

TOWNSHIP OF ARGENTINE

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ZONING ORDINANCE



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ARGENTINE TOWNSHIP ZONING ORDINANCE

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ARTICLE 1

PREAMBLE AND ENACTING CLAUSE

AN ORDINANCE enacted under Act 110, Public Acts of 2006, as amended, governing the unincorporated portions of the Township of Argentine, Genesee County, Michigan, for the purposes of providing for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated. In these districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, that may be erected or altered after the effective date of this ordinance; designing the use of certain state licensed residential facilities; providing for a method for the adoption of this ordinance and amendments thereto: providing for the acquisition by purchase, condemnation, or otherwise of nonconforming property; providing for the administering of this ordinance; providing for conflicts with other acts, ordinances, or regulations; providing penalties for violations; providing for the collection of fees for permits as required by this ordinance; providing for petitions and public hearings, and referenda; providing for appeals and providing for the repeal of acts in conflicts with this ordinance.

SECTION 1.01 PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the township; to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that use of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems and other public facilities; to facilitate adequate and efficient provision for other sewage disposal, water, energy, education, recreation, and other public service and facility requirements; and by providing a growth management framework through which the township can reasonably respond to the service requirements; and by providing a growth management framework through which the township can reasonably respond to the service requirements to growth; and by other means, all in accordance with a Comprehensive General Development Plan; now therefore;

SECTION 1.02 ENACTING CLAUSE

The Township Board of the Township of Argentine Ordains:

ARTICLE 2**ZONING DISTRICTS AND MAPPING INTERPRETATION****SECTION 2.01 DISTRICTS ESTABLISHED**

For the purpose of this Ordinance, Argentine Township is hereby divided into the following zoning districts:

AGRICULTURAL & RESIDENTIAL DISTRICTS:

- Agricultural Zoning District (AG)
- One Family Residential District (R-1)
- One Family Residential District (R-2)
- Residential (Multiple Family) District (RM)
- Mobile Home Parks (MHP)

NONRESIDENTIAL DISTRICTS:

- Local Commercial (C-1)
- General Commercial (C-2)
- Light Manufacturing (M-1)
- Heavy Manufacturing (M-2)

SECTION 2.02 BOUNDARY INTERPRETATION

The boundaries of these districts are hereby established as shown on the Zoning District Map for Argentine Township which accompanies this ordinance, and which map with all notations, references and other information shown thereon shall be as much a part of this ordinance as fully described herein.

The Official Zoning District Map shall be identified by the signature of the Supervisor, attested by the Clerk of the Township the following words: "This is to certify that this is the Official Zoning District Map referred to in Act 110 of the Public Acts of 2006 as amended." If in accordance with the provisions of this ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning District Map, such changes shall be made on the Official Zoning District Map within five (5) normal working days after the amendment has been approved by the Township Board together with an entry on the Official Zoning District Map as follows: Date and an index number of Township action.

The original and one (1) copy of the Official Zoning District Map are to be maintained and kept up to date; one (1) copy in the office of the Chief Building Official and the original in the Township office; accessible to the public and Argentine Township.

SECTION 2.03 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply:

- .01 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- .02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- .03 Boundaries indicated as approximately following township limits shall be construed as following township limits.
- .04 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- .05 Boundaries indicated as following section lines, half section lines, and quarter section lines shall be construed as following such lines.
- .06 Boundaries indicated as following shore lines/river banks shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore lines; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

SECTION 2.04 ZONING OF VACATED AREAS

Whenever any street, alley, or other public way within the Township shall have been vacated then the lands within the boundaries thereof attached to and become a part of lands adjoining such street, alley, or public way, such lands formerly within such vacated street, alley, or public way shall automatically, and without further action of the Township Board, thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this ordinance for such adjoining lands.

SECTION 2.05 DISTRICT REQUIREMENTS

All buildings and uses in any District shall be subject to the provisions of Article 17, General Provisions; Section 17.14, Site Plan Review Provisions; Article 12, Schedule of Regulations, and Article 17, General Provisions, Section 17.05, Off-Street Parking and Loading Regulations, except as modified for a zoning district. Provided, however, that farm uses and single-family home uses are excluded from the Site Development Plan Review Provisions.

ARTICLE 3**AGRICULTURAL RESIDENTIAL DISTRICT (AG)****SECTION 3.01 INTENT**

This district is composed of those areas of the Township whose principal use is and ought to be farming. The regulations of this district are designed to conserve, stabilize, enhance, and develop farming and rural residential activities, to minimize conflicting uses of parcels, lots, building, and structures detrimental to or incompatible with these activities, and to prohibit uses of parcels, lots, buildings and structures which require streets, drainage and other public facilities and services of a different type and quantity than those normally required by these activities.

SECTION 3.02 USES PERMITTED

In the AG - Agricultural Zoning District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this ordinance:

- .01 One-Family detached dwellings.
- .02 Farm operations, subject to the Michigan Right to Farm Act, MCL 286.471, et., seq., as amended.
- .03 Publicly owned facilities.
- .04 Cemeteries, public educational facilities, and similar facilities.
- .05 Accessory buildings and uses customarily incident to any of the above permitted uses.
- .06 State Licensed Facilities.
 - Adult Day Care Home
 - Child Family Day Care Home
 - Adult Foster Care Family Home
 - Child Foster Care Family Home
- .07 Uses similar to the above.

