acres with a minimum width of 300 feet.

D. The proprietor shall not keep more than 4 dogs over the age of one year. No animal shall be housed that is not the personal property of the proprietor except for incidental breeding.

E. All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in

such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.

Section 1427 LANDFILLS, TRANSFER STATIONS

The Metamora Township Board recognizes the authority of the Michigan Department of Natural Resources with regard to the issuance of construction and operating permits for sanitary landfills and similar uses. The Township considers the requirements of Act 641 of 1978, as amended, and all rules and regulations promulgated pursuant to authority of said Act, as the minimum standards for approval of any landfill, transfer station, or similar use. As such, it shall also be necessary for all proposed landfills and similar uses to obtain special land use approval from the Planning Commission subject to the following specific requirements:

A. Landfills, transfer stations and similar uses shall be permitted only in M-1 districts.

B. All such uses shall be located on a paved public road capable of carrying Class A loadings, as defined by the Lapeer County Weighmaster, on a year-round basis.

C. All such uses shall keep internal roads and operations areas dust-free at all times. No dust or other particulate emissions shall be permitted beyond the property line.

D. All such uses shall conform to the Performance Standards of this ordinance.

Section 1428 RESIDENTIAL ACCESSORY OCCUPATIONS

Residential Accessory Occupations may be permitted in the A-1 and A-2 districts as a special land use, subject to the following:

A. The occupation shall be carried on only by the occupant of the dwelling located on the same property, shall employ not more than one (1) person other than members of the resident family, and shall not be visible or noticeable in any form or manner from outside the walls of the accessory building.

B. The floor area devoted to the Residential Accessory Occupation shall not exceed one-half (1/2) the area of the accessory building up to a maximum of one thousand (1,000) square feet.

C. No Residential Accessory Occupation shall be approved that produces noise, wastes, odors, vehicular traffic or similar side effects which, in the opinion of the Planning Commission, are not customary in a residential district.

D. Approval of one Residential Accessory Occupation shall not be grounds to establish any other accessory occupation on the same site. All changes in such occupations shall obtain prior approval of the Planning Commission.

E. One non-illuminated sign, no larger than six (6) square feet and stating only the name of the business or profession of the owner/operator may be displayed flat against the wall of the building.

F. The minimum size parcel required for all residential accessory occupations in A-1 districts shall be three (3) acres, and the minimum lot width required shall be two hundred (200) feet. (Amended 8-14-00)

Section 1429 MINING OF EARTH MATERIALS

A. Intent and Purpose

It is the intent and purpose of this Section to promote the underlying spirit and intent of the entire Zoning Ordinance, but at the same time allow for the extraction of earth materials in locations where they have been naturally deposited, and to ensure that mining of earth materials shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and, to ensure that mining activities are consistent with the public health, safety and welfare of the Township.

B. Use Restriction

The mining of earth materials in the Township shall be prohibited unless first authorized by the grant of a special use application by the Planning Commission in accordance with this Section and Article. In all events, such use shall be prohibited in R-1 and R-2 and RC Districts.

C. Exemption

Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinance and law, shall be exempted from the provisions of this Section.

D. Definitions

1. EARTH MATERIALS shall mean any soil, topsoil, subsoil, sand, gravel, rock, clay, peat, minerals, or other similar materials.

2. MINING OPERATIONS shall mean the excavation and/or removal from their existing site of any earth materials.

3. OPERATOR, shall mean the owner of the site and/or the person who is responsible for the day-to-day activities at the mining site and/or the person responsible for payment of all application fees, biennial permit fees, and performance bonds.

E. General

The mining of earth materials may be permitted as a special land use only after proper notice has been given as provided in Section 14.01, subsection D, and

after review and approval of the use and location by the Planning Commission, subject to the requirements and standards of Article 14 and the submission of a site plan conforming to the requirements of section 1524. Earth material mining operators shall also be required to obtain a biennial operating permit from the Township Board, subject to the Metamora Township Soil Removal Ordinance.

F. Uses Permitted

The following uses shall be permitted, each of which shall meet applicable performance standards and be subject to all limitations described herein.

1. Mining, of earth materials (hereinafter referred to as mining or mined).

2. Construction and maintenance of processing plants, be they temporary or permanent, for the processing of such earth materials, and to include necessary accessory uses, buildings, and equipment.

3. Storage and stockpiling of said earth materials.

G. Requirements for Mining Operations

In reviewing the application for special land use approval the Planning Commission shall be certain that the following characteristics of the use are present and complied with:

1. Processing and stockpiling of earth materials will be accomplished in a manner that minimizes the effect on adjacent properties.

2. Uses permitted herein shall be screened from view by one of the following:

   a. Construction of a raised earth berm, along the boundaries of the property, at least six (6) feet in height at its center above the actual elevation of the property along the property lines. The berm shall have slopes not in excess of one foot vertical to four feet horizontal and shall be seeded and mulched and planted with evergreen trees, and similar vegetation.

   b. Plantings of coniferous trees having a minimum diameter of 3 inches along the boundaries of the property with two rows five (5) feet apart, staggered 15 feet center to center, to guarantee effective screening.

3. Uses permitted shall comply with all applicable pollution control requirements of the State of Michigan, Lapeer County and Township of Metamora.

4. Mining of earth materials shall not constitute a hazard to public health, safety, and welfare, and shall be conducive to and result in the reclamation of the land for another use or uses permitted in the district.

5. Uses permitted shall comply with all requirements of the Metamora Township Soil Removal Ordinance.

H. Application Procedures for Biennial Mining Permit

All applicants for the Mining of Earth Materials special land use permit shall also concurrently apply for a biennial permit under the Soil Removal Ordinance. Application procedures are explained in the Soil Removal Ordinance, Ordinance #34. The application procedure shall be complied with prior to the commencement of any new mining and/or the horizontal expansion of any mined area which exists as of the effective date of this Ordinance. The application form shall be obtained from the Township Clerk.

I. Planning Commission Review

1. All applicants shall complete and submit to the Township Clerk eighteen (18) copies of a Community Impact Statement (CIS). The requirements of the CIS can be found in section 1533 of this Ordinance.

2. The Planning Commission shall approve the issuance of a Special Land Use permit only upon an affirmative finding to all of the following:

   a. The Community Impact Statement demonstrates minimal adverse impact on Township services, the immediate neighborhood, the areas of the Township affected by the haul route, and the natural environment.

   b. All of the general requirements of Section 1400 have been complied with.

   c. All specific requirements of subsection G above have been met.

   d. All application requirements of the Soil Removal Ordinance have been met.

Section 1430 GROUP DAY CARE HOMES AND GROUP CHILD CARE CENTERS (NURSERY SCHOOLS)

A. Group Day Care Homes shall be permitted in the A-1, A-2, R-1, R-2, OSR, RM, and MH districts, subject to the following:

1. Is not located closer than 1,500 feet to another group day care home or adult foster care home.

2. All outdoor play areas are adequately fenced by a 4 foot 6 inch high cyclone or equivalent type fence.

3. Provides adequate off-street parking for all employees and adequate off-street waiting space for parents.

4. Does not exceed sixteen (16) hours of operation daily and provides adequate bedroom space for all children cared for overnight. This shall be construed to mean not more than three (3) children per bedroom and not less than fifty (50) square feet of bedroom space per child.

5. There shall be an initial walk through inspection by the Township Fire Chief and a report submitted to the Planning Commission regarding location of exits, fire extinguishers, smoke alarms, and the like.

B. Group Child Care Centers (Nursery Schools); adult day care centers and similar facilities shall be permitted in the A-2, RM, MH, O-1, B-1, and B-2 districts subject to the following:

1. All such uses shall provide adequate drop-off and waiting space so that parents' or guardians' cars are not required to stand in a public right of way. At least one (1) drop-off space shall be provided for each five (5) persons or children enrolled or cared for at the facility.

2. Outdoor play space shall be provided in the ratio of one hundred (100) square feet per child cared for, to a maximum required of ten thousand (10,000) square feet. No outdoor play area shall be less than one thousand (1,000) square feet. An outdoor recreation area is recommended, but not required, for adult day-care facilities.

3. To ensure child safety, all outdoor use areas shall be enclosed by a 4 foot 6 inch high cyclone fence or equivalent design. On those sides abutting a residential zoning district or use, a 6 foot high obscuring fence of masonry or other material approved by the Commission shall be required.

4. The site layout shall be designed to ensure pedestrian safety by separating play areas from parking and driveways.

5. A copy of the State Fire Marshall's inspection/report shall be submitted as part of the application package and reviewed by the Township Fire Chief for a report to the Planning Commission. (Amended 8-11-97)

Section 1431 OUTDOOR SALES LOTS

Outdoor sales lots for automobiles, trucks, trailers, boats, mobile homes, and similar uses may be permitted in B-2 districts subject to the following:

A. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way.

B. There shall be no strings of flags, pennants or bare light bulbs permitted.

C. No vehicles or merchandise for sale shall be displayed within any required yard.

D. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.

E. On all sides adjacent to a residential district, there shall be provided a masonry wall of face brick or a pressure treated, completely obscuring wood fence, as approved by the Planning Commission.

Section 1432 INDOOR ARCHERY RANGES

Indoor archery ranges may be permitted in the A-1, A-2, RC and M-1 districts subject to the following:

A. Site Size

Minimum site size shall be ten (10) acres in the A-1, A-2, and RC zones and 30,000 sq. ft. in the M-1 zone.

B. Parking

Off-street parking shall be provided at a ratio of one (1) space for each three (3) individual target ranges. In the AG and RC districts, all parking areas and drives shall be kept free of dust at all times and may be of gravel, asphalt or concrete construction. Parking areas and drives shall be asphalt or concrete in the M-1 District.

C. Screening

All parking areas shall be screened from view of any adjoining agricultural or residential district. The Planning Commission may approve a greenbelt, obscuring fence or wall, berm, or any combination of the above, in order to satisfy this screening requirement in the most effective manner.

D. Hours of Operation

Hours of operation shall be limited to the following:

ZONE	HOURS OF OPERATION
A-1, A-2 RC	9AM - 9PM MON/SAT 12 NOON - 6 PM SUN
M-l	9AM - 11PM MON/SAT 10AM - 8PM SUN

The Planning Commission may apply more restrictive hours where protection of adjoining residential uses is necessary.

E. Design Criteria

1. All activities related to the archery range, with the exception of parking, shall be conducted entirely within the building approved by the Planning Commission for indoor archery range use.

2. The building (or portion thereof) which is to be utilized for the indoor archery range shall be used exclusively for the range and associated uses. No mixed use of the area dedicated to the archery range shall be permitted.

3. The indoor archery range shall be designed and constructed to prevent projectiles from penetrating walls, floors or ceilings, and to prevent ricochets or rebounds of projectiles.

4. The design of the facility shall clearly show that safety of persons inside and outside the archery range is guaranteed. Unless this safety element is clearly demonstrated by the design plans and safety plan, a special land use permit shall not be issued. The design of all ranges shall incorporate the recommended design, safety and operational features of the National Rifle Association as detailed in the publication The Range Manual, or similar nationally recognized design standards.

5. Restrooms shall be provided and shall be installed in conformance with local building and health codes.

6. A Safety Plan shall be developed and submitted to the Planning Commission for review at the time of application for special land use approval. The Safety Plan shall include detailed rules and regulations for range operation and use, the handling of archery equipment, and other specific restrictions regarding safety and the use of the range. The National Rifle Association Range Manual shall be consulted in the preparation and development of the Safety Plan.

7. Range operation rules and safety regulations shall be posted conspicuously within the range building and shall be printed and made available for distribution to all range users.

8. A floor plan, building plan and site plan, prepared by a registered architect, engineer or surveyor shall be submitted at the time of application for special land use approval. The plans shall clearly demonstrate conformance with all provisions of this section and the appropriate design, safety and operational guidelines in The Range Manual (National Rifle Association), or similar national design standards.

9. The Planning Commission shall review the indoor archery range one (1) year after special land use approval is granted to ensure conformance with the provisions of this section and the special land use permit. (Amended 9-11-95)

Section 1433 PUBLIC BUILDINGS WITHOUT STORAGE YARDS

Public buildings such as libraries, fire stations, recreation centers, and similar uses, may be permitted in any agricultural or residential district, subject to the following:

A. There shall be no storage yard or uses like a public works garage.

B. The site shall have all access from a major or secondary thoroughfare.

C. All off-street parking shall be screened from abutting residential property by a brick wall, decorative wood fence, or a landscaped greenbelt at least 15 feet wide.

Section 1434 RETAIL USES IN INDUSTRIAL ZONES

Retail uses may be permitted by the Planning Commission in the M-1 districts upon a finding that they meet one of the following two standards:

A. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities, such as lumber yards, building materials outlets, outdoor boat, house trailer, automobile or agricultural implement sales, and similar uses.

B. Retail uses which serve the convenience needs of the establishments and employees of the M-1 district such as, restaurants, branch offices of financial institutions, automotive service stations and service centers, motels, trade or industrial schools, medical offices and clinics, and similar uses.

Section 1435 RETAIL USES IN OFFICE ZQNES

The following types of retail uses may be permitted in O-1 Local Office districts upon a finding by the Planning Commission that they are intended to primarily serve the needs of businesses and employees of the O-1 district:

A. Office and drafting supplies, printing and blueprinting establishments, office furniture and equipment, computer sales, and similar uses.

B. Restaurants, barber and beauty shops, dry cleaners, and similar personal service establishments, only when located in a complex that is primarily devoted to office uses.

Section 1436 RIDING ACADEMIES AND STABLES, COMMERCIAL

Commercial riding academies and stables may be permitted only in the A-1 and A-2 districts, subject to the following:

A. All buildings, corrals, or other enclosures for animals shall be set back at least 250 feet from any property line abutting a residential use.

B. The entire area of the site used for riding trails shall be fenced to prevent horses and riders from entering adjoining properties.

C. There shall be no storage of customers' trailers or other vehicles for transporting horses except in a completely enclosed building.

D. Adequate off-street parking shall be provided for customers in the ratio of one space for every horse boarding stall. All parking areas shall be screened from view of an abutting residential use by either a greenbelt, obscuring fence, or

masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.

E. All areas for stockpiling manure shall be screened from view, shall not be located closer than 200 feet to any property line, and shall not be allowed to become a nuisance.

Section 1437 (Reserved for future use.)

(Amended 1/12/04)

Section 1438 SCHOOLS

Public and private primary and secondary schools (Pre-kindergarten through grade 12) may be permitted in all Agricultural and Residential districts, subject to the following:

A. Adequate off-street parking shall be provided for all teachers, employees, and visitors.

B. Off street waiting space shall be available so that school buses and parents' automobiles are not forced to stand within the right-of-way of any public street.

C. The layout of all parking lots, driveways, waiting areas and loading zones shall be designed with pedestrian safety as the primary consideration.

D. All buildings shall be set back at least 50 feet from all lot lines abutting a residential use.

Section 1439 OUTDOOR SHOOTING RANGES AND GUN CLUBS

Shooting ranges, gun clubs, and similar uses, such as survival and other air-gun games, may be permitted in RC and M-1 districts subject to the following:

A. The minimum site size shall be eighty (80) acres with a minimum width of one thousand three hundred twenty (1320) feet.

B. Off-street parking shall be provided in the ratio of one (1) space for each three (3) users at capacity. All parking areas shall be kept dust-free at all times so as not to become a nuisance to adjoining properties.

C. All parking areas shall be screened from view of an adjoining residential district or use by either a greenbelt, obscuring fence, or a masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.

D. The hours when shooting is permitted at a gun club or shooting range shall be limited from 9 a.m. to 9 p.m. Monday through Saturday and 12 noon to 6 p.m. Sundays. The Planning Commission may apply more restrictive hours where protection for adjoining residents is necessary.

E. The design of the facility shall clearly show that safety of persons on and off the site is guaranteed. This shall mean that no projectile of any kind may be permitted to leave the site. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued. The design of all ranges shall incorporate the recommended safety features of the National Rifle Association or similar safety features.

F. The firing range shall be fenced on all sides except the firing line, by a fence no less than 8 feet in height. Such fence shall be either of a chain-link type or of board construction sufficient to prevent persons from passing over or through the fence.

G. The firing line or other area from which firearms are discharged shall be located no closer than 150 feet from any property line, nor closer than 500 feet from any existing residential structure other than those on the premises.

H. Properties used for survival games or other air-gun games shall be completely fenced to prevent participants from trespassing on adjoining properties. Signs warning participants not to cross the fence shall be placed every two hundred (200) feet along its perimeter. Failure to follow this requirement shall be grounds for immediate revocation of the applicant's Special Land Use Permit.

I. Indoor shooting and archery ranges may also be permitted, accessory to outdoor facilities, subject to the provisions of this section and Section 1432. (Amended 9-11-95)

Section 1440 UTILITY STRUCTURES, UTILITY TRANSMISSION SYSTEMS, WIRELESS TRANSMISSION/RECEPTION RELAY TOWERS

A. Local Utility Structures

Utility structures, such as but not limited to, electric transformer stations and sub-stations, gas regulator stations, sewer lift stations, and the like, shall be permitted in all districts subject to Site Plan Approval by the Planning Commission and the following standards:

1. Operating requirements necessitate the proposed location in order to serve the residents of the Township.

2. All such uses shall be completely enclosed and without storage yards.

3. No structure shall exceed the height limit of the district in which it is to be located.

4. All buildings shall be designed to be compatible in style and materials with other uses permitted in the district.

5. No building shall be located closer than fifty (50) feet to any property line abutting land zoned for residential use.

6. A minimum fifteen (15) foot landscaped greenbelt shall be provided around the entire perimeter of the utility building site.

7. Adequate off-street parking shall be provided for any service personnel and all drives and parking areas shall be paved with asphalt or concrete.

B. Utility Transmission Systems

Utility transmission systems, such as but not limited to, high voltage electric transmission lines, high pressure gas pipelines, and oil pipelines shall require Special Land Use Approval by the Planning Commission subject to the following requirements and standards:

1. All such utility lines shall follow existing utility corridors where possible, and reasonable, as determined by the Planning Commission.

2. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.

3. Any area destroyed by necessity in the construction of such approved facilities, may be subject to conditions imposed by the Planning Commission for its immediate restoration by repainting or similar techniques.

4. During construction or repair of any facilities approved hereunder, the following shall be required:

    a. All internal roads shall be kept dust-free by chemical treatment.

    b. Any damages to public or private roads, fences, structures, or facilities shall be repaired immediately.

    c. No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.

    d. All construction operations shall be confined to daylight hours, Monday through Saturday, unless permitted in writing by the Planning Commission.

5. The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

C. Utility Transmission Structures (Amendment effective 2/19/99)

Utility transmission structures, such as but not limited to, high voltage electric stations, gas compressor stations, oil well pumping/storage facilities, and

wireless communications, receiving or transmitting towers, shall require Special Land Use Approval by the Planning Commission subject to the following requirements and standards:

1. The following types of utility transmission structures shall be permitted only in the listed districts:

Use	District or Site Area
Electric Stations	A-1, A-2, M-1
Gas Compressor Stations	M-1
Oil Storage Facility	M-1
Wireless Communications Tower	M-1, Township or publicly-owned property, recreation sites of at least 100 acres in size, sports stadium light poles and similar structures, and co-location on electric high voltage towers. Review and approval shall comply with the requirements of PA 143 of 2012. (Amended 01/15/13)

2. In order to provide a pleasing community appearance and to prevent noise levels, odors, dust, and similar external physical effects from adversely affecting adjoining properties, all equipment shall be completely enclosed within a building, unless the setback and screening guidelines specified in subsection "3" below are followed, as approved by the Planning Commission.

3. If the equipment proposed will not be enclosed within a building, a setback of three hundred (300) feet from all property lines shall be required. In addition, an obscuring, landscaped buffer shall be provided, based on the following guidelines, as determined by the Planning Commission after considering the type, size, height, and anticipated noise levels of all equipment being proposed:

   a. A landscaped earthen berm at least eight (8) feet high, along all sides of the equipment, equipment cabinets, and the like.

   b. A landscaped greenbelt at least twenty-five (25) feet in width, along all sides of the equipment, equipment cabinets, and the like.

   c. An obscuring fence or a masonry wall at least six (6) feet high, completely surrounding the equipment, equipment cabinets, and the like.

   d. Any combination of the above requirements approved by the Planning Commission.

4. All buildings and equipment, except small equipment cabinets such as those for telephone equipment, permitted under this section shall be setback at least one hundred (100) feet from all adjoining property lines. Small

equipment cabinets shall be set back at least twenty-five (25) feet from all adjoining property lines. Expansions of transmission facilities, which facilities existed prior to the effective date of this amendment, may be placed within one hundred (100) feet of an adjoining property line only after approval of the Zoning Board of Appeals and only when fully enclosed within a building.

5. Where there will be employees stationed at the utility building on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface.

6. There shall be no outdoor storage of equipment and/or materials at any utility building site, except those which are necessary for safety or emergency repairs at that particular utility transmission structure site.

7. Where the utility transmission structure proposed is a wireless transmission, receiving or relay tower which exceeds the height limit of the particular zoning district in question, it shall comply with the following special standards:

   a. No wireless transmission tower in excess of one hundred (100) feet in height shall be located closer than 2,000 feet to any other such tower.

   b. All wireless transmission towers not subject to the regulations of the Federal Aviation Administration shall be painted with a color designed to cause the tower to blend in with the surrounding landscape.

   c. No new wireless transmission tower shall be constructed where there exists another tower that could reasonably be used to carry the transmission or receiving equipment proposed. The purpose of this section is to require the sharing of tower space by more than one company where broadcast and receiving frequencies do not prohibit such sharing of tower space.

   d. When the Applicant proposes to co-locate a wireless communication antenna on an existing building, wireless communications tower, high voltage electric transmission tower, or similar structure, the site plan may be reviewed administratively by the Township's planning consultant and approved by the Zoning Administrator without the necessity of special land use approval, provided the criteria in this Section are met. Co-locations on an existing building, wireless communications tower, high voltage electric transmission tower, or similar structure that comply with previous zoning approvals for that structure and do not increase its height by 20' or 10% of the structures existing height whichever is greater and does not result in an equipment compound of 2,500 sq. ft. or greater shall be exempt from zoning approval. The Zoning Administrator does have the authority to review the proposed co-location to verify whether or not it meets the requirements for exemption. (Amended 01/15/13)

Section 1441 WAREHOUSE FOR SELF-STORAGE

Self-storage or mini warehouses may be permitted in the B-2 General Business districts, subject to the following requirements:

A. The owner and/or operator shall not permit any business activity to be conducted from an individual storage unit or units. The purpose of self-storage warehouses shall be limited to storage of private property by individuals.

B. The minimum spacing between self-storage buildings shall be thirty (30) feet where a one-way traffic pattern is used and sixty (60) feet for two-way movement of customer vehicles.

C. If an office and caretaker's quarters are proposed on-site, they shall occupy a single building.

D. If the site of a self-storage warehouse directly abuts or lies across the street from a residential district, a masonry screen wall, obscuring fence and/or a landscaped greenbelt shall be provided, at the discretion of the Planning Commission. In deciding what type of screening to require, the Commission shall evaluate which would be most appropriate to the neighborhood area in question.

E. Every self-storage warehouse shall have an employee on-site at all times during business hours.

F. No individual storage unit shall have an interior width greater than ten (10) feet and there shall be no electrical service to individual units that could be used by customers.

Section 1442 BED & BREAKFAST

Bed & Breakfast Inns may be permitted in the A-1, A-2, R-1 and R-2 districts, subject to approval by the Planning Commission and the following special standards.

A. The Bed & Breakfast Inn shall be clearly subordinate to the use of the building as the owner/operator's principal residence to the intent that not more than twenty-five percent (25%) of the gross floor area of the dwelling may be devoted to guest rooms.

B. All guest rooms shall be a minimum of one hundred (100) square feet for double occupancy, equipped with a smoke detector/alarm, and shall have lavatory and bathing facilities available to the overnight guests.