SECTION 3.03 SPECIAL USES

The following special approval uses may be permitted, subject to the provisions of Section 19.09.

- .01 Adult Group Day Care Home (7-12 adults).

- .02 Child Foster Family Group Home (7-12 children).
- .03 Churches.
- .04 Hospitals.
- .05 Golf courses and accessory uses such as driving range and clubhouse.
- .06 Private schools.
- .07 Commercial kennels.
- .08 Uses similar to the above.

SECTION 3.04 AREA & BULK REQUIREMENTS

See Article 12, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lots, the maximum density permitted, and providing minimum yard setback requirements.

ARTICLE 4**ONE-FAMILY RESIDENTIAL DISTRICT (R-1)****SECTION 4.01 INTENT**

In the R-1 – One-Family Residential District is designed to encourage single-family residential use in a rural-residential setting. The intent is to provide for an environment of low-density, one family detached dwellings along with other residentially related facilities which serve the residents of the districts.

SECTION 4.02 USES PERMITTED

The R-1 – One-Family Residential District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this ordinance:

- .01 One-Family detached dwellings.
- .02 Farm operations, subject to the Michigan Right to Farm Act, MCL 286.471, et., seq., as amended.
- .03 Publicly owned facilities.
- .04 Cemeteries, public educational facilities, and similar facilities.
- .05 Accessory buildings and uses customarily incident to any of the above permitted uses.
- .06 State Licensed Facilities.
 - Adult Day Care Home
 - Child Family Day Care Home
 - Adult Foster Care Family Home
 - Child Foster Care Family Home
- .07 Uses similar to the above.

SECTION 4.03 SPECIAL USES

The following special approval uses may be permitted, subject to the provisions of Section 19.09.

- .01 Adult Group Day Care Home (7-12 adults).
- .02 Child Foster Family Group Home (7-12 children).

- .03 Churches.
- .04 Hospitals.
- .05 Golf courses and accessory uses such as driving range and clubhouse.
- .06 Private schools.
- .07 Commercial kennels.
- .08 Uses similar to the above.

SECTION 4.04 AREA AND BULK REQUIREMENTS

See Article 12, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lots, the maximum density permitted, and providing minimum yard setback requirements.

**ARTICLE 5
ONE-FAMILY RESIDENTIAL DISTRICT (R-2)**

SECTION 5.01 INTENT

The R-2 – One-Family Residential District is designed for an environment of high-density, one-family detached dwellings along with other residentially related facilities which serve the residents of the districts.

SECTION 5.02 USES PERMITTED

In the R-2 – One-Family Residential District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this ordinance:

- .01 One-Family detached dwellings.
- .02 Farm operations, subject to the Michigan Right to Farm Act, MCL 286.471, et., seq., as amended.
- .03 Publicly owned facilities.
- .04 Cemeteries, public educational facilities, and similar facilities.
- .05 Accessory buildings and uses customarily incident to any of the above permitted uses.
- .06 State Licensed Facilities
 - Adult Day Care Home
 - Child Family Day Care Home
 - Adult Foster Care Family Home
 - Child Foster Care Family Home
- .07 Uses similar to the above.

SECTION 5.03 SPECIAL USES

The following special approval uses may be permitted, subject to the provisions of Section 19.09.

- .01 Adult Group Day Care Home (7-12 adults).
- .02 Child Foster Family Group Home (7-12 children).
- .03 Churches.

- .04 Hospitals.
- .05 Golf courses and accessory uses such as driving range and clubhouse.
- .06 Private schools.
- .07 Uses similar to the above.

SECTION 5.04 AREA AND BULK REQUIREMENTS

See Article 12, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lots, the maximum density permitted, and providing minimum yard setback requirements.

ARTICLE 6
RESIDENTIAL MULTIPLE-FAMILY DISTRICT (RM)

SECTION 6.01 INTENT

The RM - Residential Multiple-Family District is designed to provide site for multiple-family dwelling structures and related uses, which will generally serve as zones of transition between the nonresidential districts and the one-family residential district.

SECTION 6.02 USES PERMITTED

In an RM - Residential Multiple-Family District, no building or land shall be used except for one (1) or more of the following specified uses unless otherwise provided in this ordinance.

- .01 Multiple-family dwellings.
- .02 Publicly owned facilities.
- .03 Privately owned physical care facilities, churches, cemeteries, educational facilities, golf courses, and other recreational facilities.
- .04 Accessory buildings and uses customarily incident to any of the above permitted uses.
- .05 State Licensed Facilities.
 - Adult Day Care Home
 - Child Family Day Care Home
 - Adult Foster Care Family Home
 - Child Foster Care Family Home
- .06 Uses similar to the above.

SECTION 6.03 SPECIAL USES

The following special uses may be permitted, subject to the provisions of Section 19.09.

- .01 Adult Group Day Care Home (7-12 adults).
- .02 Child Foster Family Group Home (7-12 children).
- .03 Adult Day Care Center.
- .04 Child Care Center.
- .05 Assisted Living / Nursing Homes.

- .06 Adult Foster Care Small Group Home (less than 12 adults).
- .07 Adult Foster Care Large Group Home (13-20 adults).
- .08 Adult Foster Care Congregate Facility (greater than 20 adults).
- .09 Churches.
- .10 Hospitals.
- .11 Golf courses and accessory uses such as driving range and clubhouse.
- .12 Private schools.
- .13 Uses similar to the above.

SECTION 6.04 AREA AND BULK REQUIREMENTS

See Article 12. Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lots, the maximum density permitted, and providing minimum yard set back requirements.

Argentine Township State Licensed Facilities Summary Listing of Permitted / Special Uses

Use	AG	R-1	R-2	RM	C-1	C-2
Adult Day Care Home (< 6)	P	P	P	P		
Adult Group Day Care Home (7 – 12)	SAU	SAU	SAU	SAU		
Adult Day Care Center (> 1)				SAU		
Child Family Day Care Home (< 6)	P	P	P	P		
Child Group Day Care Home (7 – 12)			SAU	SAU		
Child Care Center (> 1)				SAU	SAU	SAU
Adult Foster Care Small Group Home (< 12)				SAU		
Adult Foster Care Large Group Home (13 -20)				SAU		
Adult Foster Care Family Home (< 6)	P	P	P	P		
Adult Foster Care Congregate Facility (> 20)				SAU		
Child Foster Care Family Home (1 – 4)	P	P	P	P		
Child Foster Family Group Home (7 – 12)	SAU	SAU	SAU	SAU		

P = Permitted Use

SAU = Special Approval Use

ARTICLE 7**MOBILE HOME PARK DISTRICT (MHP)****SECTION 7.01 INTENT**

The intent is to provide districts of such size and location as will encourage proper mobile home residential development, adjacent to essential community services, and otherwise protect the health, safety and welfare of mobile home residents.

SECTION 7.02 USES PERMITTED

- .01 Mobile Home Parks subject to the provisions of this Article.
- .02 Mobile Home Parks and permitted uses in accordance with Article 12 of Argentine Township Zoning Ordinance.

SECTION 7.03 SITE DESIGN REQUIREMENTS

The Mobile Home Code, as established by the Mobile Home Commission and the Michigan Department of Public Health Rules under the authority of 1987 PA 96, as amended, regulates development of mobile home parks. All mobile home parks must be constructed according to the standards of the Code.

In addition to the rules and standards of the State of Michigan, Argentine Township imposes the following conditions:

- .01 Mobile home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, Act 96, P.A. 198, as amended, P.A. 1976, and subsequently adopted rules and regulations governing mobile home parks.
- .02 Mobile home parks shall not be permitted on parcels less than fifteen (15) acres in size.
- .03 Individual mobile home sites within a mobile home parks shall have a minimum lot size of five thousand five hundred (5,500) square feet per mobile home being served. This five thousand five hundred (5,500) square foot minimum may be reduced by twenty percent (20%), provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through this reduction of the site below five thousand five hundred (5,500) square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of

the Michigan Administrative Code.

- .04 The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment.
- .05 The minimum setback for mobile home parks shall be fifty (50) feet from a public right-of-way and fifteen (15) from any adjoining property line not involving a public right-of-way. Mobile home parks shall be landscaped as follows:
 - a. If the mobile home park abuts an existing residential development, the park shall be required to provide landscape screening along the park boundary abutting the residential development.
 - b. If the park abuts a non-residential development, the park need not provide screening.
 - c. In all cases, however, a park shall provide landscape screening along the park boundary abutting a public right-of-way.
The landscape screening shall consist of evergreen trees or shrubs of minimum three (3) feet in height which are spaced so they provide a continuous screen at maturity. A landscape berm may be incorporated within the landscape screen. Walls and fences used in conjunction with a landscape screen are prohibited unless approved by the Planning Commission.
- .06 Mobile home parks shall be subject to preliminary plan review requirements in accordance with 1987 PA 96, as amended.
- .07 A permit shall not be required for the construction or erection of canopies or awnings which are open on three (3) sides. A building permit shall be required, however, before the construction or erection of any screened, glassed-in, or otherwise enclosed awning or canopy.

ARTICLE 8**LOCAL COMMERCIAL DISTRICT (C-1)****SECTION 8.01 INTENT**

The C-1 - Local Commercial Districts as herein are designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.

SECTION 8.02 USES PERMITTED

In a C-1 Local Commercial District no person shall hereafter use any building, structure, or land and no persons shall erect any building or structure without the approval of the Planning Commission pursuant to Article 17, Site Plan Review and except in accordance with the following provisions:

- .01 Generally recognized retail businesses which supply commodities on the premises whose market is primarily dependent upon the residential neighborhoods to which it is contiguous including: food products, dairy products, beverages, baked goods, or other products normally consumed by a family in their household; drug and related items including notions and miscellaneous small appliances and merchandise normally found in a drug store or pharmacy; wearing apparel; and hardware and related supplies.
- .02 Personal service establishments which perform services on the premises whose clientele/market is primarily dependent upon the residential neighborhood to which it is contiguous including : barber shops, beauty/hair salon shops; repair shops for small household appliances, televisions, watches, shoe repair, etc.; photographic studios; and laundromats/self service laundries.
- .03 Offices for professional services, licensed or registered by the State, including doctors, dentists and similar or allied members of the medical and osteopathic community and other professional services.
- .04 Planned Convenience Shopping Center which may include all of the above described activities and when used in this context means a single or group of inter-related buildings which has been designed for operation as a unit and can satisfy the following criteria: a site of three (3) to five (5) acres; a supporting population of one thousand (1,000) households (approximately three thousand (3,000) persons) within a trade area of two (2) miles in radius; six (6) to ten (10) stores; and a total floor area of ten thousand (10,000) to thirty thousand (30,000) square feet.