C. The Bed & Breakfast Inn shall have a minimum of two (2) means of exit directly to the outdoors. A floor plan and elevation drawings (or photographs) shall accompany the application.

D. There shall be no exterior alterations to the dwelling that are not customary for other principal single family residences in the Township. If guest rooms are not part of the original structure but are proposed to be added, plans prepared by a Registered Architect shall be submitted to the Planning Commission for approval which demonstrate the following:

   1. The addition is compatible in style and design with the original structure.

   2. The rooms proposed to be added could be incorporated into the structure for single family residential use in the future, if the owner chooses to terminate the use of the dwelling as a Bed & Breakfast Inn.

E. Two (2) off-street parking spaces for the dwelling and one (1) for each double-occupancy room shall be provided. All off-street parking shall be designed and arranged to maintain the residential character of the principal use. To that end, parking "lots" are to be avoided and the use of grass pavers or similar materials is encouraged.

F. One (1) non-illuminated sign, not to exceed four (4) square feet and stating only the name of the Bed & Breakfast Inn, may be displayed flat against the wall of the building or within the non-required front yard only.

G. The applicant shall submit proof of the local Health Department's evaluation regarding the adequacy of the on-site sewage disposal system, in relation to the number of guest rooms proposed, in addition to the principal residential use.

H. The maximum length of stay of any guest(s) shall be fourteen (14) days.

I. The permit shall be issued to an owner/operator only and shall not run with the land.

Section 1443 USES SIMILAR TO PRINCIPAL PERMITTED USES

In all zoning districts, the Planning Commission may permit uses which are similar to the principal permitted uses as special land uses, subject to findings of fact based upon the general standards of Sections 1400 and the following special standards:

A. The use shall be consistent with the intent of the district and shall not change the basic uses allowed in the district.

B. The uses shall be found to be compatible with the principal permitted uses allowed in the district.

C. The use shall cause no more traffic than other principal permitted uses in the district.

D. The use shall not require buildings, structures, or equipment that would be incompatible with the principal permitted uses allowed in the district.

E. The Planning Commission may place such reasonable conditions on the use as it finds necessary to ensure compatibility with the principal permitted uses allowed in the district, subject to the standards of Section 1401, subsection E.

Section 1444 ADULT FOSTER CARE HOMES

Adult foster care homes, specifically those that care for 7 to 20 residents, may be permitted in the A-1, A-2, R-1, R-2, and OSH districts as a Special Land Use subject to the following special standards:

A. The proposed use shall be compatible with the established residential character of the neighborhood.

B. All vehicular ingress and egress shall be directly onto a paved, major thoroughfare, as designated in the Township's adopted Master Plan.

C. The minimum setback from all side lot lines shall be equal to the height of the proposed building. All other setbacks shall conform to requirements for the particular zoning district.

D. The minimum site size shall be three (3) acres in A-1 and R-1 districts.

E. Off-street parking shall be prohibited in the front setback area. If any off-street parking area abuts a lot in any residential district, an obscuring fence or greenbelt shall be provided, as approved by the Planning Commission.

F. There shall be one (1) parking space provided for each three (3) beds plus one (1) for every staff member in the largest shift. At least one (1) barrier free parking space and all employee spaces shall be paved. All visitor parking need not be paved, in order to maintain an appropriate residential appearance. Grass pavers, grass rings or a similar product placed over a 6 to 8 inch base of crushed limestone or 23 AA gravel shall be submitted to the Planning Commission for review and approval in place of paving.

G. Such facility shall provide one hundred fifty (150) square feet of outdoor open space for every bed used or intended to be used, and at a minimum two thousand (2,000) square feet of outdoor open space. The open space shall be landscaped, buffered from streets and parking lots, and include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

H. A change in ownership of an adult foster care home approved under this section shall be submitted to the Planning Commission with an affidavit signed by the new owner indicating his/her awareness of the standards of this section and any conditions placed on the permit.

I. If an adult foster care use approved under this section is inactive for a period of three (3) years or more, the Special Land Use Permit shall expire and renewal shall require a new application. (Amended 9-8-97)

Section 1445 HOME OCCUPATIONS

Home Occupations may be permitted as a Special Land Use subject to the following standards:

A. That such occupation is incidental to the residential use to the extent that not more than twenty percent (20%) of the gross floor area of the principal building shall be occupied by such occupation.

B. That no article or service is sold or offered for sale on the premises other than those incidental to the personal services offered by the home occupation or those produced by the home occupation. This provision is not intended to prohibit an occupant from acting as a sales associate for a direct marketing retailer provided the products sold are delivered to the customer's location rather than requiring the customer to pick the products up on the site of the home occupation.

C. That such occupation shall not require internal or external alterations or construction features, equipment or machinery not customary in residential areas.

D. That there be no more than one employee other than members of the resident family.

E. That no sign greater than six (6) square feet shall be displayed which shall state only the name and occupation of the owner, and shall not be illuminated. (Amended 2/21/02)

F. A sketch plan may be submitted instead of a site plan which is otherwise required for special land use review. Sketch plans must be drawn to a scale not less than 1" = 30' if the subject property is five (5) acres or less, and 1" = 100' is over five (5) acres, must be based on a mortgage or land survey of the subject property, and must include property lines and dimensions, existing and proposed buildings, setbacks, driveways, parking areas, adjacent uses and structures, and a floor plan of the residence to be used by the home occupation. Additional detail may be required as deemed necessary by the Planning Commission.

Section 1446 ADULT ENTERTAINMENT USES

A. Purpose - Dispersal of Adult Entertainment Uses

Metamora Township recognizes that there are some uses, which because of their very nature, have serious objectionable operational characteristics, particularly when such uses are concentrated under certain circumstances, thereby creating a potentially deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not negatively impact the community or surrounding neighborhood, cause blight, have a chilling effect upon other businesses and occupants, or disrupt neighborhood development.

These special regulations are itemized in this Section. The primary purpose of these regulations is to prevent such a concentration of these uses.

B. Definitions

1. Adult Entertainment Use - Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter, actions depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas." Adult Entertainment Uses shall include but not be limited to the following:

   a. An Adult Motion Picture Theater is an enclosed building used for presenting material which is depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

   b. An Adult Motion Picture Arcade is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."

   c. An Adult Book Store is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter, actions depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a (substantial) segment or section devoted to the sale or display of such material.

   d. An Adult Cabaret is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe "Specified Sexual Activities" or "Specified Anatomical Areas."

   e. An Adult Motel is a motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."

   f. An Adult Massage Parlor is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "Specified Sexual Activities" or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas."

g. An Adult Model Studio is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bonafide art school or similar educational institution.

h. An Adult Sexual Encounter Center is any business, agency, or person who for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."

i. An Adult Sexual Paraphernalia Store is an establishment having as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.

2. Significant Portion - As used in the above definitions, the phrase "significant portion" shall mean and include:

   a. Any one or more portions of the display having a continuous duration in excess of five minutes;

      and/or

   b. The aggregate of portions of the display having a duration equal to ten percent of the display.

   c. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten percent or more of the display.

3. Display - As used in the above definitions, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act or collection of visual materials such as books, film, slides, periodicals, pictures, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.

4. "Specified Sexual Activities"

   a. Human genitals in a state of sexual stimulation or arousal;

   b. Acts of human masturbation, sexual intercourse or sodomy;

   c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

5. "Specified Anatomical Areas"

   a. Less than completely and opaquely covered: 1) human genitals, pubic region 2) buttocks, and 3) female breast below a point immediately above the top of the areola; and

   b. Human genitals in a discernibly turgid state, even if completely and opaquely covered.

6. Regulated Uses

   Those uses and activities which require licenses, approval or permits by Township regulations.

C. Dispersal Regulations

1. No Adult Entertainment Use shall be located within 1000 feet of any other Adult Entertainment Use nor within 600 feet of any of the following uses:

   a. Any Class "C" establishment licensed by the Michigan Liquor Control Commission
   b. Pool or billiard halls
   c. Arcades
   d. Banquet halls
   e. Ice or roller skating rinks
   f. Pawn shops
   g. Indoor or drive-in movie theaters
   h. Any public park
   i. Any church
   j. Any public or private school having a curriculum including kindergarten or any one or more of the grades one through twelve.
   k. Any other regulated adult entertainment uses as defined herein

   Such distance shall be measured from all the property lines of the subject parcel to all the property lines of any of the above listed uses.

2. Prohibited Zone - No Adult Entertainment Use shall be located within 600 feet of any area zoned R-1, R-2, or OSR. Such distance shall be measured by a straight line from all the property lines of the subject parcel to all the boundary lines of all area zoned R-1, R-2, or OSR.

3. Acceptable Zones - No Adult Entertainment Use shall be located in any zoning district except a B-2, General Business zoned area.

4. Free Standing Building Required - All Adult Entertainment Uses shall be contained in a free standing building. Commercial strip stores, common wall structures and multi-uses within the same structure do not constitute a free standing building.

5. Display Content - No Adult Entertainment Use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" from any public way or from any property not regulated as an Adult Entertainment Use. This provision shall apply to any display, decoration, sign, window or other opening.

6. The Township Planning Commission may waive the foregoing spacing requirements if it finds the following conditions exist:
   a. the proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed;

   b. the proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other businesses and occupants and a disruption in neighborhood development;

   c. the establishment of the additional regulated use in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of urban renewal;

   d. where all other applicable regulations within the Township Zoning Ordinance or other pertinent Township Ordinances will be observed. (Amended 8-14-00)

Article 15. GENERAL PROVISIONS

Section 1500 ACCESSORY BUILDINGS

All accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

A. Where the accessory building is structurally attached to the main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.

B. No accessory building shall be erected in any required setback area, nor shall any accessory building be erected in the front yard except in compliance with the requirements below. The Planning Commission shall have the discretion to modify these requirement provided they determine that the modification will not substantially impact adjacent residences.

   1. A residential accessory building shall not be permitted in the front yard of a primary residence with an attached garage.

   2. (Amended 01/15/13)

   3. The accessory building shall not be placed directly in front of the primary residence.

   4. There shall be a minimum building separation of 40 feet from neighboring residences.

   5. The residential accessory building shall have a finished, residential character which would include the use of siding or facing material traditionally used for single-family residences. (Amended 01/15/13)

   6. Overhead doors on a residential accessory building located in the front yard shall not face the street.

   7. The application for an accessory building erected in the front yard shall include the following items:

      a. A mortgage survey or scale drawing showing the location of the proposed residential accessory building.

      b. A description of the type of façade to be constructed.

      c. The application fee established by the Township Board.

C. Where a building in a non-residential district is accessory to a use of land, it shall comply with all setback requirements for a main building.

D. Accessory buildings on corner lots shall maintain the specified front setback from both streets, as required for the main buildings in the same zoning district.

E. No accessory building shall be constructed prior to the main building, except as provided in Section l500.C above. For single family residences, an accessory building may be erected in order to secure tools or materials for the residence under construction only after issuance of the building permit for the residence and after installation, inspection, and approval of the foundation for the residence.

F. Accessory buildings used to house animals in any district shall be set back a minimum of one hundred (100) feet from any property line.

G. Accessory buildings which are accessory to single-family residences in all districts shall comply with the following:

1. No residential accessory building shall have exposed or uncovered cement block walls, tarpaper, plywood sheathing, or similar materials. All exposed walls shall have a finished appearance by the application of face brick, wood, aluminum or composition siding, or similar materials approved by the Building Inspector.

2. Total allowable area and maximum height of residential accessory buildings shall comply with the following:

PARCEL SIZE	TOTAL ALLOWABLE AREA OF ALL ACCESSORY BUILDINGS	MAXIMUM HEIGHT OF DETACHED ACCESSORY BUILDINGS
1.0 ac. or less	1,200 sq. ft. OR the gross floor area of the residence (whichever is less)	28 ft. OR height of residence (whichever is less)
1.01 - 3.5 ac.	1,800 sq. ft. OR the ground floor area of the residence (whichever is greater)	28 ft. OR height of residence (whichever is less)
3.51 – 5.0 ac.	2,400 sq. ft. or the ground floor area of the residence (whichever is greater)	28 ft. OR height of residence (whichever is less)
5.01 ac. 10.0	3,000 sq. ft.	28 ft.
10.0 ac. 20.0	3,600 sq. ft.	28 ft.
> 20.0 ac.	No limit	35 ft.

3. One (1) attached or detached garage not to exceed 600 square feet in area shall be permitted on an individual lot or parcel in addition to the accessory building(s) permitted in subsection 4 above. Excess floor area for garages that exceed six hundred (600) square feet shall be included in the

calculations used to determine maximum allowable area of accessory buildings.

H. In the A-1 and A-2 districts, there shall be no number, size, or height restrictions for accessory buildings or structures utilized solely for activities directly related to agriculture or farm operations on the same parcel. Where the accessory building is partially or wholly accessory to a single-family residence, the accessory building shall meet all criteria specified in section G above.

I. (Amended 01/11/10), (Amended 01/15/13)

Section 1501 APPROVED FACING MATERIALS

All residential dwellings in A-1, A-2, R-1, R-2, RM, RC, and MN districts shall have their exposed exterior walls covered by face brick, aluminum, wood or composition siding, or other similar materials approved by the Building Inspector. In no instance shall any dwelling have exposed concrete, cement, or cinder block, or other similar unfinished exterior surfaces.

Section 1502 BUILDING GRADES

A. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. There shall be a sloping grade beginning at the finished grade line at the front of the building to the front lot line. However, this shall not prevent the maintenance of natural existing grades or the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing onto the adjacent properties.

B. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent properties. A minimum grade of eighteen (18”) inches shall be established above the crown of the road for all dwellings.

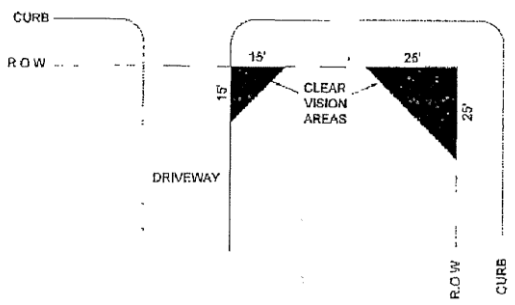
C. Final grades shall be approved by the Building Inspector. The Building Inspector may require the developer to submit a written opinion of a registered civil engineer or land surveyor.

Section 1503 CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

Section 1504 CLEAR VISION AREA (Effective 3/30/05)

In all districts, no fence, wall, shrubbery, sign or other obstruction to vision above the height of thirty (30) inches from the established street grades shall be permitted within the required triangular clear vision area formed at the intersection of road right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection, or at the intersection of a road right-of-way line and a driveway at a distance along each of fifteen (15) feet from their point of intersection.



Section 1505 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In all A-1, A-2, R-1 and R-2 districts and on subdivision lots in MN districts, there shall not be more than one (1) residential dwelling on a recorded lot or parcel except for a Caretaker's Residence approved under Section 1408.

Section 1506 ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overheard gas, electrical, communication, supply or disposal systems, including mains, drains, sewers pipes, conduits, wires, cables, fire alarm boxes, police call boxes, accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service to the residents of the Township by such utilities or municipal departments for the general health, safety and welfare. It is the intent hereof to exempt such local distribution system services from the requirements of this ordinance. Essential services, as used in this ordinance, does not include utility structures, utility transmission systems, or utility transmission structures regulated by Section 1440.

Section 1507 FLOOD PLAINS AND WETLANDS PROTECTION

The Township of Metamora finds that flood plain protection is important in order to reduce the flood risk to Township residents and other communities upstream. Likewise, wetlands conservation is a matter of Township concern since loss of wetlands may deprive people in the Township of: flood and storm control by hydrologic absorption and storage capacity of the wetland; wildlife habitat through loss of breeding, nesting and feeding grounds; protection of subsurface water resources and provision of valuable watersheds and groundwater recharge areas; pollution treatment by serving as a biological and chemical oxidation basin; and erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.

For the above reasons it shall be unlawful to construct any building or otherwise fill any area that causes a reduction in the floodway of a river or stream in the Township. Likewise, it shall be unlawful to deposit or permit the placing of fill

material in a wetland; dredge remove or permit the removal of soil or minerals from a wetland; construct, operate, or maintain any use or development in a wetland; or drain surface water from a wetland. A wetland shall be defined as any area shown as a marsh, wooded marsh or submerged marsh on United States Geological Survey data and regulated by the Michigan Department of Natural Resources under Act 203 of 1979, that is characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

All proposed development on property with identified wetlands shall require site plan review and approval by the Planning Commission prior to beginning construction. Where there is an identified flood plain, no development shall occur within the flood plain or an area 30 feet above the established 100-year flood plain level. Where no official flood plain level has been established, there shall be no development within an area 30 feet above the water's edge.

Section 1508 FRONTAGE

Every dwelling or principal building shall be located on a lot or parcel which fronts upon a public road or private road approved in accordance with the Metamora Township Private Road Ordinance for the minimum width of the lot. (Effective 2-27-05)

Section 1509 GENERAL YARD AND AREA LIMITATIONS

A. Nonduplication. In determining area and yard requirements, no area shall be counted as accessory to more than one dwelling or main building or use, and no area necessary for the compliance with the open-space requirements for one dwelling or main building or use shall be counted in the calculation of the open-space accessory to any other dwelling or main building or use.

B. Minimum Area. No parcel of land shall be so reduced that the yards or other open spaces or the area thereof is less than the minimum required by this Ordinance. Accessory buildings, including garages, enclosed porches and carports attached to a dwelling or other main building shall be deemed part of such building for the purpose of determining yard requirement.

C. Yard Abutting Highways. Where a rear yard abuts upon a public highway, the setback of all buildings from the nearest side of the highway right-of-way shall be no less than the yard requirements of other buildings fronting upon such highway.

D. Established Front Yards. In the event that any vacant parcel of land on which a dwelling or other main building is to be erected is located between other lots or parcels of land on which existing dwellings or main buildings have front yards less than the depth required by appropriate section of this Ordinance, then the front yards shall not be less than the average depth of the front yards of all such buildings within one hundred (100) feet of the side lines of such parcel.

E. Reserved for Future Use. (Amended 8/11/03)

Section 1510 GREENBELTS, LANDSCAPING, AND PLANT MATERIALS

A. Whenever a greenbelt is required by this ordinance or landscaping proposed by a developer, it shall be planted within six (6) months from the date a certificate of occupancy is issued and shall thereafter be maintained in a healthy, growing condition to provide a screen to abutting properties. Specific planting requirements for greenbelts are as follows:

1. The planting strip shall be no less than ten (10) feet in width.

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

3. A minimum of one (1) evergreen tree shall be planted at ten (10) foot intervals.

4. A minimum of three (3) intermediate shrubs shall be placed between the spaced evergreen trees.

5. Plant materials within the greenbelt should have a pleasing natural appearance by staggering the plants in one or more rows or by grouping of materials.

6. No earthen berm shall exceed a height of four (4) feet. To avoid a monotonous appearance and ensure proper drainage in the area, the berm shall be broken or provided with openings at least every seventy-five (75) feet.

B. Suggested plant materials:

1. The following evergreens and all similar plants proposed shall be a minimum of four (4) feet in height with an average spread of thirty (30) inches.

Fir
Pine
Juniper
Red Cedar
American Arborvitae
Pyramidal Arborvitae
Columnar Juniper
Irish Juniper

2. The following types of single stem, tree-like shrubs shall have a minimum caliper of two (2) inches when installed:

   Flowering Crabs
   Russian Olive
   Smoke Bush
   Clump Bush
   Mountain Ash
   Dogwood
   Red Bud
   Rose of Sharon

3. The following types of deciduous shrubs shall have a minimum height of three (3) feet when installed:

   Honey Suckle
   Viburnum
   Mockorange
   Tall hedge
   Holly (Varieties)
   Forsythia
   Barberry
   Ninebark

4. The following types of trees shall have a minimum caliper of three (3) inches when installed:

   Marshall Seedless Ash
   Birch
   Linden
   Thornless, Seedless Varieties of Locust
   Hard Maples
   Oak

Section 1511 NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

A. Intent

It is the intent of this Ordinance to permit nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, uses which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. Such uses are declared by this Ordinance to be incompatible permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not

be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or use prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction material in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

B. Nonconforming Lots

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area, or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirements variances may be obtained through approval of the Board of Appeals.

2. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

C. Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this

Ordinance as enacted or amended, such use may be continued, so long as it remains lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

3. If such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

D. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.

2. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

E. Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption of amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

3. In any district, if no structural alterations are made, any nonconforming use of a structure, or structure and premises may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or a structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

F. Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting public safety, upon order of such official.

G. Uses Allowed as Special Land Uses Not Conforming Uses

Any use which is permitted as special land use as provided in this Ordinance shall not be deemed a nonconforming use but shall without further action be deemed as a conforming use in such district.

H. Change of Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

Section 1512 OFF-STREET LOADING AND UNLOADING

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

A. All spaces shall be provided so as not to interfere with any off-street parking spaces or maneuvering lanes.

B. All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in M-1 Districts shall be provided in the ratio of one (1) space for each 20,000 square feet of gross floor area up to a maximum of five (5) required loading spaces. All industrial and commercial businesses shall provide at least one (1) off-street loading/unloading space.

Section 1513 OFF-STREET PARKING SPACE STANDARDS

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, or the establishment of any use, automobile off-street parking space with adequate access to all spaces, in conjunction with all land or building uses (including the principal use and all auxiliary uses) prior to issuance of a Zoning Compliance Permit as hereinafter prescribed in this Section.

A. Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant when an application for a building permit or a certificate of occupancy is filed.

B. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, parking lot, or combination thereof, such spaces shall be

located on the premises they are intended to serve. Single and two-family residential off-street parking are exempt from regulations of this Article governing a parking lot.

C. Any area designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided in a location which meets all requirement of this ordinance.

D. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

E. Where the owners of two buildings, or uses, whose operating hours do not overlap desire to utilize common off-street parking facilities, application shall be made to the Zoning Board of Appeals. The Board may grant approval of such dual function off-street parking facilities, subject to a finding that the following conditions have been met:

1. The office hours of the two buildings, or uses, in no way overlap, except for custodial personnel.

2. The common parking lot meets the off-street parking requirements of the larger building or use plus fifteen (15) percent.

3. The common parking lot meets all location requirements of this Ordinance with respect to each building or use.

F. Required off-street parking space shall be for the use of occupants, employees, visitors, customers, clients and patrons. Under no circumstances shall it be rented, used for other than parking purposes, or allowed to become unusable (except for temporary repairs). The storage of vehicles, or the repair of vehicles on any off-street parking space is prohibited.

G. For those uses not specifically mentioned, the requirements of off-street parking facilities shall be interpreted by the Planning Commission from requirements for uses similar in type.

H. For the purpose of computing the number of parking spaces required in commercial and industrial uses, the definition of Gross Floor Area, in ARTICLE II, DEFINITIONS, shall govern.

I. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use	Spaces	Per Unit of Measurement (rounded off to the nearest unit)
1. Residential Dwelling units of not more than two (2) bedrooms which are found by the Planning Commission to be permanently restricted to elderly and/or disabled persons	1	Dwelling Unit
All other residential	2	Dwelling Unit
The minimum number of off-street parking spaces per building occupied or to be occupied by any of the following uses shall be as indicated below, or six (6) spaces, whichever is greater.		
2. Office Banks and similar service offices such as, but not limited to, insurance, mortgage or loan company service offices, real estate sales office, secretary of state office, unemployment compensation office, utility company office	1	200 sq. ft. GFA
General business office	1	300 sq. ft. GFA
Office of a doctor, dentist or similar medical professional	1	150 sq. ft. GFA
3. Commercial General retail stores	1	200 sq. ft. GFA
Furniture and appliance, hardware stores, household equipment repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repairs for similar uses	1	800 sq. ft. GFA plus 1 each 2 employees
Supermarkets	1	150 sq. ft. GFA
Beauty and barber shops	3	Each chair
Funeral parlors	1	100 sq. ft. GFA
Motor vehicle sales and service establishments	1	800 sq. ft. GRA, plus 1 for each service stall
Pool hall or club	1	Each game table, or 1 for each 300 sq. ft. GFA, whichever is greater
Bowling alleys	5	Each bowling lane
Restaurants without alcoholic beverages	1	150 sq. ft. GFA
Restaurants with alcoholic beverages	1	100 sq. ft. GFA

Use	Spaces	Per Unit of Measurement (rounded off to the nearest unit)
Fast food restaurant with indoor seating	1	75 sq. ft. GFA, plus 6 off-street waiting spaces for each drive-up window
Fast food restaurant without indoor seating	1	25. sq. ft. GFA, plus 6 off-street waiting spaces for each drive-up window
Theaters and auditoriums (except schools)	1	Each 3 seats
Laundromats	1	Each 2 washing machines
Dance halls, roller rinks, exhibition halls, and assembly halls without fixed seats	1	Each 4 persons of legal capacity, or 1 for each 100 sq. ft. GFA, whichever is greater
Motel	1	Each rental unit
Stadium and sports arena, or similar outdoor place of assembly	1	Each 4 seats, or 12 feet of bleachers
Auto service station	1	Each service stall plus 1 for each single fuel pump
4. Institutional Churches and other houses of worship	1	Each 3 seats or six feet of pews
Hospital	3	Each bed
Homes for the aged and convalescent homes	1	Each 2 beds
Elementary and junior high schools	1	Each employee, plus 10 visitor spaces
High schools	2	Each 4 students
Private club or lodge	1	Each 5 members
Golf clubs or swim pool clubs	1	Each 5 members
Fraternity or sorority	1	Each 2 occupants
5. Industrial Industrial or research establishments	1	Each employee in largest shift, or 1 per 500 sq. ft. GFA, whichever is greater
Wholesale or warehouse	1	Each employee in largest shift or 1 per 1,700 sq. ft. GFA, whichever is greater

(GFA is the abbreviation for Gross Floor Area)

6. In addition to the above requirements for number of spaces, all uses in commercial, office and industrial districts shall design the off-street parking area so that the following objectives are met. Where the Planning Commission feels that the objectives listed below cannot be met, in their discretion they may require up to an additional twenty (20) percent parking spaces.

   a. Minimizes the likelihood of parking interference affecting adjoining residential neighborhood.

b. Limits traffic congestion and public inconvenience by providing ample parking on-site to meet all foreseeable daily needs.

c. Reduces the potential for overflow conditions that might result in undesirable on-street parking.

d. Provides space on-site for future parking expansions.

Section 1514 OFF-STREET PARKING SPACE LAYOUT, STANDARDS CONSTRUCTION AND MAINTENANCE

Whenever the off-street parking requirements in Section 1513 above requires the building of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

A. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector or Official. Applications for a permit shall be submitted in such form as may be determined by the Building Inspector or Official, and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.

B. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking pattern (in degrees)	Lane width	Space width	Space length	Total width of 2 tiers of spaces plus maneuvering lane
Parallel (0)	12′	8′	23′	40′
30 to 53	12′	9′	18′	52′
54 to 74	15′	9′	18′	58′
75 to 90	20′	9′	18′	60′

C. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

D. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

E. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 degree pattern may permit two-way movement.

F. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five

(25) feet distant from any adjacent property located in any single-family residential district.

G. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district and shall be subject further to the requirements of Section 1521.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

H. The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the Township Board. The parking area shall be surfaced within one year of the date the permit for its construction is issued. The Planning Commission may waive this requirement for temporary or seasonal uses within the REC, Recreation district.

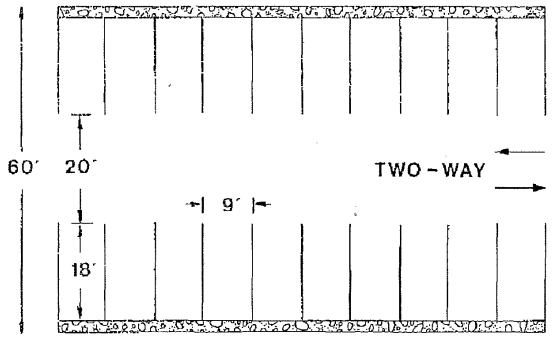
Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the Planning Commission. (Amended 8-14-00)

I. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

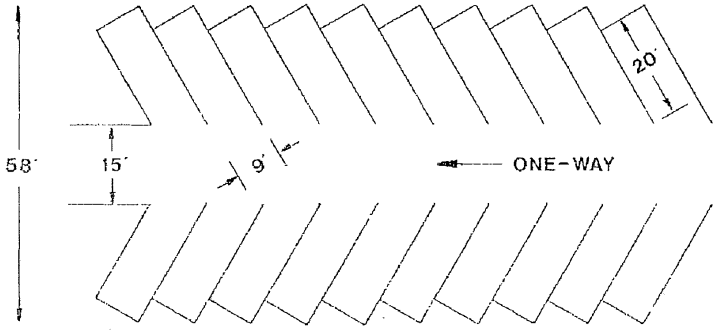
J. In all cases where a screen wall extends to a driveway which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such driveway line in order to permit a wider means of access to the parking area.

K. The Planning Commission may substitute a screen fence and/or a greenbelt in place of the wall, as provided in Section 1521, where no good purpose would be served by the wall.

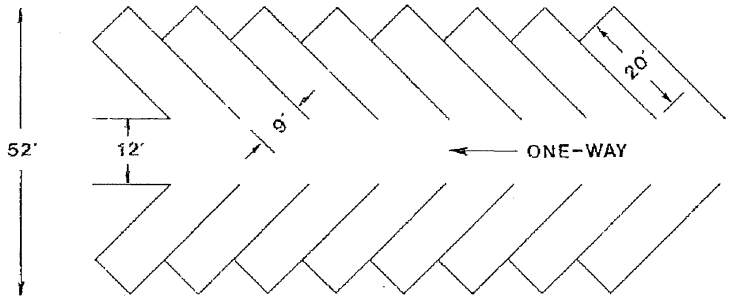
PARKING LAYOUT ILLUSTRATION



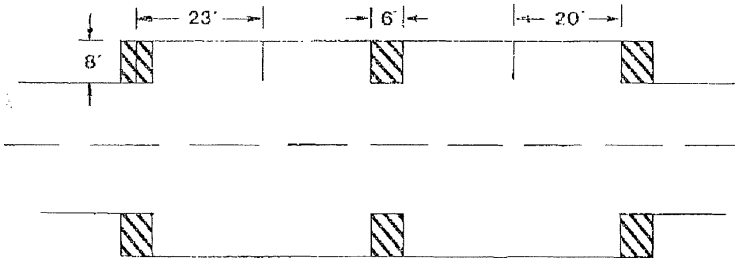
90 DEGREE



60 DEGREE



45 DEGREE



PARALLEL

Section 1515 OFF-STREET WAITING SPACE

All businesses which provide a drive-up window or similar method for serving customers while staying in their automobiles shall provide adequate off-street waiting space. Each off-street waiting space shall occupy an area eight (8) feet wide by twenty-three (23) feet long and shall be exclusive of all required parking and maneuvering isles. Off-street waiting spaces shall be provided in the ratio of four (4) spaces for each drive-up window or device for banks and similar uses, five (5) spaces for drive-through photo services, and six (6) spaces for fast-food restaurants and similar uses.

Section 1516 PERFORMANCE GUARANTEE

Whenever improvements such as paving of parking areas, greenbelts, screen walls, or other improvements are required by this ordinance they shall be shown on a site plan for the proposed use. In addition, the owner of the subject property shall deposit with the Township Clerk a cash performance guarantee or equivalent financial instrument in the amount of $500.00 or 10% of the estimated cost of the required improvements, whichever is the larger amount. The entire sum shall be returned to the owner upon satisfactory completion of the required improvements within the time limits specified herein.

Section 1517 PERFORMANCE STANDARDS

Except for agricultural operations using generally recognized good farming techniques, no use otherwise allowed shall be permitted within any district which does not conform to the following minimum requirements and standards of use, occupancy and operation:

A. Smoke

No use in a residential, RC, O-1, B-1 or B-2 zoning district shall emit smoke that is visible to the naked eye, except for household burning that occurs under a permit issued by Metamora Township. The emission of smoke from any other property, business, or use shall not exceed limits imposed by the State of Michigan or the United States Environmental Protection Agency. In no case shall any property, business, or use emit smoke in a way which becomes offensive or a nuisance to adjoining properties.

B. Dust, Dirt and Fly Ash

No person, firm, or corporation shall operate any process, device equipment in a manner that causes dust, dirt, or fly ash to settle upon or otherwise interfere with the use of other properties.

C. Open Storage

The open storage of any industrial or commercial equipment, vehicles and all materials, including wastes, except new vehicles for sale and/or display, shall be screened from public view, from a public street and from adjoining properties by

an obscuring wall or fence not less than the height of the equipment, vehicles, or materials to be stored to a maximum height of eight (8) feet. Whenever such open storage is adjacent to any residential zone, the required obscuring wall or fence shall be at least six (6) feet in height. In no instance shall any open storage of equipment, vehicles and/or materials be permitted within a required front yard in any zoning district. (See Section 1521.)

D. Glare and Radioactive Materials

Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electro-magnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

E. Fire and Explosive Hazards

The storage and handling of flammable liquids, liquid led petroleum, gases, and explosives shall comply with the Rules and Regulations of the State of Michigan.

F. Noise

No operation or activity shall cause or create noise that has any annoying or disruptive effect on adjoining properties, that becomes a nuisance to adjacent uses and/or that exceeds the sound levels prescribed below, using an A-weighted decibel scale dB(A), when measured at the lot line of any adjoining use, based upon the following maximum allowable levels for each use district:

Zoning of Adjoining Land Use	Maximum Allowable Noise Level measured in dB(A)	
	6am to 9pm	9pm to 6am
A-1, A-2,R-1, R-2, RM, MH, RC	60	45
O-1, B-1, B-2	70	60
M-1	85	75

G. Odors

Odorous matter released from any commercial or industrial uses or district shall not exceed the odor threshold concentration beyond the property lines when measured either at ground level or habitable elevation. The air samples shall be taken at the common property line with an adjoining use.

H. No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes, and crates, or other offensive or obnoxious matter shall be piled, placed, stored or dumped on any land within the township until the operator has obtained a landfill permit from the Michigan

Department of Natural Resources and Township Board approval. All uses in every zoning district shall place waste materials in an appropriate covered container and properly dispose of same at least once each month in accordance with State Law and Township Ordinance. Nothing contained herein shall prevent the reasonable use of fertilizers, manures, and similar materials for the improvement of land utilized for agricultural purposes where such use does not constitute a public or private health hazard.

I. Exterior Lighting

Outdoor lighting shall be designed to minimize glare, reduce spill-over onto adjacent properties, and provide appropriate levels of illumination. The following conditions shall apply to exterior lighting for all non-residential uses:

1. Light levels shall meet the minimum need for safety, security and illumination of a specific use, as determined by the Planning Commission or the building inspector/zoning administrator.

2. To control glare, all light fixtures shall have a cut-off angle of less than ninety (90) degrees, except decorative pedestrian fixtures of 100 watts or less.

3. Light fixtures shall be located at least five (5) feet from any property line and shall be directed downwards and shielded to cast light away from adjacent properties and streets. No direct light source shall be visible at the property line five (5) feet above grade, and the maximum illumination levels at any property line shall not exceed one (1) foot-candle.

4. Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall landscaping, fencing and similar screening methods be considered acceptable means for reducing glare.

5. Lamps with true color rendition are preferred, such as incandescent and metal halide lamps. The use of mercury vapor and low and high pressure sodium lamps are prohibited. However, the Planning Commission may permit the use of high pressure sodium lighting at the intersections of driveways with public streets when the average illumination level on the ground does not exceed six (6) foot-candles.

6. Maximum permitted fixture height:

    a. Parking lot luminaries shall not exceed twenty (20) feet when located in the interior and sixteen (16) feet when located around the perimeter of the parking area.

    b. Unshielded pedestrian fixtures shall not exceed ten (10) feet.

c. All other light fixtures shall not be mounted in excess of the maximum height limitation of the district in which they are located.

7. The Planning Commission may require special conditions for properties adjacent to residential uses and districts. (Amended 8-14-00)

Section 1518 RESERVED (Amended 6-9-97)

Section 1519 RESERVED FOR FUTURE USE (Effective 2-27-05)

Section 1520 SCOPE OF ORDINANCE

Except as otherwise provided in this Ordinance, no land or existing building or structure, and no new building or structure, or part thereof, shall hereafter be located, erected, used or altered other than in conformity with the provisions of this Ordinance.

Section 1521 SCREEN WALL AND FENCE REQUIREMENTS

A. All fences of any nature, type or description located in the Township shall conform to the following regulations:

1. The erection, construction or alteration of any fence, wall or other type of protective barrier shall conform to the requirements of the zoning district wherein they are located and to the requirements of this Section. (Amended 8-14-00)

2. Fences in Residential Districts, which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:

a. No fence shall hereafter be erected, along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet, or less than three (3) feet in height above the grade of the surrounding land.

b. No fence shall hereafter be located in the front yard of the lots or parcels in question more than three (3) feet in height.

c. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences is prohibited, except as provided below. Barbed wire cradles may be placed on top of fences enclosing public utility buildings as deemed necessary in the interests of public safety.

3. Fences in A-1 and A-2 Districts and fences for agricultural uses in other districts may be located on all property or road right-of-way lines of a parcel of land providing such fences are maintained in a good condition and do not

result in an unreasonable hazard to persons who might come near them. (Amended 8-14-00)

4. No fence or wall, shall be erected, established, or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, within a triangular area formed by the street right-of-way lines and a line connecting them at points twenty five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street right-of-way extended.

5. Whenever a fence is proposed in other than a residential or agricultural district, it shall require the issuance of a building permit and shall comply with the following:

   a. The maximum height for all fences, including security fences and obscuring fences, shall be six (6) feet, unless otherwise provided for in this Ordinance.

   b. Open, wire fences shall be of a chain-link variety only. Plastic, vinyl, aluminum or wood slats, or similar devices placed through the wire fences, shall not be used to satisfy the requirements of this ordinance for screening or an obscuring fence.

   c. When an obscuring wood fence is proposed, it shall be constructed entirely of pressure treated wood or metal posts and pressure treated wood panels, to assure durability and relative freedom from the need for regular maintenance.

B. Screen Walls

Wherever a non-residential use adjoins a residential district and wherever a parking lot of eight (8) or more spaces adjoins a single family residential district, a screen wall shall be provided by the non-residential use. (For purposes of this section, a parking lot of eight (8) or more spaces shall be considered a non-residential use)

1. All required screen walls shall be six (6) feet in height and shall be placed along the lot line of the non-residential use.

2. Required screen walls shall not be extended into a required front setback area to ensure proper visibility of pedestrians and vehicles by drivers exiting the non-residential site.

3. Required screen walls shall be of masonry construction, be designed to withstand frost heave, hydrostatic pressure, the effects of weather, and be protected from vehicles by bumper guards or setbacks. The appearance of the wall in terms of material, design, and workmanship shall be beneficial to the residential districts. To that end, the wall shall be decorative in nature,

constructed of face brick, poured concrete with a brick pattern, or cement block with a facing of decorative brick.

4. The Planning Commission may: approve in partial or complete substitution for the wall(s) the use of existing and or proposed topography, dense vegetation, or other natural or man-made features that would produce substantially equivalent results of screening, and durability; approve reduction or increase in wall height where a lesser or greater height is found appropriate based on considerations of topography, sight lines, and distances; approve variations in the design standards for reasons of topography or characteristics peculiar to the site, its usage, and environs. In taking such actions, the Planning Commission shall take into account that the principal purpose of the wall(s) is to screen non-residential activities, including parking, loading and noise, from nearby residential districts. In such cases where the Planning Commission finds that there would be no substantial need for a screen wall, the requirements of this section may be reduced, or substituted. For example, the Planning Commission might find that a church, school, or park in a residential district without a screen wall would pose no significantly adverse effect on adjoining residential areas. The basis for such decision shall be recorded in the minutes of the Planning Commission.

Section 1522 SIGN REGULATIONS (Amended 2/21/02)

A. General Requirements That Apply To All Signs

1. A building permit shall be required for the erection and construction of any new sign or alteration of any existing sign, including electrical permits for all illuminated signs, and all such signs shall be located on the site plan and approved by the Planning Commission unless specifically exempted by this Section.

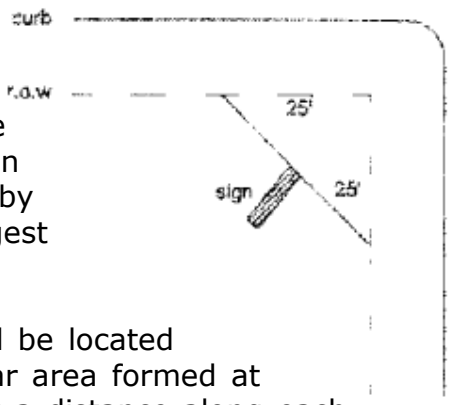
2. Other than those permitted by specific action of the Township Board, there shall be no flashing, oscillating or intermittent type of illuminated sign or display; nor shall there be any streamers, windblown devices, spinners, temporary or portable signs, pennants, or flags other than those permitted by local, state, or federal statute or case law. This provision shall not prohibit electronic, sequential message signs provided the message does not change more frequently than once each thirty (30) seconds and the message does not use a background that could be mistaken for emergency vehicle lights. (Amended 01/15/13)

3. Portable and vehicle advertising signs are hereby prohibited regardless of form, size, character, or placement. A portable sign is a sign not permanently anchored or secured to either a building or the ground. A vehicle sign is a vehicle advertising sign when the vehicle upon which the sign is painted or attached is parked or placed upon the owner’s premises primarily for advertising purposes.

4. No sign, except those established and maintained by the Township, County, State or Federal government, shall be located in a public right-of-way or dedicated public easement. This prohibition shall include signs that project into or overhang a public street right-of-way.

5. All directional signs required for the purpose of orientation, when established by the Township, County, State or Federal government, shall be permitted in all use districts.

6. No sign shall project above twenty-five (25) feet in height or be greater in sign area than one hundred (100) square feet. All calculation of total sign area shall be measured on one edge of the face of the sign. The area of a sign that is irregular in shape shall be calculated by multiplying its tallest dimension times its longest dimension.



7. No sign above a height of three (3) feet shall be located within, project into, or overhang the triangular area formed at the intersection of street right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

8. Non-accessory signs (billboards) shall be prohibited except in B-2 General Business and M-1 Light Manufacturing districts.

9. Except for permanent freestanding signs, all signs shall be displayed flat against the wall of the building, or parallel to the wall of the building.

10. Wall signs shall not project beyond or overhang the wall, or any permanent architectural feature, by more than one (1) foot. In addition, roof signs, or signs that project above or beyond the roof, parapet, or ridge line of a mansard roof are prohibited.

11. All illuminated signs shall be lighted by internal illumination only unless the lighting equipment is designed as an integral part of the display. This means that the lights themselves are not visible and will in no way interfere with driver visibility or project onto adjoining property.

12. Permanent freestanding signs shall not be located closer than one hundred (100) feet to any property line of any adjacent residential district. In addition no sign shall be constructed in a manner as to impair the vision of pedestrians and vehicles.

13. Parking lot directional signs that are not illuminated and do not exceed two (2) square feet are exempt from calculation of total allowable sign area.

14. Permanent window signs located inside the building that are visible from the front lot line shall be included in the calculation of total sign area if they are displayed longer than fourteen (14) days.

15. Entire awnings shall not function as signs. This shall be construed to prohibit back-lit fabrics (such as Prismax, Diko-lit, Awn-lite, Sign Master, and the like) only when the area under the awning will be illuminated by a light source projecting onto the back side of the awning fabric. Nothing in this section shall prohibit awnings that incorporate a logo, name, or panel identifying the business use, provided it conforms with all other requirements for signs contained in this Ordinance.

16. All signs that are obsolete, due to discontinuance of the business or activity advertised thereon, shall be removed within thirty (30) days of the close of said business or activity.

17. All signs shall be maintained in a condition similar to that which existed at the time of their erection.

18. All sign owners shall complete a form, provided by the Township, indicating the name, address and phone number of the person responsible for maintenance of the sign. At the request of the Township, any sign owner shall update the information provided on this form from time to time.

19. Maintenance of Property - Property surrounding any sign shall be kept clean, and free from weeds, rubbish and flammable materials.

B. Signs permitted in A-1 and A-2 Agricultural Districts

1. One (1) accessory sign may be permitted for a principal use or approved special land use which advertises the name of the establishment; the produce, animals, or products for sale; or the services available on the premises.

2. All signs for a principal permitted use or an approved special land use shall be non-illuminated unless specifically approved by the Planning Commission upon a finding that: the illumination will not adversely impact any nearby residential property or use; and the lighting equipment is properly concealed so that it does not produce glare; and the lighting equipment will be turned off between the hours of 10:00 p.m. and 7:00 a.m. All such signs shall not exceed thirty-two (32) square feet. No sign shall exceed six (6) feet in height above the ground.

3. Temporary signs which advertise a new residential subdivision or similar permitted development shall not exceed fifty (50) square feet and shall be removed immediately after the last available lot or parcel is sold.

4. One (1) permanent subdivision identification sign may be placed at each entrance to a residential subdivision. All such signs shall be non-illuminated unless specifically approved by the Planning Commission upon a finding that the illumination will not adversely impact any nearby residential property or use and that the lighting equipment is properly concealed so that it does not produce glare. The principal subdivision identification sign shall not exceed thirty-two (32) square feet and the remaining signs shall not exceed sixteen (16) square feet each. No permanent subdivision sign shall exceed a height of six (6) feet.

C. Signs permitted in R-1 (1 acre) and R-2 (5 acre) Single Family and OSR (2.5 acres) Open Space Residential Districts

1. Temporary signs which advertise a new residential subdivision or similar permitted development shall not exceed fifty (50) square feet and shall be removed immediately after the last available lot or parcel is sold.

2. Approved Special Land Uses may have a single, non- illuminated sign that does not exceed sixteen (16) square feet nor exceed six (6) feet in height.

3. One (1) permanent subdivision identification sign may be placed at each entrance to a residential subdivision. All signs shall be non-illuminated unless specifically approved by the Planning Commission upon a finding that: the illumination will not adversely impact any nearby residential property or use; and the lighting equipment is properly concealed so that it does not produce glare. The one (1) largest sign shall not exceed thirty-two (32) square feet and the remaining signs shall not exceed sixteen (16) square feet each. No permanent subdivision sign shall exceed a height of six (6) feet.

D. Signs permitted in RC Recreational, RM Multiple Family, and MH Mobile Home Districts

1. One accessory sign not to exceed thirty-two (32) square feet or six (6) feet in height above the ground may be permitted for each multiple family project, mobile home park, or approved special land use. All signs shall be non-illuminated unless specifically approved by the Planning Commission upon a finding that the illumination will not adversely impact any nearby residential property or use and the lighting equipment is properly concealed so that it does not produce glare.

2. Temporary signs which advertise a new residential subdivision or similar permitted development shall not exceed fifty (50) square feet and shall be removed immediately after the last available lot or parcel is sold.

3. One (1) permanent subdivision identification sign may be placed at each entrance to a residential subdivision. All such signs shall be non-illuminated unless specifically approved by the Planning Commission upon a finding that the illumination will not adversely impact any nearby residential property or

use and that the lighting equipment is properly concealed so that it does not produce glare. The principal subdivision identification sign shall not exceed thirty-two (32) square feet and the remaining signs shall not exceed sixteen (16) square feet each. No permanent subdivision sign shall exceed a height of six (6) feet.