- .05 Indoor commercial recreation.
- .06 Planned or integrated regional commercial centers including retail services and office uses.
- .07 Advertising and/or identification signs subject to the provisions of the Township's Sign Ordinance.
- .08 Banks, Savings and Loan.
- .09 Sit-Down Restaurants / Carry-Out Restaurants.
- .10 Funeral Homes.
- .11 Veterinary Clinic.
- .12 Video Rental.

SECTION 8.03 SPECIAL USES

The following special uses may be permitted, subject to the provisions of Section 19.09.

- .01 Child Care Center.
- .02 Gasoline Service Station and Convenience Store.
- .03 Uses similar to the above.

SECTION 8.04 AREA, HEIGHT, BULK, DENSITY AND PLACEMENT REGULATIONS

Area, Height, Bulk, Density and Placement requirements shall be the same as those provided in Article 12, Schedule of Regulations and Footnotes thereto.

ARTICLE 9**GENERAL COMMERCIAL DISTRICT (C-2)****SECTION 9.01 INTENT**

The C-2 General Commercial District is designed to cater to the needs of a larger diversified business environment than is served by the C-1 Local Commercial District.

SECTION 9.02 USES PERMITTED

In a C-2 General Commercial District no person shall hereafter use any building, structure, or land and no person shall erect any building or structure without the approval of the Planning Commission pursuant to Article 17, Site Plan Review and except in accordance with the following provisions:

- .01 Any use first permitted in the Local Commercial District (C-1).
- .02 Generally recognized retail businesses which supply commodities on the premises and whose market is primarily regional.
- .03 Generally recognized service establishments.
- .04 Professional services and financial institutions and office buildings.
- .06 Planned or integrated multi-tenant or regional commercial centers including retail services and office uses.
- .07 Advertising and/or identification signs subject to the provisions of the Township's Sign Ordinance.
- .08 Child Care Center.

SECTION 9.03 SPECIAL USES

The following special approval uses may be permitted, subject to the provisions of Section 19.09.

- .01 Drive-through or Drive-in Restaurants.
- .02 Gasoline Service Stations with Auto Repair.
- .03 Car Washes.
- .04 Indoor/Outdoor Commercial Recreation.

- .05 New or Used Car Auto Sales.
- .06 Theatres.
- .07 Building or Lumber Supply.
- .08 Garden Centers / Nurseries.
- .09 Mini-Storage.
- .10 Uses similar to the above.

SECTION 9.04 AREA, HEIGHT, BULK, DENSITY AND PLACEMENT REGULATIONS

Area, Height, Bulk, Density and Placement requirements shall be the same as those provided in Article 12, Schedule of Regulations and Footnotes thereto.

ARTICLE 10**LIGHT MANUFACTURING DISTRICTS (M-1)****SECTION 10.01 INTENT**

The M-1 Light Manufacturing Districts are designed to accommodate wholesale activities, warehouses and industrial operations which rely upon procedures which are structured as to permit the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi finished products from previously prepared material.

SECTION 10.02 USES PERMITTED

In an M-1 Light Manufacturing District, no person shall hereafter use any building, structure, or land and no person shall erect any building or structure without the approval of the Planning Commission pursuant to Article 17, Site Plan Review and except in accordance with the following provisions:

- .01 Any use charged with the principal function of basic research, design and pilot or experimental product development.
- .02 Manufacturing, compounding, processing, packaging, or assembly.
- .03 Warehousing/Storage Facilities.
- .04 Wholesale/Retail Distribution Facilities.
- .05 Accessory supporting or incidental uses which may include in-house recreational facilities such as a health spa, handball court, or similar recreational activities, offices or restaurant which has the needs of the employees as the principal use.
- .06 Advertising and/or identification signs, subject to the provisions of the Township's Sign Ordinance.

SECTION 10.03 AREA, HEIGHT, BULK, DENSITY AND PLACEMENT REGULATIONS

Area, Height, Bulk, Density and Placement requirements shall be the same as those provided in Article 12, Schedule of Regulations and Footnotes thereto.

ARTICLE 11**HEAVY MANUFACTURING DISTRICT (M-2)****SECTION 11.01 INTENT**

The M-2 Heavy Manufacturing Districts are designed to accommodate manufacturing, assembling and fabricating activities of semi finished or finished products from raw materials as well as from previously prepared material.

SECTION 11.02 USES PERMITTED

In an M-2 Heavy Manufacturing District, no person shall hereafter use any building, structure, or land and no person shall erect any building or structure without the approval of the Planning commission pursuant to Article 17, Site Plan Review and except in accordance with the following provisions:

- .01 Any use first permitted in the M-1 Light Manufacturing District.
- .02 Any manufacturing use involving assembly, treatment and/or manufacturing.
- .06 Commercial Wind Energy Conversion Systems.