E. Signs Permitted in O-1 Local Office, B-1 Local Business, B-2 General Business, and M-1 Light Manufacturing Districts

1. Individual, freestanding buildings with one or two establishments located on a separate parcel of property may have a single freestanding sign, plus one (1) wall sign per tenant. The single freestanding sign shall be uniform in design and display the name of each tenant only. The total sign area of the freestanding sign plus the wall sign(s) shall not exceed twenty percent (20%) of the wall area facing the front lot line up to a maximum of one hundred twenty (120) square feet total sign area.

2. Planned developments of more than two office, business, or industrial tenants may have a single freestanding sign not to exceed sixty-four (64) square feet that is uniform in design which may display only the name of the complex and the name of each tenant. In addition, each separate tenant may have one wall sign not to exceed twenty percent (20%) of its wall area facing the access street or drive, up to a maximum of one hundred (100) square feet of wall sign area per establishment for tenants with less than 10,000 square feet of floor area and two hundred (200) square feet of wall sign area for tenants with 10,000 or more square feet of floor area.

3. An individual business may have a single sign, mounted directly on each customer entrance door, of not more than six (6) square feet.

4. One (1) permanent message board sign may be approved as an integral part of an approved freestanding sign. All message board signs shall comply with the following:

   a. All electrical service to message board signs shall be permanently installed, and inspected and approved by the Township.

   b. There shall be no flashing lights, arrows, or similar devices designed to attract attention as a part of any permanent message board sign.

   c. Permanent message board signs for individual businesses shall be included in total sign area and shall not exceed thirty-two (32) square feet as measured on one side of a two sided sign.

   d. Permanent message board signs for a complex of individual offices, stores, or businesses shall be included in total sign area and shall be incorporated as part of the complex’s permanent, freestanding sign and

shall not exceed thirty-two (32) square feet, as measured on one side of a two-sided sign.

5. Temporary signs for the purpose of announcing a new business, special sales, seasonal promotions, special events, or new services may be permitted by the Township Clerk, subject to the following:

   a. The applicant shall file a complete application form, and provide all information required by Section 1522K. The Township Board may enact a Temporary Sign Permit Fee to defray administrative expenses.

   b. Temporary signs shall not be displayed longer than thirty (30) days.

   c. No business shall display the same temporary sign message more than twice per year.

   d. No temporary sign shall exceed thirty-two (32) square feet in area.

   e. Temporary signs shall be set back at least ten (10) feet from all property boundary lines and street right-of-way lines.

   f. Temporary signs shall be removed immediately upon expiration of the 30-day permit.

6. Non-accessory signs (such as billboard) are permitted in the B-2 and M-1 districts and only on property occupied by an existing business. Non-accessory signs shall not exceed one hundred (100) square feet and shall be spaced no closer than one thousand (1,000) feet to one another or to an adjoining residential zoning district. The total sign area for the non-accessory sign plus the on-premise business sign(s) shall not exceed the total allowable sign area for the on-premise business. All lighting equipment for non-accessory signs shall be designed to illuminate the sign only and shall not interfere with driver visibility or cause glare on adjoining residential properties.

F. Corner Buildings and Other Buildings with Multiple Street or Exposure Frontage in All Districts

1. A second wall sign is permitted on the secondary street frontage with an additional bonus sign area not to exceed thirty-two (32) square feet provided:

   a. There are merchandise display windows along the side street, or other designs that proportion windows, doors, and architectural features in a manner that improves pedestrian access and use;

   b. The bonus sign area shall be used for additional identification on the side street, not to enlarge the freestanding sign or primary wall sign; and

c. The total sign area for all signs shall not exceed one hundred fifty (150) square feet.

2. The total sign area of the primary and secondary wall signs may be divided equally between the two (2) signs.

3. Nothing in this section shall be construed to permit a second freestanding sign. It is the intent of Section 1522 to permit a maximum of one (1) freestanding sign per business or development.

G. Temporary Message Board Signs in All Districts

One (1) temporary message board sign may be permitted for a special event of a church or a non-profit charitable or community-service organization, subject to the following:

1. A permit shall be required and a performance guarantee shall be posted, in an amount established by resolution of the Township Board, to ensure timely removal of the sign at the end of the permit period. The entire amount shall be returned to the applicant upon compliance.

2. Temporary message board signs shall not exceed thirty-two (32) square feet.

3. The total display period shall not exceed fourteen (14) days.

4. Temporary message board signs shall not be illuminated unless the electrical service and connection has been inspected and approved by the Township Electrical Inspector.

H. Public Buildings in All Districts

1. The Planning Commission may approve a sign or signs for a public building in all zoning districts. The Commission shall determine the allowable number and size of public building signs, using the requirements for other uses in the specific zoning districts as a general guide.

2. In granting its approval for a public building sign or signs, the Planning Commission shall make the following findings of fact:

a. The sign or signs are necessary for the public convenience and/or safety at the proposed location.

b. The sign or signs will in no way endanger public health or safety nor introduce an inappropriate character into the neighborhood or zoning district.

c. If the sign is illuminated, it shall not adversely impact any nearby residential property or use, and the lighting equipment shall be properly concealed so that it does not produce glare.

I. Signs Exempt from Permit Requirement

The following signs shall be exempt from the permit requirements of this section and shall conform to the following regulations:

1. Temporary window signs in office, business and industrial districts which are displayed no longer than fourteen (14) days and do not occupy more than thirty percent (30%) of the total window area, except in those cases where the signs are provided by national suppliers as part of a nationwide campaign they may occupy up to 50% of the total window area.

2. One non-illuminated sign stating the name and/or profession of the occupant for a permitted home occupation or residential accessory occupation, provided that it shall not exceed six (6) square feet for a home occupation and six (6) square feet for a residential accessory occupation.

3. Memorial signs or tablets, historical markers, or names of buildings and date of erections when cut into any masonry surface or when constructed of bronze or similar materials.

4. Permanent bulletin boards not over sixteen (16) square feet in area for public, charitable, education, or religious institutions when the bulletin board is located on the premises of the institution at least twenty (20) feet from all property lines and is not illuminated.

5. A temporary construction sign denoting the name of the building, the architect, engineer, contractor, and anticipated completion, alteration, or removal date, not to exceed sixteen (16) square feet in residential districts and forty-eight (48) square feet in all other districts. All such signs shall be set back at least twenty (20) feet from all property lines and removed within seven (7) days after issuance of an occupancy permit.

6. One (1) gasoline price sign no larger than twelve (12) square feet for each establishment selling gasoline or other motor vehicle fuels as a part of its principal permitted use. If the business has frontage on more than one street, a second sign may be placed so as to be visible from the other street.

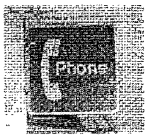
7. Signs used for advertising land or buildings for rent, lease, and/or sale when located on the land or building intended to be rented, leased, and/or sold. Such sign(s) area shall be no greater than ten (10) square feet in R-1 and R-2 Districts, sixteen (16) square feet in RC, RM and MH districts and thirty-two (32) square feet in all other districts.

8. Non-illuminated, temporary political signs advocating or opposing a candidate for public office or a position on an issue to be decided at an

election may be displayed on private property beginning four (4) weeks before a primary election, and continuing through ten (10) days after the general election, if the owner of the premise consents. Temporary political signs shall not exceed thirty-two (32) square feet per sign in all districts. No temporary political signs shall occupy public rights-of-way.

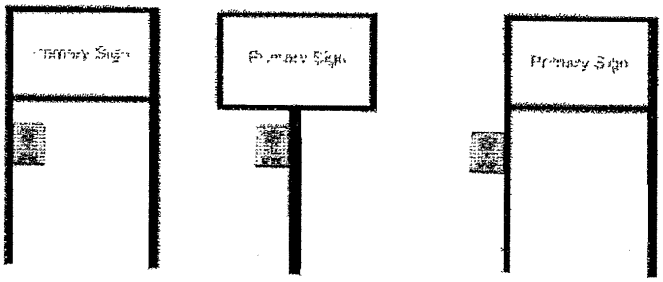
9. Public Information and Directional Signs necessary for public safety and informational purposes subject to review by the Zoning Administrator to verify compliance with the following:

   a. Signs indicating the locations of public telephones which are the standard size of 12”x12” or 18”x18” and mounted at a maximum height of eight (8) feet



   b. Michigan Lottery signs may be located only on the premises of authorized vendors and shall, to the extent possible, be incorporated into the design and support structure of the primary wall-mounted or freestanding sign.

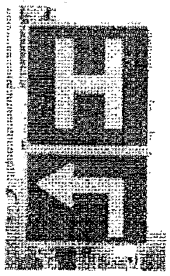




   c. Non-illuminated signs for the purpose of directing the public to police and fire stations, and hospitals which do not exceed six (6) square feet in area and six (6) feet in height.

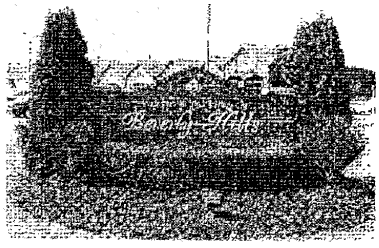






   d. Automatic teller machines (ATM) signs may be located only on the premises of the authorized vendor and shall to the extent possible be incorporated into the design and support structure of the primary wall-mounted or freestanding sign.

   e. Monument style community identification signs, which are located at significant entry points into Metamora Township, as well as those marking major use areas within the



Township (i.e. shopping district, governmental center), when sponsored or co-sponsored by the Township.

J. Sign Area Bonus for Landscaping

1. The Planning Commission may grant a bonus in sign area for landscaping around a proposed free-standing sign according to the schedule below. In order to qualify for the bonus, the applicant shall submit a landscape plan prepared by a registered Landscape Architect or other competent professional. The Planning Commission shall make a finding that the plan provides additional landscaping not otherwise required by this Ordinance before granting the bonus.

2.

Area of Proposed Additional Landscaping	Sign Area Bonus
At least 200 square feet	16 square feet
At least 350 square feet	32 square feet
At least 500 square feet	50 square feet

3. All landscape plants shall be maintained by the owner in a healthy, growing condition for the life of the sign.

K. Sign Permit Application Requirements

All applications for sign permits shall be made on forms provided by the Township Clerk and shall contain the following minimum information:

1. A sketch indicating the location of the subject property and current zoning classification.

2. A scale drawing of each sign, in the colors of the finished sign, indicating the size, shape, message, lettering style, and materials of the finished sign. (All required copies must also be in color)

3. Building elevation drawings showing the position and size of each sign on the building and the location and size of any existing sign(s) on the same structure.

4. For free-standing signs, a site plan showing the sign height, location of the sign on the site, and verifying compliance with all setback requirements.

5. If the sign will be illuminated, plans shall include all details regarding the location, type of fixture, color of the illumination, and method of shielding the lighting equipment to prevent glare.

L. Hospitals, Urgent Care Clinics, and Hospital-affiliated Medical Centers (greater than 10,000 square feet) (Adopted 7-11-05)

1. One (1) identification ground sign shall be permitted not to exceed sixty-four (64) square feet. Emergency or urgent care entrance signage may be included in the ground identification sign to give clear direction to the emergency room or urgent care entrance. When located adjoining a hospital entrance, an identification ground sign may be combined with a site information sign.

2. For hospital campuses, one (1) site information ground sign shall be permitted per property line abutting a major thoroughfare to identify parking, emergency, hospital, and clinic entrances. Site information signs shall be located adjoining an entrance and shall not exceed sixty-four (64) square feet.

3. One (1) identification wall sign shall be permitted not to exceed twenty percent (20%) of the wall area facing the front lot line, up to a maximum of 120 square feet of sign area. For buildings with multiple street or exposure frontage, a second wall identification sign may be permitted not to exceed twenty percent (20%) of the wall area facing the secondary street frontage, provided the second wall sign shall not exceed the area of the primary wall sign.

4. One permanent message board sign shall be permitted as an integral part of an approved ground identification sign, site information sign, or wall sign, subject to the following:

    a. Permanent message board signs shall be included in total sign area and shall not exceed 40 square feet.

    b. All electrical service to message board signs shall be permanently installed, and inspected and approved by the Township.

    c. There shall be no flashing lights, arrows, or similar devices designed to attract attention.

    d. Messages displayed shall be limited to information regarding services offered to the public and shall not change more frequently than two times per hour.

Section 1523 SINGLE FAMILY DWELLING STANDARDS

All single family dwellings, whether site-built or factory built, shall comply with the following:

A. All such dwelling units must meet the current construction standards of the State of Michigan and Metamora Township prior to being brought into the Township and prior to issuance of a building permit. The minimum acceptable standard for factory-built homes shall be the Department of Housing and Urban Development "Mobile Home Construction and Safety Standards" being 24 CFR 3280, and as from time to time such standards may be amended.

B. All such dwelling units must meet the minimum floor area requirements of this ordinance for the district in which they are located. Any addition to a factory-built home must be designed and constructed by the original manufacturer or an architectural plan for a compatible addition may be submitted to the Planning Commission for approval. All additions shall be constructed with similar quality workmanship as the original structure, shall be permanently attached to the principal structure, and permanently supported by and anchored to an approved foundation.

C. All such dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code in affect in the Township and shall have a wall of the same perimeter dimensions as the dwelling, and constructed of such materials and type as required in the building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

D. All wheels, axles and towing apparatus must be removed from a mobile home prior to issuance of a certificate of occupancy.

E. All such dwellings shall be connected to a public sewer and water system or private facilities approved by the local health department.

F. All such dwellings shall be compatible in appearance with other site-built homes in the Township. To this end, a roof with a minimum pitch of 4/12 shall be required with overhangs or eaves of at least six (6) inches. There shall not be less than two (2) exterior doors, on different sides of the dwelling, with access to both doors by means of exterior steps or porches, where a difference in elevation requires the same. All such dwelling units shall have a minimum width on all sides of at least twenty-three (23) feet. (Amended 01/15/13)

G. All such dwellings shall contain a storage capability area in a basement under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.

H. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State Law or Federal Law.

Section 1524 SITE PLAN REVIEW AND APPROVAL

A site plan shall be submitted for all new construction, structural alteration, or substantial change in use, as determined by the Planning Commission, for all principal permitted uses in RM, MH, O-1, B-1, B-2 and M-1 districts, for all Special Land Uses in every district, and for any other use which requires an off-street

parking lot. Prior to the issuance of a building permit or a certificate of occupancy, all required information shall be shown on a site plan drawing filed with the application form provided by the Township Clerk. If the required number of copies of the application and the site plan drawing are received at least fifteen (15) days prior to a regular meeting, the site plan will be forwarded to the Township Planner, Township Engineer, Fire Chief, Township Attorney (where necessary) and placed on the Planning Commission's meeting agenda. (Amended 6-9-97)

A. Application Form Contents

1. Applicant's name and address
2. Name of the proposed development
3. Common description of the property and complete legal description
4. Dimensions of land, width, length, acreage and frontage
5. Existing zoning and zoning of adjacent properties
6. Proposed use of land
7. Name, address, city and phone number of:
   a. Firm or individual who prepared site plan
   b. legal owner of property
   c. Applicant (including basis of representation)
8. Signature of legal owner if not the applicant

B. Site Plan Drawings - Required Contents

1. Location map showing site in relation to nearest major intersection

2. A scale of not less than 1" = 30' if the developed portion of the subject property is five (5) acres or less, and 1"- 100' if over five (5) acres

3. Date and north point

4. Location of all existing and proposed structures and uses

5. All aisles, drives and parking areas (include the number of spaces in each)

6. Screening and/or protective walls. (Section 1521)

7. Principal and accessory buildings

8. Location of existing and proposed rights-of-way, widths of all abutting streets, alleys and easements

9. Types of facing materials to be used on structures

10. Elevations (front, sides and rear views) of all sides of the building(s)

11. A floor plan drawing showing the specific use areas of all existing and proposed buildings on-site

12. Seal of registered Architect, Landscape Architect, Land Surveyor, Professional Community Planner or Civil Engineer who prepared the plan. In cases of minor structural alterations where professional services are not required, additions of three hundred (300) square feet or less, or for changes in the use of existing buildings, the Planning Commission may waive this requirement.

13. Density calculations (for multiple family projects)

14. Existing buildings or improvements on the site and on all property adjacent to the site that are within 100 feet

15. Designation of units by type of buildings

16. Interior sidewalks and sidewalks within right-of-way

17. Exterior lighting locations and methods of shielding them from projecting onto adjoining property

18. Trash receptacle location and method of screening. (Section 1532)

19. Landscape plan (Section 1510)

20. Drive or street approaches including acceleration, deceleration and passing lanes, if appropriate

21. All utilities located on or serving the site

22. Loading and unloading area

23. Total floor area

24. Designation of fire lanes

25. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, noise, vibration and emission levels, and other data of all such equipment or machinery

26. Location and extent of development of recreation areas, where necessary

27. Existing and proposed contours shall be provided at an interval of one (1) foot. These shall clearly indicate the proposed Grading and Drainage Plan and shall identify any areas of reclaimed or filled land. All uses shall detain storm water so that the run-off from the property occurs at not more than an agricultural run-off rate

28. Address location on building (minimum 6 inch numbers)

C. Sign Information

Separate drawings of the proposed sign(s) to be erected on the site may be submitted at the time of site plan review or at a later date. The location of all signs shall be shown on the site plan but the following detailed information may be deferred until later, if the applicant chooses:

1. Height of the sign above the ground

2. Surface of the sign (materials and dimensions)

3. Area of sign surface

4. Lettering of sign, drawn as it will appear on the erected sign, need not be in the style of the finished sign but must be neatly printed in the size and of a weight approximating that of the final constructed sign

5. Method of illumination, if any

D. Service Drive Easement Requirement

Where a proposed O-1, B-1, or B-2 use has access to a major thoroughfare, as designated on the Metamora Township Master Plan, the parking area shall be designed to minimize the number of driveways with direct access onto the major thoroughfare. In order to facilitate this goal, each site plan shall include an easement dedicated to the Township Board for the purpose of establishing a service drive for the joint use of nearby businesses. The front twenty-five (25) feet of the front yard, except necessary entrance drives, shall be landscaped as a greenbelt for the full width of the property. The next twenty-five (25) feet shall be the area dedicated as an easement to the Township. Said easement shall permit the establishment of a service drive for the purpose of reducing direct access onto the major thoroughfare. The Township Planning Commission shall have the right to require use of the service drive in lieu of an individual driveway entrance onto the major thoroughfare.

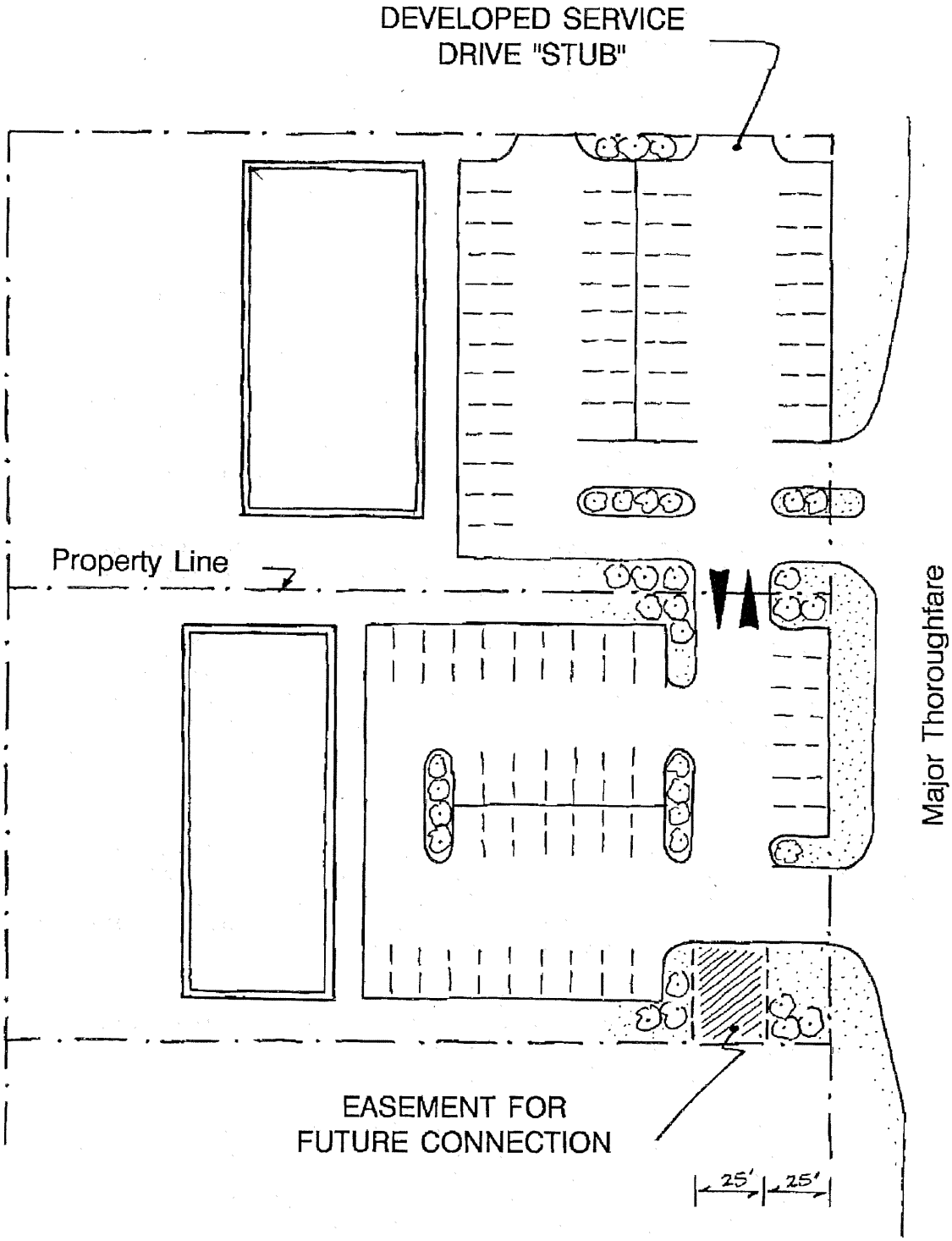
E. Criteria For Site Plan Approval

The Planning Commission shall use the following criteria in evaluating a site plan submittal:

1. Has the required information been furnished in sufficiently complete and understandable form to allow an accurate description of the proposed use(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, performance characteristics, parking, and traffic circulation?

2. Are there ways in which the configuration of uses and structures can be changed which would improve the impact of the development on adjoining and nearby properties, persons, and activities, and on the community, while allowing reasonable use of the property within the scope of district

regulations and other regulations of this ordinance that are applicable to the property and proposed use and structures?



Service Drive Easement Concepts

3. The extent to which natural features and characteristics of the land will be preserved; the regard given to existing large trees, natural groves, water courses, and similar natural features that would add attractiveness to the property and environs if they were preserved; the preservation of the natural drainage system, natural buffering, and other techniques for preservation and enhancement of the physical environment.

4. Whether the use proposed for the site is a use permitted in the district and complies with all applicable requirements of the Metamora Township Zoning Ordinance and any other applicable code or ordinance.

5. Whether traffic access to the site is such that vehicular congestion or other impairment of traffic may result from access to and from the site. When evaluating traffic impact, the Planning Commission will examine such factors as driveway/street location(s), driveway spacing, internal circulation, parking layout, and pedestrian safety. The Planning Commission shall have a goal of limiting the number of driveways and curb cuts on a public street to the minimum number for safe and efficient ingress and egress.

6. Whether the development of the site is such that it does not serve as a physical barrier or detriment to the development of adjacent land.

7. Whether the location of activities on the site, including the arrangement of buildings and parking areas is such that activities may create noise, odor, excess light, or other nuisances that would be a detriment to existing or future uses of abutting lands.

F. Procedures

The petition will be placed on the agenda of a meeting of the Planning Commission and a decision for acceptance, revision or disapproval will be made after the Commission has received a report from all Township departments, Community Planner, Township Engineer and/or Township Attorney, where necessary.

1. Upon determination of the Planning Commission that a site plan is in compliance with the Zoning Ordinance as amended, and other plans or regulations, it will be so indicated on the site plan.

2. Upon determination of the Planning Commission that a site plan is in compliance except with minor revisions, said changes shall be so indicated. When these changes have been adequately provided, the petitioner may resubmit the site plan to the Planning Commission for approval, or

3. If extensive revisions to the site plan are necessary to meet the ordinance requirements and standards, the site plan shall be disapproved and the applicant requested to prepare an alternative site plan. In this case "DISAPPROVAL" shall be written on the plan and reason for disapproval

indicated. If the applicant desires to prepare an alternative plan, the same procedure as outlined above must be met.

G. Approval Valid For One (1) Year

Upon approval of a site plan by the Planning Commission a building permit shall be requested by the petitioner within twelve (12) months or the site plan shall be declared to be invalid. Upon receipt of a building permit, reasonable construction shall be commenced within six (6) months, and reasonably continued, or the site plan and building permit shall be declared to be invalid, unless the petitioner requests an extension and obtains a renewed building permit from the Building Inspector.

H. Site Plan Amendments (Amended 01/15/13)

Changes to an approved site plan must be approved by the Planning Commission following the process for approval of a site plan unless they meet the criteria for a minor site plan amendment outlined below. Minor site plan amendments may be approved by the Zoning Administrator under the procedures outlined for a certificate of approval in Section 1702 of this ordinance. A minor site plan amendment is a change to a site plan that meets the following:

1. The change does not increase the overall building size by over 200 square feet
2. The change does not require a variance
3. The change does not result in an increase in the number of required parking spaces
4. The change does not affect a condition of approval.
5. If more than one change is proposed, the changes cumulatively cannot exceed these requirements

Section 1525 TEMPORARY DWELLING STRUCTURES

No garage, tent, trailer, basement, or similar fixed or moveable structure shall be used as a dwelling except under the following conditions:

A. A tent, travel trailer, motor home or similar enclosure maybe occupied for periods up to thirty (30) days only within an approved and licensed campground or other overnight camping facility.

B. The owner of property in any Agricultural or Residential district may obtain approval from the Building Inspector for placement of one (1) temporary mobile home on the property, in accordance with the following:

1. The temporary dwelling shall be permitted for not more than six (6) months from the date of issuance of a building permit, during the actual construction or reconstruction on the property of the owner’s single family dwelling. A six (6) month extension may be granted by the Building Inspector when

determined appropriate, provided that the construction of the single family dwelling is started and is proceeding to completion in accordance with the building permit.

2. The owner or occupant of the principal single family dwelling under construction shall be the occupant of the temporary dwelling.

3. The temporary dwelling shall comply with all applicable zoning and building provisions regarding the construction of the structure and its placement on the site.

4. The temporary dwelling shall be connected to water supply and sewage disposal systems approved by the Health Department.

5. The temporary dwelling shall be removed within two (2) weeks of issuance of a certificate of occupancy for the principal single family dwelling. Prior to the issuance of a permit for a temporary dwelling, the property owner shall deposit with the Township a performance guarantee in the amount of one thousand dollars ($1,000.00) to ensure removal of the temporary dwelling in the time period specified above. (Amended 8-14-00)

Section 1526 WATER SUPPLY AND SEWAGE DISPOSAL

A. Every building and principal structure hereafter erected, or moved upon any premises and used in whole or in part for dwelling, recreational, camping, business, commercial, farming, agricultural or industrial purposes, including churches, schools, and other buildings and structures in which persons customarily congregate shall be provided with a safe and sanitary water supply, and safe means of sewage collection and disposal. All industrial wastes shall be pre-treated for hazardous contents. Under no conditions shall such waste be deposited upon the surface of the ground or in lagoons in such manner as to create a nuisance or health hazard.

B. Every dwelling hereafter erected, altered or moved shall be connected to a public sanitary sewer or to a private sewage disposal system approved by the Lapeer County Health Department.

Section 1527 HAZARDOUS MATERIALS

All businesses and facilities which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month (equal to approximately 25 gallons or 220 pounds) shall comply with the following requirements:

A. Aboveground Storage

1. Primary containment of hazardous substances shall be product-tight.

2. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for

the maximum anticipated period of time necessary for the operator to recover any released substance.

3. Outdoor storage of hazardous substances is hereby prohibited.

4. At a minimum, State of Michigan and Federal agency requirements for storage, leak detection, recordkeeping, spill prevention, emergency response, transport, and disposal shall be met.

B. Underground Storage

1. Existing and new underground storage tanks shall be registered with the Michigan Department of Natural Resources in accordance with Federal and State requirements.

2. Installation, operation, and maintenance of underground tanks shall be in accordance with the requirements of the Fire Department, the Michigan State Police, Fire Marshall Division, and the Michigan Department of Natural Resources.

3. Out-of-service and/or abandoned underground tanks shall be emptied and removed from the ground if they have been out-of-service for more than nine (9) months, unless an extension is approved by the Township Board, after consultation with the Fire Chief.

Section 1528 CONDOMINIUM SUBDIVISION APPROVAL (Amendment effective 2/21/99)

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Planning Commission. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Township Engineer and Township Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, condominium subdivision layout and design, and compliance with all requirements of the Condominium Act and this Ordinance.

A. Definitions

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Condominium Act.

1. "Condominium Act" means Act 59 of 1978, as amended.

2. "Condominium subdivision" shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the Subdivision Regulations Ordinance.

3. "Condominium subdivision plan" means the site, survey and utility plans; floor plans; floodplain plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements.

4. "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

5. "Consolidating master deed" means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

6. "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

7. "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

8. "Convertible area" means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

9. "Expandable condominium" means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

10. "Front yard setback" shall be equal to the distance between the front yard area line and the dwelling or building occupying that homesite or condominium unit.

11. "Lot" shall mean the same as "Homesite", "Building Site" and "Condominium Unit".

12. "Mobile home condominium project" means a condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

13. "Master deed" means the condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

14. "Rear yard setback" shall be equal to the distance between the rear yard area line and the condominium dwelling.

15. "Side yard setback" shall be equal to the distance between the side yard area line and the condominium dwelling.

16. "Commercial, office and industrial condominium project" shall mean a condominium project in which business buildings, whether on a common site or an individual site, constitute individual condominium units.

B. Condominium Subdivision Plan Review Process.

Condominium Subdivision Plans shall be reviewed in accordance with the following process:

1. Pre-application Conference: Applicant applies to the Township for a pre-application conference with the Township planning consultant, engineering consultant, zoning administrator and Planning Commission Chair (or designee) to discuss the proposed condominium subdivision layout, ordinance requirements and review procedures.

2. Preliminary Condominium Design Plan Review: Applicant initiates preliminary review by submitting the required site plans to the Township in accordance with Section 1528C and Section 1524, Site Plan Review and Approval.

    a. The preliminary site plan is distributed to the Township's planning consultant, engineering consultant, and other agencies determined necessary during the pre-application conference, for review. The applicant is responsible for distributing required copies and fees to agencies other than the Township for review. If the preliminary site plan is complete and all relevant review comments have been received, it will be placed on the agenda of a Planning Commission meeting.

    b. Planning Commission conducts preliminary site plan review. The overall site design, lot and road layout, number and size of units, common areas and ordinance compliance are reviewed during the preliminary site plan review.

c. Preliminary Plan approval shall confer upon the applicant the right to develop detailed engineering plans for final review. Preliminary Plan approval shall be valid for one (1) year.

3. Final Condominium Design and Engineering Plan Review:

   Applicant initiates final site plan and engineering plan review by submitting to the Township revised site plans and detailed engineering plans for road, utility and storm water management.

   a. The revised site plans are distributed to the Township's planning consultant for review, the detailed engineering plans are distributed to the Township's planning consultant, engineering consultant, Lapeer County Road Commission, Lapeer County Drain Commission, Lapeer County Health Department, utility companies, and other governmental agencies if determined necessary, for review. The applicant is responsible for distributing required copies and fees to agencies other than the Township for review. If the final site plan and engineering plans are complete, and all relevant review comments have been received, it will be placed on the agenda of a Planning Commission meeting.
   b. Planning Commission conducts final site plan and engineering plan review. The revised site plans are reviewed for consistency with the preliminary site plan, required revisions and ordinance compliance. The detailed engineering plans are reviewed to assure proper road design and drainage, adequacy of public utilities, sanitary sewage disposal, water supply and site drainage.

   c. If approved, the applicant may begin site grading and construction of roads, underground utilities and storm water detention basins, subject to receipt of all required permits. Final condominium design and engineering plan approval shall be valid for two (2) years.

4. Condominium Document Review: The applicant initiates condominium document review by submitting to the Township copies of the draft Master Deed and By-laws for review.

   a. The Township's attorney, planning consultant, and engineering consultant review the draft condominium documents. If the documents are complete and all relevant review comments have been received, it will be placed on the agenda of a Planning Commission meeting.

   b. Planning Commission conducts review of Condominium Master Deed and By-laws. Consistency with the final preliminary site plan and engineering plans, and conformance with subsection 1528D.

5. Final Condominium Subdivision Approval: The applicant shall not initiate final condominium subdivision review until all site improvements are completed, inspected and approved by the Township's engineering consultant, and the

Condominium Master Deed and By-laws are recorded with the County Register of Deeds. If these items are completed, the applicant shall submit to the Township copies of the final condominium plans and documents (Master Deed, By-laws, exhibit A and exhibit B plans) evidence of completion and approval of all site improvements, and evidence of recording of the condominium documents with the County Register of Deeds.

a. The Township's attorney, planning consultant, and engineering consultant review the final plans and condominium documents. If the required information is provided and is complete, the matter will be placed on the agenda of a Planning Commission meeting.

b. Planning Commission grants final approval of Condominium Subdivision.

C. Condominium Subdivision Plan - Required Content

All condominium subdivision plans shall include the information required by Section 66 of the Condominium Act, Section 1524, Site Plan Review and Approval of the Township Zoning Ordinance, and the following:

1. Preliminary Condominium Subdivision Plans:

a. A cover sheet

b. Proposed name of condominium subdivision

c. Names and addresses of the applicant, owner, and the planner, landscape architect, designer, engineer or surveyor who designed the condominium subdivision layout. The applicant shall also indicate his interest in the land.

d. Proof of ownership such as a policy of title insurance, or legal opinion with reference to ownership, approved by the Township attorney

e. Statement of intended use of the proposed condominium subdivision such as residential single-family, industrial, commercial, and etc.

f. A survey plan of the proposed condominium subdivision, including a detailed legal description

g. Boundary line of proposed condominium subdivision, section or municipal limits within or adjacent to the tract and overall property dimensions

h. Date, north point and scale of site plan, 1"=100' is the minimum acceptable scale

i. An overall area location map at a scale of not less than 1"=400'.

j. Topography based on United States Geological Survey Datum, at a minimum contour interval of 2 feet, superimposed on the site plan for the subject site and areas at least 100 feet outside of the project boundary.

k. A flood plain plan, when appropriate

l. Vegetation on the site carefully inventoried and sketched as to type and location on a map at the same scale as the preliminary condominium subdivision plan

m. Property lines of contiguous adjacent tracts of land within 200 feet from the proposed development

n. Layout, number and dimensions of condominium units, including building setback lines showing the width of each lot at the front setback line

o. Building elevations and floor plans

p. Location, widths, and names of existing and proposed streets and alleys, public areas and public easements within or adjacent to the tract being proposed for development, including connections with adjoining streets and streets located across abutting roads

q. Location of existing utilities, storm drains and other underground facilities within or adjacent to the tract being proposed for development.

r. Drainage patterns

s. A conceptual utility plan showing all sanitary sewer, water, and storm sewer lines and easements for the installation, repair and maintenance of all utilities

t. The nature, location and approximate size of all land to be set aside for public use, all common elements to be dedicated or set aside for the use of property owners in the condominium subdivision, and any lands to be preserved in their natural state

2. Final Preliminary Condominium Subdivision and Engineering Plans:

a. Modifications to the site plan demonstrating compliance with all preliminary site plan review conditions of approval

b. A street construction and paving plan showing types of surfacing, method of drainage, and grade elevations. For private streets, a maintenance plan must also be provided

c. A grading and storm water drainage plan that shows proposed finished floor elevations, finished grades at structures, proposed storm water

collection system, storm outlet(s), ultimate downstream outlet, all necessary off-site drainage easements, and, when required, retention/detention basin design calculations. Any areas of filled or reclaimed land shall be identified and all development shall detain storm water so that the runoff from the property does not negatively impact upon adjacent properties or public and private rights-of-way.

d. A utility plan that shows all existing and proposed utilities and easements located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, proposed meter size, and proposed fire suppression line into building. Proposed sanitary leads, proposed sanitary sewers or on-site disposal systems must also be shown, as applicable.

e. Subsoil drainage: Whenever there is reason to expect that any part of the tract has a high water table or unstable subsoil conditions, a plan shall be submitted that includes a tabulated record and a keyed map of soil borings made by and certified by a registered civil engineer, or registered land surveyor

f. Water areas: A plan shall be submitted of any proposed water areas indicating depths, normal water levels, slopes and type of bank retention; method of controlling insects, water growths and vegetation.

D. Condominium Documents - Required Content

A master deed shall comprise the required condominium documents. The master deed shall conform to the requirements of the Condominium Act and the provisions provided below. The master deed shall be submitted with the following attachments:

1. Exhibit A document: By-laws for the Association of Co-owners.

2. Exhibit B document: a survey drawing, a final condominium subdivision plan and engineering plans, sealed by a registered civil engineer, as approved by the Township.

3. Exhibit C document: a legal description of the subject site, sealed by a registered land surveyor, and approved by the Township.

4. Bylaws for the Association of Co-owners shall include the following minimum standards:

   a. A trash collection plan

   b. A street snow removal plan

   c. A street maintenance plan providing for, at a minimum, annual maintenance

d. A maintenance plan for common elements such as parks, cul-de-sac islands, boulevard landscaping, entranceway landscaping and signs, sidewalks and pathways, clubhouses, swimming pools, tennis courts and similar common elements

e. A statement that all exterior site lighting shall be appropriate for the proposed use of the condominium subdivision, and that all lighting shall be directed downward and shielded from projecting onto adjoining properties by the use of cut-off fixtures.

f. A statement that all streets, common sewer systems, sewage treatment plants, water supply systems, storm water management systems, and other common elements shall be owned, operated, and maintained by the Co-owners of the condominium in conformance with the Condominium Act and this Ordinance.

5. Restrictions and covenants for the Association of Co-owners.

E. Condominium Subdivision Approval

1. All Condominium Subdivision Plans shall conform to the plan preparation requirements, review and approval procedures; design, layout and improvements standards of this Section, and the Metamora Township Private Road Ordinance, if applicable, as amended. Review, approval or denial of a proposed condominium subdivision shall also be based on the following considerations:

a. Township, County and State regulations and ordinances

b. The availability and adequacy of sewer, water and other utilities

c. Open space preservation and natural resource protection

d. Availability of recreation, and public service facilities

e. Master Plan proposals

f. The standards of this ordinance and the health, safety and welfare concerns of Metamora Township.

2. A deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Township of Metamora to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within eighteen (18) months from the date of final approval of the condominium subdivision plan by the Planning Commission

3. Approval Time Limits

   a. Preliminary Condominium Subdivision Plan approval is valid for a maximum of one year, unless an extension is applied for in writing by the applicant and granted by the Township Board. Preliminary Condominium Subdivision Plan approval establishes the layout and design of streets, lots and open spaces.

   b. Final Preliminary Condominium Subdivision and Engineering Plan approval is valid for two years with the same conditions for extension as provided for in subsection a above. Final Preliminary Condominium Subdivision and Engineering Plan approval allows the applicant to begin development of site improvements, such as roads, underground utilities and storm water management systems, subject to obtaining all required permits.

   c. Condominium Document approval is valid for one year, with the same conditions for extension as provided for in subsection a above. Condominium Document approval is required prior to submission for Final Condominium Subdivision review.

   d. Final Condominium Subdivision Plan approval is valid for one year, with the same conditions for extension as provided for in subsection a above.

F. Condominium Subdivision Design Standards and Public Improvements

1. Streets: All condominium subdivisions shall be developed with public streets that conform to all minimum requirements, general specifications, typical cross-sections and other conditions set forth in this Ordinance and any other requirements of the Lapeer County Road Commission. All streets shall also be approved by and dedicated to the Lapeer County Road Commission. In the event the applicant is unable to obtain approval from, and dedicate the proposed streets to, the Lapeer County Road Commission, a separate application for approval of private condominium streets shall be filed with the Metamora Township Planning Commission. All private condominium streets shall conform to the standards of the Metamora Township Private Road Ordinance, as amended.

   a. Location and Arrangement:

      (1) The proposed condominium subdivision shall conform to the various elements of the Master Plan and shall be considered in relation to existing and planned major thoroughfare and collector streets, and streets shall be designed in the location and the width indicated on the Master Plan.

      (2) The street layout shall provide for continuation of collector streets in adjoining plats or condominium subdivisions or of the proper

projections of streets when adjoining property is not platted or developed as a condominium subdivision.

(3) The street layout shall include local streets so laid out that their use by through traffic will be discouraged.

(4) Should a proposed condominium subdivision border on or contain an existing or proposed major thoroughfare, the Planning Commission may require a side lot relationship to the major thoroughfare with an approved screen planting contained in a dedicated non-access reservation along the side property lines having a minimum width of 12 feet, or such other treatment as may be necessary for adequate separation of the residential properties from the major thoroughfare.

(5) Street Layouts: The following design standards shall be used:

b. Major and secondary thoroughfare minimum right-of-way width = 120 feet.

(1) Collector streets minimum right-of-way width = 86 feet.

(2) Local street minimum right-of-way width = 66 feet.

(3) Cul-de-sac streets minimum right-of-way = 66 feet, with a vehicular turn-around with a minimum diameter of 150 feet and with a paved roadway of not less than 112 feet in diameter.

(4) Cul-de-sac street maximum length = 1,500 feet measured to the center of the turn-around. The Planning Commission may approve a longer length upon a finding that the additional length is warranted based on the unique or irregular shape of the site, physical constraints of the site such as the terrain, or other factors determined relevant. In reviewing proposed cul-de-sac streets that exceed the maximum length, the Planning Commission shall consider the number of access points to the subject site, provision of emergency access, the density of the proposed development, terrain, and other factors determined relevant. The Fire Department shall approve, or approve with conditions, all cul-de-sac streets that exceed the maximum length.

(5) Half streets and alleys are prohibited.

c. Grade Standards and Horizontal Alignment shall be to Lapeer County Road Commission specifications.

2. Blocks within condominium subdivisions shall conform to the following standards:

a. Sizes:

(1) Maximum length for blocks shall not exceed 1,500 feet in length, except where in the opinion of the Planning Commission, with the advice of the Township Planner and the Township Engineer, conditions may justify a greater distance.

(2) Widths of blocks shall be determined by the conditions of the layout and shall be suited to the intended design of the condominium subdivision.

b. Public Walkways:

(1) Public walkways or crosswalks or easements for same shall be required by the Planning Commission to obtain satisfactory pedestrian circulation within the condominium subdivision and the periphery to public or private facilities.

(2) Right-of-way widths of public walkways when not adjacent to or a part of street rights-of-way shall be at least 15 feet and shall be dedicated to the use of the public.

3. Easements: The condominium subdivision plan shall include all necessary easements granted to Metamora Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewer, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

a. Location of utility line easements shall be provided in a uniform location approved by the Planning Commission. Every lot, park or public grounds shall have access of not less than 15 feet wide.

b. Recommendations on the proposed layout for telephone, electric, and gas utility easements shall be obtained from the utility companies serving the Township.

c. Where a condominium subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction or both as will be adequate for the purpose. Such easements shall meet the approval of the Township and the County.

4. Lots within condominium subdivisions shall conform to the following standards:

a. Sizes and Shapes:

(1) The lot size, width, depth and shape in any condominium subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.

(2) Lot areas, widths, and setbacks shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the condominium subdivision is proposed.

(3) Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of not more than 4 to 1 may be required.

(4) Corner lots in condominium subdivisions shall be at least twenty (20) feet wider than the minimum width required by the Zoning Ordinance.

(5) Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provisions for off-street parking setbacks, and other requirements in accordance with the Zoning Ordinance.

b. Arrangement (The Planning Commission may alter requirements of subsections ii-iv below upon a finding that topographic or other practical difficulties result from the strict application of these standards)

(1) Every lot shall front or abut upon an approved street.

(2) Side lot lines shall be at right angles or radial to the street lines.

(3) Residential lots abutting major thoroughfares or collector streets shall be designed with side lot lines parallel to the major traffic streets, or shall be designed with extra depth to permit generous distance between buildings and such trafficway.

(4) Lots shall have a front-to-front relationship across all streets where possible.

(5) Wetlands, lands subject to flooding or lands otherwise deemed by the Planning Commission to be uninhabitable shall not be utilized for residential purposes, or for uses that may in the judgment of the Planning Commission diminish a natural resource or tend to endanger health, life, or property or increase the flood hazard. Such land within a condominium subdivision shall be set aside for other uses, such as open space or parks.

(6) Where lots are unusually large, the lots should be designed, where feasible, to permit further division into smaller lots in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks.

5. Credits for Public Dedications: In supplying sites for schools and parks, the applicant may reduce the minimum lot frontage and lot area requirements of the Township's Zoning Ordinance in direct proportion to the land dedicated for public purpose according to the following formula:

Total Park and School Area dedication	Percentage of Minimum Lot Frontage & Area Reduction
Gross Area of subject Site	(Not to exceed 10%)

   When multiplying the percentage reduction allowable to the minimum lot frontage, the product may be rounded to the nearest lower whole number. When multiplying the percentage reduction allowable to the minimum lot area, the product may be rounded to the nearest lower even 100 square feet.

6. Trees and Natural Features: The natural features and character of lands must be preserved wherever practical.

   a. Due regard must be shown for all natural features such as large trees, natural groves, and similar community assets that will add attractiveness and value to the property if preserved. Existing trees shall be preserved wherever possible, removal must be justified to the Planning Commission.

   b. Areas identified as wetlands on the National Wetlands Inventory Maps shall not be filled, drained, developed, or otherwise altered in any way. This Ordinance intends to protect and preserve all wetlands. Protection of such areas shall not be used for density credits or bonuses.

7. Greenbelts:

   Greenbelts acceptable to the Planning Commission may be required to be placed next to incompatible features such as highways, commercial or industrial uses to screen the view from residential properties. Such screens or greenbelts shall be a minimum of fifteen (15) feet wide and shall not be a part of the normal roadway right-of-way or utility easement.

8. Flood Hazard Areas:

   Any areas of land within the proposed condominium subdivision which lie either wholly or in part within the floodway of a stream, creek or drain, or any other areas which are subject to flooding or inundation by storm water shall require specific compliance with the Condominium Act and applicable State Law.

9. Topsoil:

   Removal of topsoil from areas to be subdivided shall be prohibited except in those areas to be occupied by buildings, roads, or parking areas. A plan for storage or stockpiling of topsoil shall be submitted by the proprietor with the

final design and engineering plan and shall be approved prior to receiving approval of the final condominium plan.

10. Required Conditions:

    The improvements set forth under the provisions of this Ordinance shall be obtained prior to the installation of any condominium subdivision or project improvements within Metamora Township in public streets, public rights-of-way, and public easements, and/or under the ultimate jurisdiction of Lapeer County.