SECTION 11.03 SPECIAL APPROVAL USES

The following special approval uses may be permitted, subject to the provisions of Section 19.09.

- .01 Waste to energy conversion plants, resource recovery operations and electric power generating plants.
- .02 Petroleum or other inflammable liquids, production, refining for storage.
- .03 Salvage Yards / Junk Yards.
- .04 Extractive Uses.
- .05 Concrete/Asphalt Plants.
- .06 Uses similar to the above.

SECTION 11.04 AREA, HEIGHT, BULK, DENSITY AND PLACEMENT REGULATIONS

Area, Height, Bulk, Density, and Placement requirements shall be the same as those provided in Article 12, Schedule of Regulations and Footnotes thereto.

ARTICLE 12

SCHEDULE OF REGULATIONS

SECTION 12.01 TABLE - SCHEDULE OF REGULATIONS

The following regulations regarding lot sizes, yards, setbacks, lot coverage, building size, and densities apply within the Zoning Districts as indicated, including the regulations contained in the footnotes to the following table. No building shall be erected nor shall an existing building be altered, enlarged or rebuilt nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area, occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structure		Minimum Yard Setback Each			Minimum Floor	Maximum % of Lot
	Area in Sq. Ft.	Width In Feet	In Stories	In Feet	Front	Side	Rear	Area Per Unit	Area Covered
AG	2 acres	175	2 1/2	30	50	25*	50	(n)	30%
R-1	1 acre	150	2 1/2	30	50	25*	35(c)	(n)	30%
R-2	20000 SF	100	2 1/2	30	30(b)	25*	35(c)	(n)	30%
RM Multiple Family Res.	(a)	(d)	2 1/2	35	50(e)	30(e)	50(e)	1 BR 450 2 BR 700 3 BR 850	30%
MHP-Mobile Home Park (as regulated under Article 7)	—	—	—	—	—	—	—	—	—
C-1 Local Commercial	—	—	—	30	30(f)	(gi)	20(h)	—	30%
C-2 General Commercial	—	—	—	30	75(f)	(ij)	(hi)	—	30%
M-1 Light Manufacturing	—	—	—	30	40(k)	20(jl)	(lm)	—	30%
M-2 Heavy Manufacturing	—	—	—	60	50(k)	30(jl)	(lm)	—	0%
*(neither side less than 10)									

SECTION 12.02 NOTES TO SCHEDULE OF REGULATIONS

- (a) See Section 13.01, Averaged Lot Size and Section 14.01, Subdivision Open Space Plan regarding flexibility allowances.
- (b) For all uses permitted other than single-family residential, the setback shall equal the height of the main building.
- (c) In the case of a rear yard abutting a side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply. In the case of a rear yard abutting a body of water the rear yard shall be considered the front yard.
- (d) No multiple dwelling shall be erected on a lot or parcel of land which has an area of less than forty-five thousand (45,000) square feet or has a width of less than two hundred (200) feet. A two-family residence shall have thirty thousand (30,000) square feet with a width of not less than one hundred fifty (150) feet.

In an RM Multiple-Family District, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by twenty five hundred (2,500). All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10%) percent of the units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre in the RM District, the following room assignments shall control:

Efficiency	=	1 room	Plans presented showing 1, 2, or 3
One Bedroom	=	2 rooms	bedroom units & including a “den”,
Two Bedroom	=	3 rooms	“library” or other extra room shall count
Three Bedroom	=	5 rooms	such extra room as a bedroom for the
Four Bedroom	=	6 rooms	purpose of computing density.

In the RM District, the area used for computing density shall be the total size area exclusive of any dedicated public right-of-way of either interior or bounding roads. The above listed densities shall not apply to senior housing or assisted living housing.

- (e) In the RM Multiple-Family Residential Districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet. Provided, however, that the Planning Commission may waive this requirement.

Parking may be permitted within a required side or rear yard, but shall not cover more than thirty (30%) percent of the area of any required yard, or any minimum distance between buildings.

In order to preserve the general open character of the district, structures shall be limited in length to one hundred and eighty (180) feet, provided, however, that the Planning Commission may waive this requirement. In approving such a waiver, the

Planning Commission shall consider adequate circulation and access to all units for fire protection, convenience of the residents and adequate light and air for both the units proposed and any adjacent uses.

- (f) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of twenty (20) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
- (g) No side yards are required along the interior side lot lines of the district, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

On a corner lot which has a common lot line with a residential district, there shall be provided a setback of twenty (20) feet on the side or residential street. Where a lot borders on a residential district or a street, there shall be provided a setback of not less than ten (10) feet on the side bordering the residential district or street.

- (h) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- (i) No building shall be closer than seventy-five (75) feet to any major thoroughfare.
- (j) Off-street parking shall be permitted in a required side yard setback.
- (k) Off-street parking for visitors, over and above the number of spaces required under Section 15, may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.
- (l) No building shall be located closer than fifty (50) feet or the height of the building, whichever is the greater to the outer perimeter (property line) of such district when said property line abuts any residential district.
- (m) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.