11. Utility Improvements:

    A set of engineering plans shall be prepared by a Professional Engineer showing all utility improvements. The plan shall show and conform to all standards and ordinance requirements and the following:

    a. Surface Drainage - Building Permit:

       No building permit shall be issued in any condominium subdivision in Metamora Township unless the application for such permit is accompanied by evidence, in the form of plan diagrams, showing topography of such building site and the proposed surface drainage thereof approved by the Township. It shall be unlawful for any person to impede, block, change or alter the flow of surface drainage in any manner, or maintain any such impediment or blockage in any manner in any condominium subdivision, without the prior express written approval of the Township.

    b. Surface Drainage - Occupancy Permit:

       No final occupancy permit shall be issued for a new building until satisfactory evidence is furnished that the yard grading is complete for the lot or parcel of land on which the building is located. "Satisfactory evidence" may, at the discretion of the Building Inspector, be in the form of a certificate, prepared by and certified by a registered land surveyor or registered professional engineer, showing the required grading to be completed. A temporary certificate of occupancy may be issued by the Building Inspector upon filing with the Township, a cash bond in an amount to be determined by the Township, to guarantee that said grading will be completed as soon as weather permits. Upon the filing of satisfactory evidence that the grading has been completed as herein provided, said bond shall be refunded.

12. Other Improvements:

    a. Street Signs:

       An appropriate street sign shall be erected at each street intersection within the condominium subdivision. The type of sign and location thereof, shall be subject to the approval and direction of the Planning Commission and/or Lapeer County Road Commission. Temporary signs shall be installed by the developer before construction in the condominium subdivision is begun to facilitate the location of given lots by emergency vehicles.

    b. Pedestrian Walkways, Open Spaces and Trees:

       Pedestrian walkways, open spaces and trees shall be installed and preserved in accordance with this Ordinance.

G. Encroachment Prohibited

   Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.

H. Relocation of Boundaries

   The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this ordinance for the district in which the project is located, shall be approved by the Planning Commission, and this requirement shall be made part of the bylaws and recorded as part of the master deed.

I. Division of Condominium Units

   All divisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and building setback requirements, shall be approved by the Zoning Administrator, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

J. Mobile Home Condominium Project

   Mobile Home condominium projects shall conform to all requirements of this ordinance and shall be located only in a MH Mobile Home Park District.

K. Multiple-Family Residential Condominium Project

   Multiple-family residential condominium projects shall conform to all requirements of this ordinance and shall be located only in a RM, Multiple-Family District.

L. Office Condominium Project

Office condominium projects shall conform to all requirements of this ordinance and shall be located only in a O-1, Local Office District.

M. Commercial Condominium Project

Commercial condominium projects shall conform to all requirements of this ordinance and shall be located only in a B-1, Local Business or B-2, General Business District.

N. Industrial Condominium Project

Industrial condominium projects shall conform to all requirements of this ordinance and shall be located only in a M-1, Light Manufacturing District.

Section 1529 EARTH-SHELTERED BUILDINGS

Because of the unique nature of earth-sheltered and underground buildings, all such buildings including single family residences shall submit the following for approval by the Building Inspector.

A. Structural integrity of the building, particularly the increased wall and roof loads involved in building underground, shall be certified by a Registered Architect or Professional Engineer (Structural) licensed by the State of Michigan.

B. Special attention shall be given to the design of the systems for waterproofing all areas of the building to be located cracks and accommodate minor structural movements, resist temperature extremes, soil chemicals and aging in underground service, and have the ability to locate a leak should it Where necessary, the Building Inspector may seek the advice of the Township's Engineers in evaluating such systems.

C. Guard rails should be provided on or near the edge of any accessible roof where there is a grade change greater than 30 inches.

D. Alternative fire-fighting entrance provisions should be made for inner courts below grade, such as a stairway within the court leading directly to the exterior ground level.

E. Total window area must exceed 8~° of total inhabitable floor area, but individual rooms may be windowless where ventilation and exit requirements are met.

F. Setbacks shall be the same as those for above ground buildings.

Section 1530 PONDS

Private residential ponds, and agricultural or farm ponds may be permitted on a minimum of two (2) acres in the A-1, A-2, R-1 and R-2 districts, subject to the following:

A. The following definitions shall apply to the regulations contained in this Section 1530:

1. Construction shall mean the digging of a new pond, the horizontal enlargement of an existing pond, and the cleaning or deepening of an existing pond that results in the removal of over five hundred (500) cubic yards of soil material.

2. Cleaning (or deepening) of an existing pond shall mean the removal of accumulated silt or other soil materials in order to restore the pond's original cross section (bottom contour) where five hundred (500) or less cubic yards will be removed.

3. Enlargement of an existing pond shall mean a horizontal increase in surface area of the water or an increase in depth of the pond where either activity results in the removal of more than five hundred (500) cubic yards of soil material.

4. Pond, for purposes of this section, shall mean any natural or artificial body of water that under normal circumstances can hold water to a depth of 3 feet or more or has a surface area of more than 2,500 square feet.

B. A building permit shall be required for the construction of all ponds. The property owner and/or his contractor shall submit an application to the Zoning Administrator, on forms provided by the Township, accompanied by a sketch plan that demonstrates compliance with items C through K below. The Zoning Administrator shall review the application and plans and either approve or disapprove the issuance of a building permit within seven (7) days of filing.

C. There shall be a setback of at least fifty (50) feet from the edge of the excavation to all property lines.

D. There shall be a minimum setback from any septic tank and/or tile disposal field of at least one hundred (100) feet.

E. There shall be no slope in excess of 4:1 (four feet horizontal to one foot vertical) until the water reaches a depth of five (5) feet, at the low water mark, on all sides of the pond. This requirement shall be clearly demonstrated on the applicant's sketch plan.

F. Excavated materials, in excess of 1,000 cubic yards, may not be hauled off the site unless a mining permit is obtained pursuant to Section 1429 of this ordinance. All applications for a pond permit shall include a calculation of the

number of cubic yards of material to be excavated, the cubic yards to be used on-site, and the number of cubic yards to be hauled off-site.

G. All applications for pond approval shall be accompanied by a permit fee, in an amount established by resolution of the Township Board.

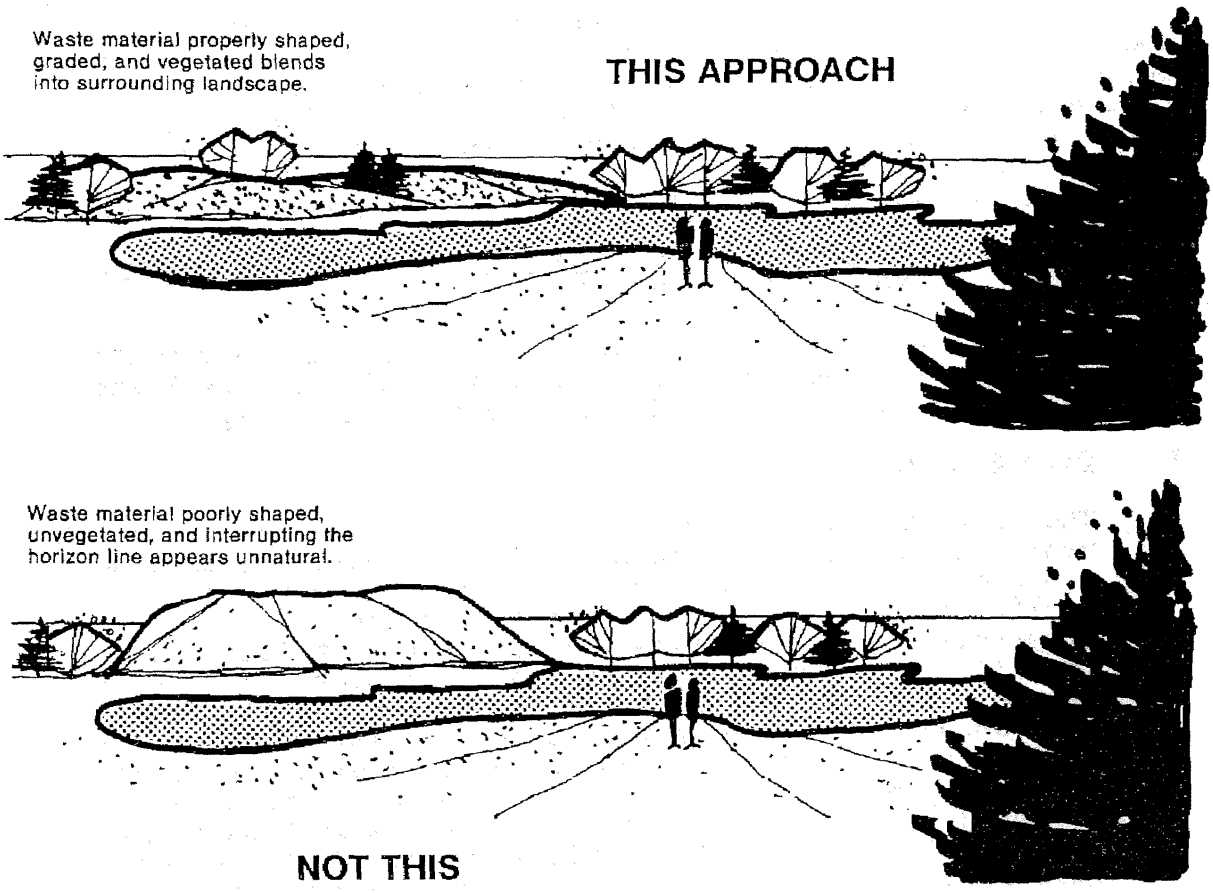
H. A cash performance guarantee, in an amount established by resolution of the Township Board, shall be posted by the applicant prior to issuance of a building permit to ensure completion of all required improvements. Failure to comply with the standards of this Section 1530 shall result in forfeiture of the cash performance guarantee.

I. All approved ponds shall be completed within six (6) months of issuance of a permit. The Zoning Administrator may grant a six (6) month extension of the permit for just cause.

J. Commercial use of any residential, agricultural or farm pond by the public for swimming, fishing or the like shall be prohibited.

K. Excavated material or overburden from private residential pond construction shall be placed in a manner so that its weight will not endanger the stability of the pond's side slopes, and in a manner that is aesthetically pleasing. There shall no be less than twelve (12) feet between the toe of the fill and the edge of the pond. The overburden shall be properly sloped, graded, planted, and landscaped with vegetation to blend into the surrounding landscape. (See the accompanying sketch). Placement of the fill, on the prevailing windward side of the pond can help to reduce evaporation losses.

Proper Use of Overburden For Private Residential Ponds



Source: Ponds - Planning, Design, Construction, Agriculture Handbook Number 590, Soil Conservation Service, 1982.

Section 1531 EXCAVATIONS OR HOLES

The construction, maintenance, or existence within the Township of any unprotected, unbarricaded open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the

public health, safety, or welfare, are hereby prohibited; provided however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Building Inspector or the Zoning Administrator; and, provided further, that this section shall not apply to natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency.

Section 1532 TRASH RECEPTACLE, TRANSFORMER, AND MECHANICAL EQUIPMENT SCREENING

In all districts except single family residential and for all special approval uses, such as uses permissible on appeal and special land uses, the following standards shall apply:

A. Open Storage

The open storage of any industrial or commercial equipment, vehicles, and all materials, including wastes, except new vehicles for sale and/or display, shall be screened from public view, from a public street, and from adjoining properties by an obscuring wall or fence not less than six feet (6') nor more than eight feet (8') high. The required height of the wall shall be determined by the Planning Commission so as to properly screen all materials, vehicles and wastes. Vehicles and equipment over eight (8) feet high must be properly screened but need not be completely screened above eight (8) feet. Materials must be completely screened if they are stored within twenty (20) feet of the screen wall or fence. All wastes must be completely obscured from view. In no instance shall any open storage of equipment, vehicles and/or materials be permitted within a required front yard in any zoning district.

B. Dumpsters and Trash Storage Enclosures

All areas used for the storage of trash and other waste products shall be screened from public view, from a street or alley, and from an adjoining residential district. The following standards shall apply to all such trash enclosures:

1. Enclosure shall be constructed of the same exterior materials as the buildings they are intended to serve.

2. Enclosures shall be at least five (5) but not more than eight (8) feet high and shall obscure all wastes and/or containers within.

3. In all office and business districts no enclosure shall be permitted within ten (10) feet of the right-of-way of a street or alley that provides access to the side or rear of the building.

4. No trash enclosure shall be located within a required front or side setback.

5. Where possible, the applicant is encouraged to incorporate the dumpster enclosure into the building and provide gates, roll-up doors, or similar means of access for trash removal personnel.

6. Dumpster enclosures for restaurants, grocery stores, and similar establishments that generate food wastes shall provide a hose bib and a drain connected to the sanitary sewer. The trash container(s) shall be emptied daily (Monday through Friday) and hosed out with fresh water when necessary to keep odors to a minimum.

C. Transformer and Mechanical Equipment Screening

1. All ground mounted transformers, climate control, and similar equipment shall be screened from view from any street or adjacent property by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by a dense landscaped planting approved by the Planning Commission.

2. All rooftop climate control equipment, elevator towers, transformer units, and similar equipment shall be screened from view of any street or adjacent property. The materials used to screen the equipment shall be compatible in color and type with the exterior finish materials of the building. Where possible, a parapet wall or similar architectural feature should be selected as the preferred method. All rooftop equipment shall conform to the maximum height regulations of this Ordinance.

Section 1533 COMMUNITY IMPACT STATEMENT REQUIREMENTS

A. Intent

The community impact statement is intended to provide a format for applicants to document the anticipated impacts of intensive development projects as described in the table below or as determined by the Planning Commission. Intensive land uses often have significant impacts on public services, the surrounding neighborhood and the natural environment that must be understood in order for the Township to have a complete understanding of the development proposal.

B. Contents

A complete CIS shall address all of the components below in a concise manner that accurately portrays the proposed land use. When deemed appropriate by the Planning Commission, a partial CIS may be submitted that addresses only specific items of concern (e.g., environment or traffic). The CIS is to be prepared by the Applicant and/or the appropriate technical/professional consultants and submitted to the Township Planning Commission for review.

General

1. Brief description of the land use proposed. Include hours of operation (if applicable), impacts on adjacent uses (noise, smoke, dust, etc.), and other pertinent data. Is the land use proposed consistent with the Master Plan and Zoning Ordinance?

2. Brief description of surrounding land uses.

Community Facilities and Services

3. Estimated demand on police services.

4. Estimated demand on fire services. Include special equipment requirements.

5. Estimated number of sewer and water taps and demand.

6. Estimated number and axle loading of truck trips daily over proposed route through Township. Describe present road cross-section, adequacy to handle proposed traffic, and/or upgrade needed to handle proposed traffic loadings.

7. Describe any other significant impacts or needs related to community facilities and services.

Economics

8. Anticipated number of construction and permanent jobs (in full-time equivalents)

9. Anticipated tax revenues to the Township and School District.

Environment

10. Describe the area and type of natural features on site including streams, rivers, bodies of water, wetlands, woodlands, and the like. Describe how these features will be impacted by the proposed development (e.g. loss of wetlands, potential pollution of water bodies, and any other similar impacts).

11. Describe whether the proposed use will include the manufacture, use, or storage of any hazardous materials. If so, describe the types and quantities, storage areas, and product containment measures. Also provide a spill response plan.

12. Provide a complete description of the types and quantities of pollutants that are expected to be emitted into the air as a result of this proposal, and describe how state and federal air quality standards will be met. Dust particulates should also be included as well as a dust control plan.

13. Describe the impact the proposed development will have on groundwater quality and quantity. Describe necessary mitigation measures.

Noise

14. Describe the impact of the project on area noise levels. The applicant should document that the noise standards contained in the Zoning Ordinance Performance Standards will be met. The A-weighted decibel levels dB(A) at the property line should be specified (existing and proposed).

Traffic

15. Describe the proposed traffic impacts of the development, including the number of trips per day that will be generated. Describe the anticipated impact of this additional traffic at the proposed development intersection(s) with public road(s). Provide road capacity analyses at critical intersections (as determined by the Township) using the methodologies in the *Highway Capacity Manual.* The traffic impact analysis should be prepared by a planner (AICP or PCP) or engineer (PE) with experience in traffic impact analysis. All development shall be required to provide a Trip Generation Analysis. A full Traffic Impact Analysis shall be required when the type of development proposed meets one of the thresholds identified in the table below. An abbreviated Traffic Impact Assessment, including assignment of the trips to the development driveways so that driveway design can be evaluated, may be substituted when:

    a. The Trip Generation Analysis reaches only 75% of the threshold in the table below, or

    b. The Township' s consulting Traffic Engineer determines that the abutting roadway is already constructed to its ultimate design, such that the proposed use could make no improvements that would reduce the anticipated traffic impact.

Examples of Intensive Development Project Thresholds Based on Trip Generation Characteristics" [1,2]

Land Use	100 Peak Hour, Peak Direction	750 Trips Daily
Residential:		
Single Family	150 units	70 units
Apartments	245 units	100 units
Condominiums / Townhouses	295 units	120 units
Mobile Home Park	285 units	135 units
Shopping Center (GLA)[3,4]	16,500 s.f.	3,400 s.f.
Fast Food Restaurant w/ Drive-Through (GFA)[3]	3,700 s.f.*	1,500 s.f.*
Convenience Store w/ Gasoline Sales (GFA)[3,6]	2,100 s.f. or 15 pumps*	1,350 s.f.*[7]
Bank w/ Drive-Through (GFA)[3]	4,400 s.f.*	3,000 s.f.*

Land Use	100 Peak Hour, Peak Direction	750 Trips Daily
Hotel	320 rooms*	125 rooms
General Office	55,000 s.f.[5]	47,000 s.f.
Medical / Dental Office	41,000 s.f.	24,000 s.f.
Research and Development	85,000 s.f. or 4.5 acres	93,000 s.f. or 4 acres*
Light Industrial	115,000 s.f. or 8 acres*	155,000 s.f. or 11.5 acres
Manufacturing	216,000 s.f.	199,000 s.f.

Note: All calculations are based on regression equations, except those marked with a "*" which are based on average rates.

1. Rates / equations used to calculate the above thresholds are from *Trip Generation – 7th Edition*, 2003, by the Institute of Transportation Engineers. This table will likely need updating as future editions provide additional information.
2 For example, a full traffic impact study should be completed (100 peak hour, peak direction trips generated) if 150 or more single family units are proposed for a site.
3. GLA = Gross Leasable Area; GFA = Gross Floor Area
4. Several communities require a Traffic Impact Assessment for shopping centers of 20,000 to 40,000 square feet (GLA) and a standard traffic impact study for larger centers.
5. Using AM peak-hour rates / equations would produce a lower threshold. However, adjacent roadway volumes are usually higher during the PM peak-hour.
6. Uses "Gasoline / Service Station w/ Convenience Market" (ITE Code 945) data.
7. Uses "Convenience Market (24 Hour)" (ITE Code 851) data.
8. For further trip generation characteristics of the above land uses, or of other uses not illustrated above, refer to the latest version of Trip Generation.

Mapping

16. Provide a current aerial photograph of the site and surrounding properties within 1,500 feet of the site. Include an overlay showing the proposed development area and existing residential dwellings within 1,500 feet of the site.

Other

17. Provide any other information necessary to assess the impact of the proposed project on the surrounding community. The Township may request additional data based upon the characteristics of the development proposed.

Preparer Information

18. Provide the names, phone numbers, addresses, and relevant credentials of those preparing the CIS.

Section 1534 PRIVATE DRIVE STANDARDS FOR EMERGENCY ACCESS

In order to improve response time and ensure adequate access by emergency services vehicles, all principle uses requiring installation of a driveway shall meet the standards of this Section prior to issuance of any certificate of occupancy. The

following minimum standards shall apply to all private driveways for all principle uses, in all zoning districts in Metamora Township:

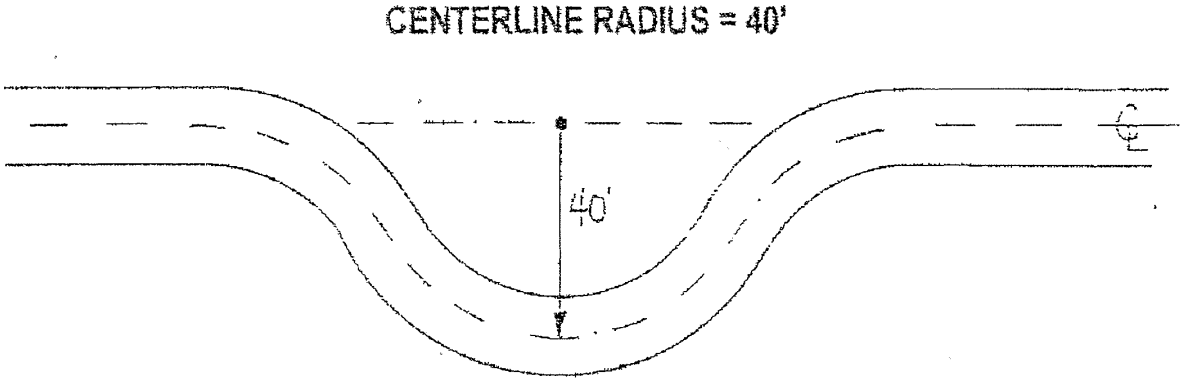
A. All trees and brush shall be kept cleared for a minimum width of fourteen (14) feet for the full length of all private drives.

B. All topsoil, stumps, and unstable soil shall be removed and backfilled with appropriate granular material and surfaced with gravel, crushed limestone, finely crushed concrete or similar material for a minimum width of twelve (12) feet for the full length of the driveway.

C. The surface of the driveway shall be properly drained so that water damage and frost heave will not impede access by emergency vehicles.

D. The above standards shall not apply if the rear of the principle building is one hundred fifty (150) feet or less from the public road right of way or easement.

E. Driveways shall provide a minimum centerline radius of forty (40) feet for all curves to ensure access by firefighting equipment. (Refer to sketch below for an illustration of this standard). In addition, the driveway shall provide minimum clearance from trees and brush of eighteen (18) feet through all curved sections.



F. No bridges shall be permitted as part of driveway construction unless they are certified by a registered Civil Engineer as capable of supporting a 30 ton fire truck.

G. No structure shall be located over or across any driveway unless they maintain not less than fourteen (14) feet vertical and horizontal clearance. (Amended 6-9-97)

Section 1535 RIPARIAN WATERFRONT LOT USE REGULATIONS FOR KEYHOLE OR FUNNEL WATERFRONT ACCESS (Amended 12-13-99)

A. It is the intent of this section to promote the integrity of the lakes within Metamora Township while preserving the quality of recreation of the inland

waters; to protect the quality of lakes by discouraging excess use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines.

B. In any zoning district where a parcel of land is contiguous to a lake, such parcel of land may be used as access property or as common open space only if the following conditions are met.

1. That said property contains a minimum of eighty (80) lineal feet of water frontage for each dwelling unit to which such privileges are extended and dedicated. The minimum depth for such a parcel shall be one hundred forty (140) feet. No access property so created shall have less than one hundred sixty (160) feet of waterfront footage nor less than eighty (80) feet of water frontage for each individual dwelling unit. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.

2. That in no event shall water frontage of such parcel of land consist of a swamp, marsh, earthen dam, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Environmental Quality (MDEQ) MIRIS map, or have otherwise been determined to be wetland by the MDEQ; and that in no event shall a swamp, marsh, earthen dam, or bog be altered by dredging, the addition of earth or fill material, or by the drainage of water for the purpose of increasing the water frontage required by this regulation, unless approved and permitted by the MDEQ.

3. That in no event shall such parcel of land abut a manmade canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.

4. That access property, as provided for in and meeting the conditions of this ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling, or for any commercial or business use.

C. In any district in which accesses have been established before the effective date of this ordinance or subsequent amendment thereto, such access shall retain historic uses. It is the intent of this ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites.

D. Definitions:

"Access property" shall mean a property, parcel, or lot abutting a lake, held in common by a subdivision, association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two (2) or more dwelling units located away from the waterfront, and used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from off-shore land regardless

of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form of dedication or conveyance.

Section 1536 PRIVATE DRIVES (Amended 2-22-01)

The intent of this Section is to permit private drive access to large acreage parcels without abutting road frontage. This provision is not intended to allow access to parcels that provide only the minimum required acreage in the district. Private drives which serve parcels of land without frontage as described in Section 1508 may be permitted in the Agricultural Districts only, subject to the following requirements:

A. All parcels served by private drives shall be a minimum of twenty (20) acres in area.

B. The private drive shall not exceed six hundred (600) feet in length without approval from the Metamora Township Board and the Metamora Township Fire Chief.

C. A copy of the property deed shall be submitted and shall clearly indicate that the maintenance of the private drive is the responsibility of the owners of said parcel.

D. Only one (1) residence shall have access to and from such a private drive.

E. The driveway easement width shall be a minimum of sixty-six (66) feet and shall be described in the property deed as being for ingress, egress and roadway purposes. The driveway shall be properly landscaped and maintained, and dust shall be controlled at all times by hard surfacing or chemical treatment.

F. All private drives shall comply with the requirements of Section 1534 Private Drive Standards for Emergency Access prior to issuance of a building permit for a new residence on the parcel served by the private drive.

G. There shall be no further division of a large acreage parcel served only by a private drive until a new public street or an approved private street is constructed within the easement for the private drive, as noted in Subsection E above, so that all resulting parcels are served by the new street.

Section 1537 ROADSIDE MARKETS/STANDS

Because roadside markets are seasonal in character and utilized on a temporary basis, roadside markets may be allowed as a Minor Temporary Use in B-1, B-2, A-1 and A-2 districts, for periods not to exceed six (6) months, subject to approval by the Zoning Administrator as outlined under Section 1704 and subject to the following standards:

A. The sale of farm products in a roadside market shall not take place within the dedicated right-of-way of any road within the Township, and assurances shall be made to the Township that ample off-street parking has been provided, and adequate ingress and egress provided to the market. In addition, the applicant shall provide written permission from the property owner.

B. No permanent structure of any type shall be erected, and upon discontinuance of the temporary use, the temporary structures shall be removed from the roadside.

C. A permit issued by the Zoning Administrator shall be required, and a fee established by resolution of the Township Board shall be paid prior to operating a roadside market or stand.

Section 1538 ACCESS MANAGEMENT REGULATIONS (Effective 3/30/05)

A. Purpose, Intent and Application

1. The purpose of this Section is to establish minimum regulations for access to property. Standards are established for new roads, driveways, shared access, parking lot cross access, and service roads. The standards of this Section are intended to promote safe and efficient travel within Metamora Township; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the street system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; implement the Metamora Township Master Plan and the M-24 Corridor Access Management Plan recommendations; ensure reasonable access to properties, though not always by the most direct access; and to coordinate access decisions with the Michigan Department of Transportation and/or the Lapeer County Road Commission, as applicable.

2. The standards in this Section are based on traffic analysis of this corridor by Metamora Township, the Lapeer County Road Commission, and the Michigan Department of Transportation (MDOT). This analysis demonstrates that the combination of roadway design, traffic speeds, traffic volumes, traffic crashes and other characteristics necessitate special access standards.

3. The standards of this Section shall be applied by the Building Inspector during plot plan review and by the Planning Commission during site plan review, as is appropriate to the application. The Planning Commission shall apply the standards of this Section when reviewing a site plan per the requirements of Section 1524. Metamora Township shall coordinate its review of the access elements of a plot plan or site plan with the appropriate road authority prior to making a decision on an application (see 4 below). The approval of a plot plan or site plan does not negate the responsibility of an

applicant to subsequently secure driveway permits from the appropriate road authority, either the Lapeer County Road Commission, or the Michigan Department of Transportation.

4. Neither the Building Inspector nor the Planning Commission shall take action on a request for a new road, driveway, shared access, or a service drive that connects to a public road without first consulting the Lapeer County Road Commission or the Michigan Department of Transportation. To ensure coordination, applicants are required to submit a plot plan, site plan or a tentative preliminary plat concurrently to both Metamora Township, the Lapeer County Road Commission, and the Michigan Department of Transportation as applicable. If the proposed land use exceeds the traffic generation thresholds in Section 1533.B.15, a traffic impact study as described below shall be submitted prior to consideration of the application by either the Building Inspector or the Planning Commission.

   a. At a minimum the traffic study shall contain the following:

      (1) Analysis of existing traffic conditions and/or site restrictions using current data.

      (2) Projected trip generation at the subject site or along the subject service drive based on the most recent edition of the Institute of Transportation Engineers Trip Generation manual. Metamora Township may approve use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in Michigan.

      (3) Illustrations of current and projected turning movements at access points. Include identification of the impact of the development and its proposed access on the operation of the abutting streets. Capacity analysis shall be completed based on the most recent version of the Highway Capacity Manual published by Transportation Research Board, and shall be provided in an appendix to the traffic impact study.

      (4) Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and transit users.

      (5) Justification of need, including statements describing how the additional access will meet the intent of this Section, will be consistent with the M-24 Corridor Access Management Plan and the Metamora Township Master Plan, will not compromise public safety and will not reduce capacity or traffic operations along the roadway.

      (6) Qualifications and documented experience of the author, describing experience in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or

transportation planner with at least three (3) years of experience preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.

b. Metamora Township may utilize its own traffic consultant to review the applicant's traffic impact study, with the cost of the review being borne by the applicant.

5. Failure by the applicant to begin construction of an approved road, driveway, shared access, service drive or other access arrangement within twelve (12) months from the date of approval, shall void the approval and a new application shall be required.

6. The Township Engineer shall inspect the driveway as constructed for conformance with the standards of this Ordinance and any approval granted under it, prior to issuance of an occupancy permit.

B. M-24 Corridor Access Management Overlay Zone

The M-24 Corridor Access Management Overlay Zone is defined as those properties that abut the highway right-of-way or are within 660 feet of the centerline on either side of Lapeer Road / M-24 in Metamora Township between Davison Lake Road and Sutton Road. The following regulations supersede otherwise applicable regulations of the specific districts beneath the overlay zone.

C. Driveway and Related Access Standards

All lots hereafter created and all structures hereafter created, altered or moved on property within the M-24 Access Management Overlay Zone, shall conform with the following requirements:

1. General Standards

a. Frontage on a Public Road or Street - Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way or private road or access easement recorded with the County Register of Deeds that meets the requirements of this Section. Contiguous properties under one ownership or consolidated for unified development will be considered one parcel for purposes of this Section.

b. Minimum Lot Width - Except for existing lots of record, all lots fronting on Lapeer Road M-24 subject to this Section, shall not be less than 300 feet in width, unless served by shared access or a service drive that meets the requirements of Section 1538.D.

c. Parking Setback and Landscaped Area - No parking or display of vehicles, goods or other materials for sale, shall be located within 25 feet of the roadway right-of-way. This setback shall be planted in grass and landscaped in accordance with the landscape provisions of Section 1510.

d. Clear Vision - All access points shall maintain clear vision as required in Section 1504.

2. Access Location Standards

a. Access Point Approval - No access point shall connect to public street or road, without first receiving approval of the location and cross-section specifications from the Lapeer County Road Commission or the Michigan Department of Transportation. No access point shall connect to a private road unless approved by the Planning Commission and by the parties with an ownership interest in the private road.

b. Factors Considered Prior to Approval of Location of Driveway Access

(1) The characteristics of the proposed land use;

(2) The existing traffic conditions and the future traffic impact of the proposed development on the adjacent street system;

(3) The minimum number of driveways or other access points needed to accommodate anticipated traffic based on a traffic analysis, as determined by the community and road agency;

(4) The proper geometric design of driveways;

(5) The number, location, and spacing between opposite and adjacent driveways and from any nearby intersection;

(6) The internal circulation between driveways and through parking areas;

(7) The size, location and configuration of parking areas relative to the driveways; and

(8) The speed of the adjacent roadway.

c. Access Point Location and Approval - Each access point location shall conform with the M-24 Corridor Access Management Plan adopted by Metamora Township and shall be approved by the Lapeer County Road Commission and/or the Michigan Department of Transportation.

d. Access Points within Right-of-Way - Driveways including the radii shall be located entirely within the right-of-way frontage, unless otherwise approved by the road agency and upon written certification from the adjacent land owner agreeing to such encroachment.

e. Non-conforming Driveways - Except for shared driveways, existing driveways that do not comply with the requirements of this Section shall be closed or modified to conform with this Section when any change to the use or site occurs that requires Site Plan Approval.

f. Intersection Sight Distance - Driveways shall be located so as not to interfere with safe intersection sight distance as determined by the appropriate road authority.

g. Adequate Corner Clearance - Driveways shall be located so as not to interfere with safe traffic operations at an intersection as determined by Section 1538.C.4.b as long as that distance is beyond any clear vision area owned by a road authority.

h. Traffic Signals - Access points on arterial and collector streets may be required to be signalized in order to provide safe and efficient traffic flow. Any signal shall meet the spacing requirements of the applicable road authority. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined that the signal is warranted by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with criteria of the road authority with jurisdiction.

3. Number of Driveways Permitted

a. Access for an individual parcel, lot, or building site or for contiguous parcels, lots or building sites under the same ownership shall consist of either a single two-way driveway or a paired system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic.

b. One driveway shall be permitted for each single and two-family residential lot or parcel.

c. A temporary access permit may be issued for field entrances per Section 1538.E, for cultivated land, timber land, or undeveloped land, as well as for uses at which no one resides or works such as cellular towers, water wells, pumping stations, utility transformers, billboards, and similar uses. Field-entrance and utility-structure driveways will be reviewed on a case-by-case basis. The review shall take into account the proximity of the adjacent driveways and intersecting streets, as well as traffic volumes along the roadway.

d. For a parcel, lot, or building site with frontage exceeding 600 feet, or where a parcel, lot, or building site has frontage on at least two streets, an additional driveway may be allowed, provided that a traffic impact

study is submitted by the applicant showing that conditions warrant an additional driveway and that all driveways meet the spacing requirements. Where possible, these second access points should be located on a side street or service drive, or shared with adjacent uses.

4. Access Point Spacing Standards

   a. Separation from Other Driveways - The minimum spacing between unsignalized driveways and other access points shall be determined based upon posted speed limits along the parcel frontage unless the appropriate road authority approves less based on the land use and restricted turns in the driveway design. The minimum spacings indicated below are measured from the centerline of one driveway to the centerline of another driveway. For sites with insufficient road frontage to meet the table below, the Planning Commission shall require one of the following: Construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection, or a service drive as described in Section 1538.D. The Planning Commission may grant temporary access approval (see Section 1538.E) until such time that minimum spacing requirements can be met, or alternative access meeting the requirements of this ordinance is approved.

Posted Speed Limit (MPH)	Min. Access Spacing (in feet) between Adjacent Access Points
25	130
30	185
35	245
40	300
45	350
50	455

   b. Access Point Separation from Intersections shall be measured from the centerline of the driveway to the extended edge of the travel lane on the intersecting street, as follows:

Minimum Access Point Spacing from Street and Other Intersections

Location of Access Point	Min. Spacing for a Full Movement Driveway or other Access Point	Min. Spacing for a Driveway Restricting Left-turns
Along Arterial from median openings	75 feet	75 feet
Along Arterial or from another Intersecting Arterial	300 feet	125 feet
Along Arterial Intersecting a Collector or Local Street	200 feet	125 feet
Along a Collector	125 feet	75 feet
Along a Local Street or Private Road	75 feet	50 feet

If the amount of lot frontage is not sufficient to meet the above criterion, the driveway shall be constructed along the property line farthest from the intersection to encourage future shared use, and/or a frontage road or rear service drive shall be developed as described in Section 1538.D.

c. Access Alignment - Driveway offsets shall not be permitted if left-turn conflicts would result.

5. Driveway Design and Construction Standards

a. Driveway or Throat Width shall conform to the current standards of the Michigan Department of Transportation or Lapeer County Road Commission based on whichever agency has jurisdiction.

b. Restricted Access Driveways - Where traffic safety requires driveway design and signing which discourages certain turning movements, designs shall be approved by the Michigan Department of Transportation and/or the Lapeer County Road Commission based on which agency has jurisdiction.

c. Throat Length or Vehicle Stacking/Storage Space - There shall be a minimum of twenty-five (25) feet of throat length for entering and exiting vehicles at the intersection of a driveway and pavement of the public road or service drive as measured from the pavement edge. For driveways serving over one-hundred (100) vehicles per peak hour (two-way traffic volume) and for all driveways controlled by a traffic signal, adequate throat length shall be determined by a traffic impact study. In areas where significant pedestrian/bicycle travel is expected, the ingress and egress lanes should be separated by a 4-10 feet wide median with pedestrian refuge area.

d. Construction Standards for the following features shall conform to the requirements of the agency with jurisdiction (Michigan Department of Transportation or Lapeer County Road Commission)

(1) Curb radii

(2) Deceleration lanes and tapers

(3) Acceleration lanes

(4) Grades and drainage

(5) Surface and Curb Construction

(6) Directional Signs and Pavement Markings

6. Shared Access

   Shared access is strongly encouraged and in some cases may be required. When required, one or more of the following options, and the standards of Section 1538.D apply.

   a. Shared Driveways - In cases where access is restricted by the spacing requirements of Section 1538.C.4, "Access Point Spacing Standards", a shared driveway may be the only access design allowed. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.

   b. Frontage Roads: In cases where a frontage road exists, is recommended either in the Metamora Township Master Plan or in the M-24 Corridor Access Management Plan, and/or is proposed in an approved site plan for an adjoining lot or parcel, access shall be provided via such frontage road, rather than by direct connection to the abutting arterial street.

   c. Rear Service Drives: Rear service drives shall be encouraged, especially for locations where connection to a side street is available. In addition to access along the rear service drive, direct connection(s) to the arterial street may be allowed, provided that the driveways meet the requirements of Section 1538.C.3 and 1538.C.4.

7. Parking Lot Connections

   Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Planning Commission. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection. A written access easement signed by both landowners shall be presented as evidence of the parking lot connection prior to the issuance of any final zoning approval.

8. Access Easements

   Shared driveways, cross access driveways, connected parking lots, and service drives shall be recorded as an access easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities shall be recorded with the deed.

9. Medians and Median Openings

   a. The type, location and length of medians on public roads shall be determined by the agency having jurisdiction over such roads. This determination will be made in consultation with the Planning Commission and will be based on existing and projected traffic conditions; the type, size, and extent of existing and projected development and traffic generated by development; traffic control needs; and other factors.

   b. The minimum spacing between median openings shall be as shown in the table below:

Location	Directional crossover spacing
Urban	660 feet
Rural	1,320 feet

   c. Median openings intended to serve development must meet or exceed the minimum median opening spacing standards and must also be justified by a traffic impact analysis approved by the entity having jurisdiction over such roads, in consultation with the Planning Commission. The cost for preparation of the traffic impact analysis and construction of the median opening or openings, including installation and operation of signals and other improvements where warranted, shall be borne by the applicant.

D. Service Drives and Other Shared Access Standards

1. Site Plan Review - The Planning Commission shall review and approve all service drives to ensure safe and adequate continuity of the service drive between contiguous parcels as part of the site plan review process.

2. Front and Rear Service Drives - A front or rear service drive may be established on property which abuts only one public road. The design of a service road shall conform with national design guidelines such as those identified in the National Access Management Manual by TRB, the AASHTO "Green Book", and National Cooperative Highway Research Program (NCHRP), "Access Management Guidelines to Activity Centers" Report 348 and "Impacts of Access Management Techniques" Report 420.

3. Location - Service roads shall generally be parallel to the front property line and may be located either in front of, or behind, principal buildings and may be placed in required yards. In considering the most appropriate alignment

for a service road, the Planning Commission shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow for the site.

4. Width and Construction Materials - A service drive shall be within an access easement permitting traffic circulation between properties. The easement shall be recorded with the County Register of Deeds. This easement shall be at least forty (40) feet wide. A service drive shall have a minimum pavement width of 26 feet, measured face to face of curb with an approach width of 39 feet at intersections. The service drive shall be constructed of a paved surface material that is resistant to erosion and shall meet Lapeer County Road Commission or MDOT standards for base and thickness of asphalt or concrete.

5. Snow Storage and Landscaping Area - A minimum of fifteen (15) feet of snow storage/landscaping area shall be reserved along both sides of the service drive. Frontage roads shall have a minimum setback of 30 feet from the right-of-way, with a minimum of 60 feet of storage at the intersection for entering and exiting vehicles as measured from the pavement edge.

6. Distance from Intersection on Service Drives - Frontage road and service drive intersections at the collector or arterial street shall be designed according to the same minimum standards as described for driveways in Section 1538.C.4.b.

7. Driveway Entrance - The Planning Commission shall approve the location of all accesses to the service drive, based on the driveway spacing standards of this Section. Access to the service drive shall be located so that there is no undue interference with the free movement of service drive and emergency vehicle traffic, where there is safe sight distance, and where there is a safe driveway grade as established by the applicable road authority.

8. Driveway Radii - All driveway radii shall be concrete curbs and conform with the requirements of the agency with jurisdiction.

9. Elevation - The elevation of a service drive shall be uniform or gently sloping between adjacent properties.

10. Service Drive Maintenance - No service drive shall be established on existing public right-of-way. The service drive shall be a public street (if dedicated to and accepted by the public), or a private road maintained by the adjoining property owners it serves who shall enter into a formal agreement for the joint maintenance of the service drive. The agreement shall also specify who is responsible for enforcing speed limits, parking and related vehicular activity on the service drive. This agreement shall be approved by the Metamora Township attorney and recorded with the deed for each property it serves by the County Register of Deeds. If the service drive is a private road, the local government shall reserve the right to make repairs or improvements to the service drive and charge back the costs directly or by

special assessment to the benefiting landowners if they fail to properly maintain a service drive.

11. Landscaping - Landscaping along the service drive shall conform with the requirements of Section 1510. Installation and maintenance of landscaping shall be the responsibility of the developer and a property owners association.

12. Parking Areas - All separate parking areas (i.e. those that do not use joint parking cross access) shall have no more than one (1) access point or driveway to the service drive.

13. Parking - The service road is intended to be used exclusively for circulation, not as a parking, loading or unloading aisle. Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum width of 26 feet. One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be demonstrated through traffic studies that on-street parking will not significantly affect the capacity, safety or operation of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive is prohibited. The Planning Commission may require the posting of "no parking" signs along the service road.

14. Directional Signs and Pavement Markings - Pavement markings may be required to help promote safety and efficient circulation. The property owner shall be required to maintain all pavement markings. All directional signs and pavement markings along the service drive shall conform with the current Michigan Manual of Uniform Traffic Control Devices.

15. Assumed Width of Pre-existing Service Drives - Where a service drive in existence prior to the effective date of this provision has no recorded width, the width will be considered to be 40 feet for the purposes of establishing setbacks and measured an equal distance from the midpoint of the road surface.

16. Pedestrian and Bicycle Access - Separate, safe access for pedestrians and bicycles shall be provided on a sidewalk or paved path that generally parallels the service drive unless alternate and comparable facilities are approved by the Planning Commission.

17. Where it can be demonstrated that pre-existing conditions prohibit installation of a frontage road or service drive, the Planning Commission shall have the authority to allow alternative cross access between adjacent parking areas through the interconnection of main circulation aisles.

E. Temporary Access Permits

A site plan for property that cannot meet the access requirements of this Section and has no alternative means of reasonable access to the public road system may be issued a temporary access permit. When adjoining parcels develop which can provide a shared driveway, shared access via a service drive or a cross parking lot connection, the temporary access permit shall be rescinded and an application for an access permit consistent with the requirements of this Section shall be required.

(Amended 01/11/10)

Section 1539 ONSITE WIND ENERGY SYSTEMS AND ANEMOMETER TOWER

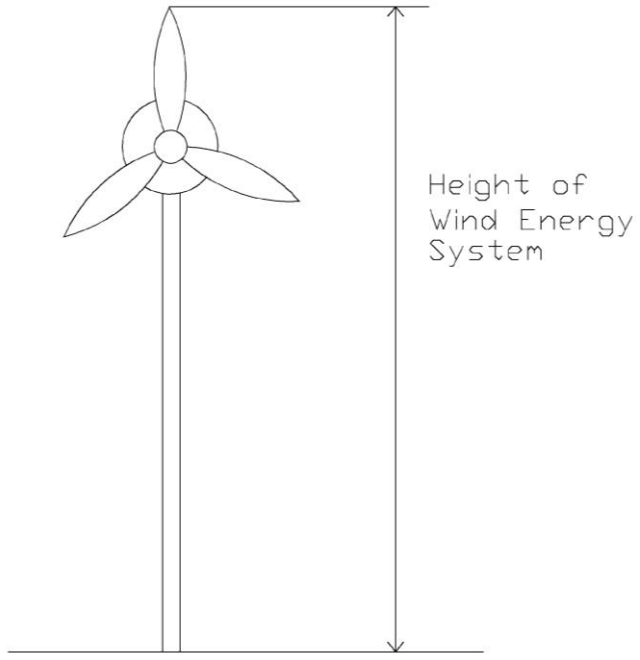
Onsite wind energy systems and Anemometer Tower are permitted by right in the A-1, A-2, R-1, OSR, R-2, RM, MH, RC, O-1, B-1, B-2 and M-1 districts, provided:

A. The system is designed to primarily serve the needs of a home, farm, or small business.

B. Shall have a tower height of sixty-six (66) feet or less.

C. Property Set-back: The distance between an onsite wind energy system or anemometer tower and the owner's property lines shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position (See figure 15-1). The distance between an onsite wind energy system or anemometer tower and any structure on an adjacent residential lot shall be equal to twice the height of the wind energy system tower including the top of the blade in its vertical position The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.

Figure 15.1



D. Sound Pressure Level: On-site wind energy systems shall not exceed the standards contained in Section 1517 F of this ordinance.

Zoning of Adjoining Land Use	Maximum Allowable Noise Level measured in dB (A)	
	6 am to 9 pm	9 pm to 6 am
A-1, A-2, R-1, R-2, RM, MH, RC	60	45
O-1, B-1, B-2	70	60
M-1	85	75

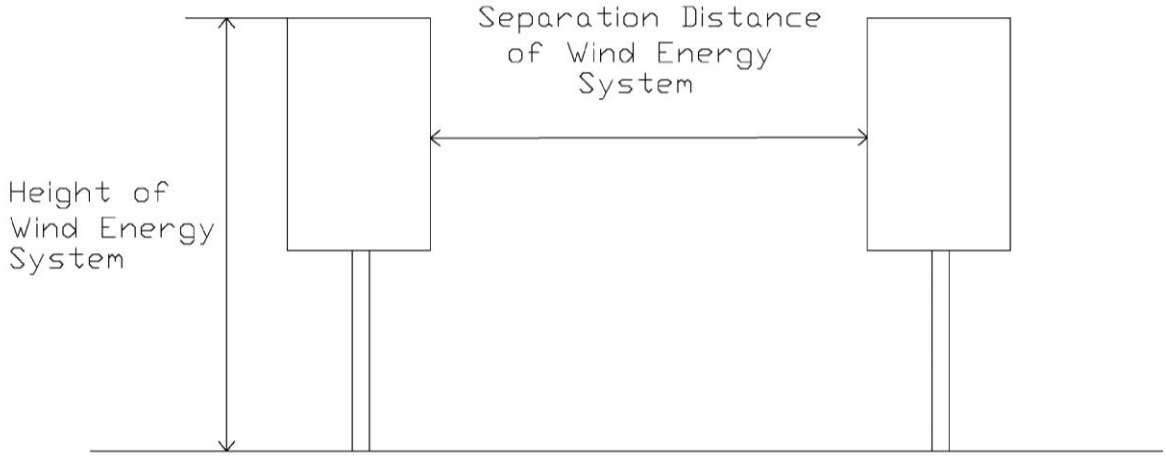
E. Construction Codes, Towers, & Interconnection Standards: Onsite wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Onsite wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 *et seq*.), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 *et seq*.), An interconnected onsite wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

F. Safety: An onsite wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. Guy wires are not allowed for towers in residential zoning districts. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.