- (n) The following regulations shall govern the minimum floor area required of each residence hereafter erected:

AG Agricultural
 R1 One-Family Residential District
 R2 One-Family Residential District

1 Story		1000 square feet	(All residences must be at least 24 feet wide and a 4/12 pitch roof minimum)
1½ Story	1st	1000 square feet	
1½ Story	2nd	575 square feet	
2 Story	1st	1000 square feet	
2 Story	2nd	1000 square feet	

Tri-levels shall be computed using the total square footage of the two (2) uppermost levels. Bi-levels shall be computed using the total square footage of that floor at or above the approximate grade of the address street. The total square footage so computed for the tri-levels and bi-levels shall be equal to at least the minimum square foot requirements for one (1) floor residence in their respective districts.

For one and one-half (1½) or two (2) story one-family dwellings, the area under a “vaulted or cathedral” ceiling may be used in computing the floor area of the second level.

- (o) For the purpose of computing the minimum allowable floor area in a multiple-family residential dwelling unit, the horizontal areas of each dwelling unit shall be measured from the centerline of the exterior walls and walls separating two (2) dwelling units. The floor area measurement shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches and balconies.

ARTICLE 13
AVERAGED LOT SIZE

SECTION 13.01 INTENT

The Averaged Lot Size in this section is to permit the subdivider or developer to vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in Article 12, Schedule of Regulations for each One-Family Residential District. If this option is selected, the following conditions shall be met:

- .01 In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width greater than ten (10%) percent below that area or width required in the Schedule of Regulations and shall not create an attendant increase in the number of lots.
- .02 Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
- .03 All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.

ARTICLE 14**SUBDIVISION OPEN SPACE PLAN****SECTION 14.01 INTENT**

The Subdivision Open Space Plan is to promote the following objectives:

- .01 Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
- .02 Encourage developers to use a more creative approach in the development of residential areas.
- .03 Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and allowing the developer to bypass natural obstacles on the site.
- .04 Encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.

SECTION 14.02 CONDITIONS REQUIRED

Modifications to the standards as outlined in Article 12, Schedule of Regulations may be made in the One-Family Residential Districts when the following conditions are met:

- .01 The lot area in the R-2 District may be reduced up to twenty (20%) percent, provided that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each Single-Family District in which the subdivision is located.
 - a. All calculations shall be predicated upon the Single-Family District having the following gross densities (including roads).
 - b. In accomplishing the lot area reductions indicated herein for the R-2 District, lot widths shall not be less than one hundred (100) feet.
 - c. Rear yards may be reduced to not less than thirty (30) feet when such lots border on land dedicated for park, recreation and/or open space purposes as indicated in the following paragraph .02, provided that the width of said dedicated land shall not be less than one hundred (100) feet measured at the point at which it abuts the rear yard of said lot.

- .02 Under the provision of item (a) above of this section, for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in the Schedule of Regulations, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner approved by the municipality.
- .03 The area to be dedicated for subdivision open space purposes shall in no instance be less than four (4) total acres and shall be in a location and shape approved by the Planning Commission.
- .04 The land area necessary to meet the minimum requirements of this section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a flood plain.
- .05 This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the legislative body and the subdivider or developer.
- .06 Under this subdivision open space approach, the developer or subdivider shall dedicate the total park area (see paragraph .02 above) at the time of filing of the final plat on all or any portion of the plat.

ARTICLE 15**PLANNED UNIT DEVELOPMENT****SECTION 15.01 PURPOSE**

The planned unit development (PUD) is provided as a design and planning option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership (such as site condominiums) and variety in design, layout, and type of structures constructed; to preserve significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites or existing buildings when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas or flexibility to consider adaptive re-use of existing structures.

SECTION 15.02 GENERAL AUTHORITY, CRITERIA

- (a) A planned unit development (PUD) may be applied for in any zoning district. The grant of a planned unit development application shall require a rezoning by way of amendment of this chapter upon the recommendation of the Planning Commission and approval of the Township Board.
- (b) Any land use authorized in this Article may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
- (c) The applicant for a planned unit development must demonstrate all of the following criteria as a condition to being entitled to planned unit development treatment:
 - .01 Granting of the planned unit development will result in one (1) of the following:
 - a. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations;
 - b. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations;
 - c. Long-term protection of historic structures or significant architecture worthy of historic preservation; or

- d. A nonconforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
- .02 The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads and utilities.
- .03 The proposed planned unit development shall be consistent with the public health, safety and welfare of the Township.
- .04 The proposed planned unit development shall not result in an unreasonable negative environmental impact or loss of a historic structure on the subject site or surrounding land.
- .05 The proposed planned unit development shall not result in an unreasonable negative economic impact upon surrounding properties.
- .06 The proposed planned unit development shall be under single ownership and/or control such that there is a single person, corporation, or partnership having responsibility for completing the project in conformity with this article.
- .07 The proposed planned unit development shall be consistent with the goals and policies of the Township Master Plan.
- .08 The proposed use or uses shall be of such location, size, and character as to be in harmony with the zoning district in which it is situated, and shall not be detrimental to the adjoining zoning districts.
- .09 A demonstration that the PUD is not proposed in an attempt by the applicant to circumvent the strict application of zoning standards.