G. In addition to the site and design requirements listed above, the structure mounted wind energy systems shall be subject to the following:
   1. Height: The height of a structure mounted wind energy system shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
   2. Setback: The setback of the structure mounted wind energy system shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the structure mounted wind energy system is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts
   3. Location: The structure mounted wind energy system shall not be affixed to the wall on the side of a structure facing a road
   4. Quantity: No more than three (3) structure mounted wind energy system s shall be installed on any parcel of property
   5. Separation: If more than one structure mounted wind energy system is installed, a distance equal to the height of the highest structure mounted

wind energy system must be maintained between the furthest outward extension of any moving part of each structure mounted wind energy system

Figure 15.2



Section 1540 UTILITY GRID WIND ENERGY SYSTEM, ONSITE WIND ENERGY SYSTEM OVER SIXTY-SIX (66) FEET HIGH, AND ANEMOMETER TOWERS OVER SIXTY-SIX (66) FEET HIGH

Utility grid wind energy system, onsite wind energy system over sixty-six (66) feet high, and anemometer towers over sixty-six (66) feet high are permitted by Special Use Permit in the A-1 and M-1 districts, provided:

A. Anemometer Tower setback shall be the greater of the following distances:
   1. The setback from property lines of the respective zoning district; or
   2. A distance equal to the height of the tower from property lines.
   3. A distance equal to twice the height of the tower from a structure on an adjacent residential lot.

B. Utility Grid and On-site Use Wind Energy System setback shall be greater of the following distances:
   1. The setback from property lines of the respective zoning district; or
   2. A distance equal to the height of the tower including the top of the blade in its vertical position from property lines.
   3. A distance equal to twice the height of the tower from a structure on an adjacent lot.

C. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the set-back and placement requirements applicable to public utilities.

D. Sound Pressure Level: Onsite wind energy systems shall not exceed the standards contained in Section 1517 F of this ordinance.

E. Post-Construction Permits: Construction Codes, Towers, and Interconnection Standards: The project shall comply with all applicable state construction and electrical codes and local building permit requirements.

F. Pre-Application Permits:
   1. Utility Infrastructure: The project shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended, M.C.L. 259.431 *et seq*.), the Michigan Tall Structures Act (Public Act 259 of 1959 as amended, M.C.L. 259.481 *et seq*.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

   2. Environment:
      a. The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the Environmental Analysis
      b. Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, M.C.L. 324.101 *et seq*.) including but not limited to:
         i. Part 31 Water Resources Protection (M.C.L. 324.3101 *et seq*.)
         ii. Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 *et seq*.)
         iii. Part 301 Inland Lakes and Streams (M.C.L. 324.30101 *et seq*.)
         iv. Part 303 Wetlands (M.C.L. 324.3030 1 *et seq*.)

G. Performance Guarantee: Performance guarantee, pursuant to Section 15.16 of this Ordinance shall be provided for the applicant making repairs to public roads damaged by the construction of the wind energy system.

H. Utilities: Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All aboveground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC) published standards to prevent avian mortality.

I. The following standards apply only to utility grid wind energy systems. The applicant shall provide the following studies, prepared by a Michigan licensed professional within their respective discipline per the professional laws of that discipline:

1. Visual Impact Analysis: Utility grid wind energy system projects shall use tubular towers and all utility grid wind energy systems in a project shall be finished in a single, non- reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas.
2. Avian and Wildlife Impact Analysis: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact Analysis.
3. Shadow Flicker Analysis: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis.
4. Decommissioning Plan: A Planning Commission approved decommissioning plan indicating 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.
5. Complaint Resolution Plan: A Planning Commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project.
6. Electromagnetic Interference Analysis: No utility grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No utility grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

(Amended 01/11/10)

Article 16. GENERAL EXCEPTIONS

Section 1600 ESSENTIAL SERVICES

Essential services, as defined in this Ordinance, shall be permitted, as authorized and regulated by State Law and other ordinances of the Township, it being the intent to exempt essential services from the provisions of this Ordinance.

Section 1601 VOTING PLACE

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

Section 1602 HEIGHT LIMIT

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles or public monuments, provided, however, that the Board of Appeals may specify a height limit for any such structure when it requires authorization as a special land use.

Section 1603 LOT AREA

Any lot existing and of record at the time this Ordinance became effective may be used for any principal use permitted, other than special land uses for which special lot area requirements are specified in this Ordinance, provided all yard area and setback requirements of the specific zoning district are complied with, and provided that not more than one (1) principal building occupies the lot.

Section 1604 PORCHES AND PATIOS

An open, unenclosed, and uncovered porch or patio may project into a required front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies or other roof-like structures.

Section 1605 PROJECTIONS INTO YARDS

Architectural features, not including vertical projections, may extend or 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 or project into a required front yard not more than three (3) feet.

Section 1606 ACCESS THROUGH YARDS

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yard and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yards.

Article 17. ADMINISTRATION AND ENFORCEMENT

Section 1700 ZONING ADMINISTRATOR

The provisions of this ordinance shall be administered and enforced by the Township Zoning Administrator, appointed by the Township Board for such term and to such conditions and at such rate of compensation as the Board shall determine.

Section 1701 ELIGIBILITY OF ZONING ADMINISTRATOR

If the Zoning Administrator is personally interested in the construction of a building subject to the provisions of this Ordinance, the Township Board shall designate some other person to examine the plans, and to issue the necessary permits, approvals, and certificates.

Section 1702 CERTIFICATE OF APPROVAL

A. Certificate of Approval Required. No building or structure subject to the provisions of this Ordinance shall be erected, altered, enlarged, or moved upon any premises until a "Certificate of Approval" has been issued to the Owner of the premises by the Zoning Administrator, certifying that the proposed undertaking is in conformity with the provisions of the Ordinance. No certificate shall be transferrable and shall be obtained before any work, excavation, erection, alteration, enlargement or movement is begun. No certificate shall be required for any agricultural building or structure on bonafide farms except for buildings used for dwelling purposes. The certificate shall be posted in a prominent place on the premises during the period of construction, alteration, enlargement or movement.

B. Application for Certificate of Approval. An application for a Certificate of Approval shall be made at least ten (10) days prior to the commencement of any construction, alteration, enlargement or movement. The application shall be accompanied by the following:

    1. Proof of ownership.

    2. Two (2) copies of a plot plan, drawn to scale, showing the actual dimensions of the premises, the location and dimensions of all existing and proposed structures, the location and width of all abutting public and private streets, rights-of-way, easements, and public open spaces, the location of all buildings on abutting properties that are within eight (8) feet of the common property line, location of the domestic water well, septic tank, and tile field disposal system.

C. Issuance of Certificate of Approval. Whenever the Zoning Administrator shall determine that the building or structure is in conformity with the provisions of this Ordinance, he shall issue a Certificate of Approval to the applicant within ten (10) days after receipt of the application, and when such certificate is refused, he shall state the reasons for such refusal in writing. The Zoning Administrator

shall deposit one copy of the application with the Township Clerk with notations relative to its approval or disapproval, including the date thereof, and one copy shall be returned to the applicant with similar notations.

D. Fees. For each certificate of approval issued, a fee shall be paid by the applicant, said fee to be established by the Township Board. No Certificate of Approval shall be issued or be valid until the required fee has been paid.

E. Expiration of Certificate of Approval. Any Certificate of Approval issued by the Zoning Administrator under which no work has been done above the foundations within one (1) year from the date of issuance shall expire; but upon request, such permit shall be renewable for an additional one (1) year from the date of expiration of the original permit, after payment of a renewal fee subject however, to the provisions of the Zoning Ordinance in force at the time of such renewal.

F. Cancellation of Certificate of Approval. The Zoning Administrator shall have power to revoke and cancel any Certificate of Approval in case of failure or neglect to comply with any of the provisions of this Ordinance or in case of any false statement or misrepresentation made in the application for a Certificate of Approval. The owner or his duly authorized agent shall be notified of such revocation and cancellation in writing.

Section 1703 CERTIFICATES OF COMPLIANCE AND TEMPORARY USE

(Amended 7/8/02)

A. Certificates of Compliance. No building or structures subject to the provisions of this Ordinance shall be occupied or used in whole or in part until the Zoning Administrator shall have issued a Certificate of Compliance to the applicant affirming that the building or structure conforms in all respects to the provisions of the Ordinance. Application for a Certificate of Compliance shall be accompanied by as-built drawings of the site plan or plot plan that demonstrates compliance with this Ordinance and the site plan or plot plan approved by the Township. Upon finding that the building or use is in compliance with this Ordinance and the approved site plan or plot plan, the Zoning Administrator shall promptly issue the applicant a Certificate of Compliance, a copy of which shall be filed with the Township Clerk.

B. Certificate of Temporary Use. The Zoning Administrator may issue a Certificate of Temporary Use for a part of the building, structure, or premises prior to complete fulfillment of the requirements of this Ordinance, when circumstances warrant, for a period not to exceed six (6) months. Such certificate shall state the date of expiration after which it will become null and void. This permit may be renewed on application by the Owner for not exceeding three (3) additional six month periods.

C. Cancellation of Certification of Compliance and Temporary Use. The Zoning Administrator shall have the power to revoke and cancel any Certificate of

Compliance or Certificate of Temporary Use in case of failure to comply with any of the provisions of this Ordinance or in case of any false statement or misrepresentation made in the application for a Certificate of Compliance or Temporary Use. The owner or his duly authorized agent shall be notified in writing of such revocation and cancellation.

Section 1704 MINOR TEMPORARY USES (Amended 1-12-04.)

Minor Temporary Uses (as specified within this Ordinance) may be permitted by the Zoning Administrator, subject to the following:

A. An application form shall be submitted along with the fee established by the Township Board.

B. The application shall indicate that the Minor Use will be removed immediately upon expiration of the Temporary Permit for a Minor Use.

C. The standards of Section 1801(B) have been met, except that Roadside/Market stands are permitted to exist for the duration established under Section 1537.

D. At the discretion of the Zoning Administrator, an application for a Minor Temporary Use may be referred to the Board of Appeals for their review and approval, where the Zoning Administrator determines that he/she requires the ZBA's assistance in verifying compliance with the standards of this Section 1704.

Article 18. BOARD OF APPEALS

Section 1800 ESTABLISHMENT AND RULES OF PROCEDURE

A. There is hereby established a Board of Appeals, consisting of three (3) regular members, who shall be appointed as provided in M.C.L. 125.3101 et seq. One of the regular members of the Board of Appeals shall be a member of the Planning Commission.

B. The Township Board may appoint not more than two (2) alternate members as provided In M.C.L. 125.3101 et seq.

C. A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

D. The Board of Appeals shall not conduct business unless a majority of the regular members are present. The Board of Appeals shall adopt bylaws and rules for the conduct of business in conformance with M.C.L. 125.3101 et seq.

E. The Board of Appeals shall keep minutes of its meetings showing the vote of each member upon each question, and shall keep records of its official actions, all of which shall be public record and filed in the office of the Township Clerk.

F. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of an Administrative Official or the Planning Commission, or to decide in favor of the applicant in any matter upon which they are required to pass under this Ordinance, or to affect a variation in this ordinance.

G. The decision of the Board of Appeals shall be final.

Section 1801 POWERS AND DUTIES

The Board of Appeals shall have all of the powers and duties specified by M.C.L. 125.3101 et seq, and the following:

A. Administrative Review: The Board of Appeals shall act upon all questions as they may arise in the administration and interpretation of the zoning ordinance, including the interpretation of zoning maps. It shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or Planning Commission in the enforcement of this Ordinance. Such appeals shall be heard at a public hearing as herein required. The Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

B. Granting of Temporary Use Permit: The Zoning Board of Appeals shall have the power to grant a permit for the following types of temporary uses, for a period not to exceed thirty (30) days. There shall be no extensions granted to the 30 day time limit.

1. (Reserved for future use)

2. Temporary uses such as, but not limited to, fund raising events of a church or other non-profit service organization, where there will be no improvements of a structural nature, subject to the following:

   a. A public address system or other sound system shall not cause a nuisance to adjoining properties

   b. There shall be adequate water supply and sanitary facilities to accommodate the expected number of users

   c. Adequate off-street parking shall be provided and shall be kept dust-free at all times

   d. Trash receptacles shall be provided in a ratio of 2 containers for each 100 users of the facility. All trash containers shall be emptied at the end of each day's activities and the materiel removed from the property and properly disposed of.

   e. All materials, trash containers, portable sanitary facilities, signs and all other appurtenances shall be removed immediately upon completion of the event or activity and prior to expiration of the 30 day temporary permit.

3. Permits for Minor Temporary Uses, as specified within this Ordinance, may be issued by the Zoning Administrator, subject to the requirements of Section 1704. At the discretion of the Zoning Administrator, an application for a Minor Temporary Use may be referred to the Board of Appeals for their review and approval under the provisions of Section 1704 and this Section 1801. (Amended 1/12/04)

C. Granting of Variances: The Board of Appeals shall have the power to authorize, upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a practical difficulty exists in the strict and literal enforcement of the provisions of this Ordinance.

Where approval of a site plan is pending, subject to the granting of a variance by the Board of Appeals, the Board shall not act until after it has received a recommendation from the Planning Commission. A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless a written application is submitted demonstrating the following:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district;

2. That strict and literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;

3. That the special conditions and circumstances do not result from the actions of the applicant, particularly any failure of the applicant to investigate the requirements of this Ordinance before purchasing the property upon which a variance is requested; and

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.

Nonconforming use of neighboring lands, structures, or buildings in the same district, and permitted use of lands, structures, or buildings in other districts shall not be considered grounds for issuance of a variance. Appeals for variances shall be heard at a public hearing as herein required.

Section 1802 PUBLIC HEARINGS AND NOTICES

Upon a written request seeking an interpretation of the Zoning Ordinance, an appeal of an administrative decision, or a variance, the Board of Zoning Appeals shall select a reasonable time and place for a hearing of the request. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township. The notice shall be given not less than fifteen (15) days before the public hearing date, in accordance with M.C.L. 125.3101 et seq. For requests for a variance or an interpretation or appeal of an administrative decision which involves a specific parcel, written notice shall also be given by mail or personal delivery to the applicant and owners of the subject property, to all persons whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or occupant is located within Metamora Township. The notice shall describe the nature of the proposed request, state the time and place of the public hearing, indicate when and where written comments will be received, and indicate the property that is subject of the request including a listing of all existing street addresses within the subject property. Any party may appear at the hearing, in person, by agent, or by attorney. The Board shall enter the reasons for all of its decisions in the official record.

Article 19. PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

Section 1900

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements, adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the more restrictive or that imposing the higher standards shall govern.

Article 20. AMENDMENTS

Section 2000 INITIATION OF AMENDMENTS

The Township Board may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance. Amendments to the provisions of this Ordinance may be initiated by the Township Board, the Planning Commission or by petition from one or more residents or property owners of the Township. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the Township Board, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment. An owner of land may voluntarily offer in writing and the Township may approve, certain use and development of land as a condition to the approval of a rezoning of the land or an amendment to the Zoning Map consistent with the provisions of M.C.L. 125.3405. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board.

Section 2001 APPLICATION PROCEDURE

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board.

In the case of an amendment to the Official Zoning Map, the following information shall be submitted:

A. Completed application form and fee to cover administrative cost and review by consultants.

B. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.

C. The existing and proposed zoning district designation of the subject property;

D. A written description of how the requested rezoning meets Section 2003 "Criteria for Amendment of the Official Zoning Map".

E. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment shall accompany the application form.

F. Conditional rezoning requests shall include the applicant's proposed offer of conditions. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

Section 2002 AMENDMENT PROCEDURE; PUBLIC HEARING AND NOTICE

A. A Pre-application conference with Township staff and consultants is encouraged prior to the formal submission of a request for a conditional rezoning. The conference provides an opportunity to informally discuss the rezoning and voluntary conditions proposed as well as other applicable Township development procedures such as site plan review, special land use review, and variances. The pre-application conference will allow the applicant and the Township to identify key issues associated with the request at the earliest possible stage.

B. Upon initiation of an amendment, a public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township. Notice shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, and each railroad operating within the district affected, that registers its name and mailing address with the Township Clerk for the purpose of receiving such public notice. The notice shall be given not less than fifteen (15) days before the public hearing date, in accordance with M.C.L. 125.3101 et seq. and shall describe the nature of the proposed amendment, state the time and place of the public hearing, and indicate when and where written comments will be received. For rezoning requests of an individual property or of ten (10) or fewer adjacent properties, notice shall also be given by mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or occupant is located within Metamora Township. The notice shall indicate the property that is subject of the request including a listing of all existing street addresses within the subject property.

C. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board. In the case of an amendment to the Official Zoning Map, the Planning Commission shall consider the criteria contained in Section 2003 in making its findings and recommendation.

D. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment. In

the case of an amendment to the text of this Ordinance, the Township Board may modify or revise the proposed amendment prior to enactment. The Township Board may refer any proposed revisions to the Planning Commission for consideration and comment within a time specified by the Township Board. In the case of an amendment to the Official Zoning Map, the Township Board shall approve or deny the amendment, based on its consideration of the criteria contained in Section 2003.

E. In the case of a conditional rezoning petition, the applicant may voluntarily amend the conditions during the process of rezoning consideration. An owner may withdraw all or part of its offer of conditions at any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation. The applicant may offer to add more restrictive conditions at the Township Board without requiring a new public hearing.

Section 2003 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.

A. Consistency with the goals, policies and future land use map of the Metamora Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

B. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.

C. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

D. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.

E. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

F. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the

dimensional regulations for the zoning district listed in the Schedule of Regulations.

G. If a rezoning is appropriate, the requested zoning district considered to be more appropriate from the township's perspective than another zoning district.

H. The requested rezoning will not create an isolated and unplanned spot zone.

I. An offer of conditions submitted as part of a conditional rezoning request shall bear a reasonable and rational relationship to the property for which rezoning is requested.

J. Other factors deemed appropriate by the Planning Commission and Township Board.

Section 2004 CRITERIA FOR AMENDMENTS TO ZONING ORDINANCE TEXT

The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioner's request to amend the ordinance text. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.

A. The proposed amendment would correct an error in the Ordinance.

B. The proposed amendment would clarify the intent of the Ordinance.

C. Documentation has been provided from Township Staff or the Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.

D. The proposed amendment would address changes in state law affecting this Ordinance.

E. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

F. The proposed amendment would promote compliance with changes in other Township Ordinances and County, State, or federal regulations.

G. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.

H. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and

policies of the Master Plan, and enhance the overall quality of life in Metamora Township.

Section 2005 APPROVAL OF ZONING AMFNDMENTS

Approved amendments shall require the following:

A. Publication of a notice of adoption in a newspaper of general circulation in the Township within fifteen (15) days of adoption in accordance with the provisions of M.C.L. 125.3101 et seq. The notice shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment. The notice shall also include the effective date of the amendment and the place and time when a copy of the amendment may be purchased or inspected.

B. The Zoning Text and or Map shall be amended to reflect the new zoning classification or language. Map amendments for conditional rezonings should include a designation identifying that the property is subject to a Statement of Conditions.

C. Conditional rezonings shall require the submittal of a formal written Statement of Conditions which shall be incorporated by attachment as on inseparable part of the ordinance adopted by the Township Board. The Statement of Conditions shall:

1. Be in a form recordable with the Lapeer County Register of a statement acknowledging that it is recorded.

2. Contain a legal description of the land to which it pertains.

3. Acknowledge that upon the rezoning taking effect, the use and development of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by the Statement of Conditions.

4. Contain a provision acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land. Any person who establishes a development or commences a use upon such land shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions.

5. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

6. Specify that failure to comply with any of the conditions set forth in the Statement of Conditions shall constitute a violation of this Zoning Ordinance and shall be punishable accordingly.

7. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the document.

D. The approved Statement of Conditions shall be filed by the Township Clerk with the Lapeer County Register of Deeds. The Township Board shall have the ability to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

Section 2006 EFFECT OF CONDITIONAL REZONING

The following provisions shall apply to approved conditional rezonings:

A. Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and / or use of land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and or use of will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

B. Reversion of Zoning

If approved development and / or use of the rezoned land does not occur within the time frame specified under Section 2006.A, the land shall revert to its former zoning classification as set forth in M.C.L. 125.3101 et seq. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of the rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other zoning requests.

C. Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 2006.B or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon

the owner's written request, the Township Clerk shall record with the Lapeer County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

D. Amendment of Conditions

1. During the time period for commencement of an approved development or use specified pursuant to Section 2006.A or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

2. The Statement of Conditions may be amended thereafter in the same manner as set forth in Section 2002.E of this Ordinance.

E. Township Right to Rezone

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification.

Any rezoning shall be conducted in compliance with this ordinance and M.C.L. 125.3101 et seq.

Article 21. LEGAL PROCEDURES & PENALTIES FOR VIOLATION

Section 2100 ABATEMENT OF NUISANCE

Any use of land or buildings, and any building or structure that is erected, altered or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se. The Township, the Prosecuting Attorney for Lapeer County, the Zoning Administrator, or any citizen may take action in any court of competent jurisdiction to cause the abatement of such nuisance.

Section 2101 VIOLATIONS AND PENALTIES

A. Inspection of Violation

The Zoning Administrator shall inspect each alleged violation and shall order the correction, in writing, of all conditions found to be in violation of this Ordinance. The order to correct a violation shall be issued by serving personally, or by sending, by registered mail, return receipt requested, such order to the last known address of the owner of the property upon which the violation occurs, or when applicable, the violator. A party who has failed to accept such registered mail shall be deemed to have been served.

B. Correction Period

All violations shall be corrected within a period of ten (10) days after the order to correct is served unless, in the opinion of the Zoning Administrator, a lesser time period is required because of imminent danger to the health, safety or welfare of the inhabitants of the Township. A violation not corrected within the required time period shall be reported to the Township Attorney, who shall initiate prosecution procedures. Legal proceedings may be stayed during any period that such violation is pending review by the Zoning Board of Appeals.

C. Penalties

Any person, firm, corporation, or other organization which violates any provision of this Ordinance or fails to obey or execute any lawful order issued in pursuance of this Ordinance shall be guilty of a civil infraction, and upon conviction, be fined not more than Five Hundred Dollars ($500.00) together with the costs for prosecution. Where a violation is of a continuing nature, each and every day during which the violation continues to occur shall be deemed as a separate offense.

Article 22. VALIDITY & SEVERABILITY

Section 2200

Each and every part of this Ordinance is hereby declared to be severable. Should any Article, Section, subsection or provision be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Article 23. REPEAL OF PRIOR ORDINANCE

Section 2300

Metamora Township Zoning Ordinance No. 10 which became effective on June 21, 1974, and all amendments thereto, is hereby repealed in its entirety.

Article 24. EFFECTIVE DATE

Section 2400

This Ordinance shall take effect immediately upon publication of a notice of adoption by the Township Board in the Lapeer County Press on April 22, 1987.

CERTIFICATION OF TOWNSHIP CLERK

I, Christine Fantin, Metamora Township Clerk, hereby certify that this Zoning Ordinance was adopted by the Metamora Township Board at a meeting held on April 13, 1987, after a public hearing had been held by the Metamora Township Planning Commission on January 14, 1987 and a recommendation for adoption was transmitted to the Metamora Township Board and the Lapeer County Planning Commission on March 11, 1987, pursuant to the requirements of Michigan Public Act 184 of 1943, as amended;

Christine Fantin, Clerk
Township of Metamora

I, Jennie Dagher, Metamora Township Clerk, hereby certify that the foregoing is a true and accurate copy of the Metamora Township Zoning Ordinance Number 23, including all amendments adopted by the Township Board through January 11, 2010.

Jennie Dagher, Clerk
Township of Metamora

A true and complete copy of the above ordinance may be purchased or inspected at the offices of the Township Clerk, 730 West Dryden Road, Metamora, MI 48455, Mondays through Fridays except holidays, during regular Township business hours.