SECTION 15.03 RESIDENTIAL DESIGN STANDARDS

- (a) Residential uses shall be permitted with the following maximum density, based upon the zoning district in which the property is situated immediately prior to classification under this article. Land area under water, public road rights-of-way and private road easements shall not be included in the gross density calculation.
- (b) An additional density of up to thirty percent (30%) greater than specified above may be allowed at the discretion of the Planning Commission based upon a demonstration by the applicant of design excellence and conformity to the standards listed in this Section.
- (c) The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units as required in this Section.

SECTION 15.04 GENERAL DESIGN STANDARDS

- (a) All regulations within the Township Zoning Ordinance applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a principal permitted use. In all cases, the strictest provisions shall apply.
- (b) Notwithstanding subsection (a) of this Section, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the Township Board upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Section.
- (c) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses.
- (d) The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment.
- (e) The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
- (f) The number and dimensions of off-street parking shall be sufficient to meet the minimum required by the ordinances of the Township. However, where warranted by overlapping or shared parking arrangements, the Planning Commission or Township Board may reduce the required number of parking spaces.
- (g) All streets and parking areas within the planned unit development shall meet the minimum construction and other requirements of Township ordinances, unless modified by Township Planning Commission.
- (h) Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- (i) Effort shall be made to preserve significant natural, historical, and architectural features and the integrity of the land; including MDNRE regulated and non MDNRE regulated wetlands or floodplains.
- (j) Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- (k) There shall be underground installation of utilities, including electricity and telephone.
- (l) The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways.

- (m) Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
- (n) Where nonresidential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed in accordance with this Ordinance.
- (o) The proposed density of the planned unit development shall be no greater than that which would be required for each of the component uses (measured by stated acreage allocated to each use) of the development by the district regulations of the underlying zoning district.

SECTION 15.05 PROCEDURE FOR REVIEW

- (a) *Pre-Application Conference.* Prior to the submission of an application for planned unit development approval, the applicant shall meet with the Building Official and Planning Consultant, together with any staff the Building Official deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information: Total size of the project; a statement of the number of residential units, if any; the number and type of nonresidential uses, the size of the area to be occupied by each type of use; the known deviations from ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and, all known natural features or historic features to be preserved.
- (b) *Preliminary Plan.* Following the pre-application conference, the applicant shall submit a preliminary site plan of the proposed planned unit development. A narrative report shall accompany the site plan providing a description of the project, discussing the market concept of the project, and explaining the manner in which the criteria set forth in the preceding design standards have been met. The applicant may request that the Planning Commission review the preliminary PUD plans under this subsection and final PUD plans under subsection (c) of this Section concurrently rather than under two (2) separately phased applications.
 - .01 INFORMATION REQUIRED. The preliminary site plan for a PUD shall contain at a minimum the following information:
 - a. One (1) copy of the preliminary PUD site plan, reduced in size to eight and a half (8 ½) by eleven (11) inches.
 - b. Sheet size of submitted drawings shall be at least twenty-four (24) inches by thirty-six (36) inches, with graphics and scale.

- c. Plans providing:
- i. Applicant's name.
 - ii. Name of the development.
 - iii. Preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the state.
 - iv. Date of preparation and any revisions.
 - v. North arrow.
 - vi. Property lines and dimensions.
 - vii. Complete and current legal description and size of property in acres.
 - viii. Small location sketch of the subject site and area within one-half ($\frac{1}{2}$) mile; and scale of no less than one (1) inch equals one thousand (1,000) feet.
 - ix. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site.
 - x. Lot lines and all structures on the property and within one hundred (100) feet of the PUD property lines.
 - xi. Location of any access points on both sides of the street within one hundred (100) feet of the PUD site along streets where access to the PUD is proposed.
 - xii. Existing locations of significant natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, MDNRE designated or regulated wetlands with supporting documentation and a tree survey indicating the location and diameter (in inches, measured four (4) feet above grade) of trees greater than twelve (12) inches in diameter.
 - xiii. Existing and proposed topography at five (5) foot contour intervals, or two (2) foot contour intervals (two (2) foot intervals required for final site plan), and a general description of grades within one hundred (100) feet of the site.

- xiv. Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths.
 - xv. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain and which are to be removed.
 - xvi. Layout and typical dimensions of proposed lots, footprints and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For residential developments: the number, type and density of proposed housing units.
 - xvii. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained.
 - xviii. Size, type and location of proposed identification signs.
 - xix. If a multiphase planned unit development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase.
 - xx. Any additional graphics or written materials requested by the Planning Commission or Township Board to assist the Township in determining the appropriateness of the PUD such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.
 - xxi. An explanation of why the submitted planned unit development plan is superior to a plan which could have been prepared under strict adherence to related Sections of this chapter.
- .02 PLANNING COMMISSION ACTION. The preliminary plan shall be noticed for public hearing before the Planning Commission in accordance with Section 19.11. Following the hearing, the Planning Commission shall review the preliminary site plan and shall take one (1) of the following actions:

- a. *Approval.* Upon finding that the preliminary plan meets the criteria set forth in the purpose and intent in this Section, the Planning Commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall confer upon the applicant the right to proceed to preparation of the final plan. Approval of the preliminary plan by the Planning Commission shall not bind the Township Board to approval of the final plan.
 - b. *Approval with Changes or Conditions.* The Planning Commission may grant conditional approval subject to modifications as performed by the applicant.
 - c. *Postpone.* Upon finding that the preliminary plan does not meet the criteria set forth in the purpose and intent of this Section, but could meet such criteria if revised, the Planning Commission may postpone action until a revised preliminary plan is resubmitted.
 - d. *Denial.* Upon finding that the preliminary plan does not meet the criteria set forth in the purpose and intent of this Section, the Planning Commission shall deny preliminary approval.
- (c) *Final Plan.* Within six (6) months following receipt of the Planning Commission comments on the preliminary plan, the applicant shall submit a final plan and supporting materials conforming with this Section. If a final plan is not submitted by the applicant for final approval within six (6) months following receipt of Planning Commission comments, the preliminary plan approval becomes null and void.
- .01 INFORMATION REQUIRED. A final site plan and application for a PUD shall contain the following information:
- a. A site plan meeting all requirements and standards of Section 17.4.
 - b. A separately delineated specification of all deviations from this chapter which would otherwise be applicable to the uses and development proposed in the absence of this Article.
 - c. A specific schedule of the intended development and construction details, including phasing or timing.
 - d. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
 - e. A specification of the exterior building materials with respect to the structures proposed in the project.
 - f. Signatures of all parties having an interest in the property.

- .02 PLANNING COMMISSION FINAL ACTION. The Planning Commission shall review the final site plan and shall take one (1) of the following actions:
- a. *Approval.* Upon finding that the final plan meets the criteria established in the purpose and intent of this Article and this Section, the Planning Commission may grant final approval.
 - b. *Approval with Changes or Conditions.* The Planning Commission may grant conditional approval subject to modifications as performed by the applicant as long as the plan meets the criteria established in the purpose and intent of this Article and this Section.
 - c. *Postpone.* Upon finding that the final plan does not meet the criteria set forth in the purpose and intent of this Article and this Section, the Planning Commission may postpone action until a revised plan is submitted.
 - d. *Denial.* Upon finding that the final plan does not meet the criteria set forth in the purpose and intent of this Article and this Section, the Planning Commission shall deny final approval.
- .03 TOWNSHIP BOARD FINAL ACTION. If the proposed development has been approved or approved with conditions, the Planning Commission recommendation shall be submitted to and reviewed by the Township Board. The Township Board shall take one (1) of the following actions:
- a. *Approval.* Upon finding that the final plan meets the criteria established in the purpose and intent of this Article and this Section, and any conditions placed by the Planning Commission, the Township Board may grant final approval.
 - b. *Approval with Changes or Conditions.* The Township Board may grant approval and attach additional conditions if the plan meets the criteria established in the purpose and intent of this Article and this Section.
 - c. *Postpone.* Upon finding that the final plan does not meet the criteria set forth in the purpose and intent of this Article and this Section, the Township Board may postpone action until a revised plan is submitted.
 - d. *Denial.* Upon finding that the Planning Commission has denied the application for final plan and that the application does not meet the criteria set forth in the purpose and intent of this Article or this Section, the Township Board shall deny such application.

- .04 REASONS FOR ACTION. All actions on the preliminary plan or final plan by the Planning Commission and the Township Board shall state the reasons for approval, conditional approval, postponement or denial within the body of the motion.

SECTION 15.06 CONDITIONS

- (a) Reasonable conditions may be required by the Planning Commission before the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring 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, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Permit conditions may be drafted in writing specifying conditions of approval and use. Conditions may stipulate that the PUD may only be used for selective land uses provided the restraints advance, rather than injure, the interests of adjacent landowners; are a means of harmonizing private interests in land thus benefiting the public interest; are for the purposes of ensuring that the PUD fulfills the purposes and intent of this Section and thus benefit the public interest; and/or possess a reasonable relationship to the promotion of the public health, safety, and welfare. A change of land use during operation of the PUD will render the PUD null and void or will require application for a revised PUD.
- (b) Conditions imposed shall be: designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this article, and be related to the objective of ensuring compliance with the standards of this Article. All conditions imposed shall be made a part of the written record of the approved planned unit development, which shall include a site plan and written PUD permit conditions signed by the Township and the applicant.
- (c) If the conditions set forth herein are not complied with, then the Building Official shall have the right to compel a show cause hearing by the Planning Commission or issue a violation pursuant to Article 27 of this chapter. At the show cause hearing, additional conditions may be imposed by the Planning Commission or the Township may require submittal of a new PUD application.

SECTION 15.07 PHASING AND COMMENCEMENT OF CONSTRUCTION

- (a) *Phasing.* Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in

developments which include residential and nonresidential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Township Board after recommendation from the Planning Commission.

- (b) *Commencement and Completion of Construction.* Construction shall be commenced within one (1) year following final approval of a planned unit development and shall proceed substantially in conformity with the schedule set forth by the applicant and in accordance with this chapter. If construction is not commenced within such time, the Planning Commission shall take one (1) of the following actions:
- .01 The Planning Commission may approve a request from the property owner for an extension of the final PUD site plan for a specified period of time, not to exceed one (1) year for each such extension. This request may be granted by the Planning Commission for good cause if the request is made prior to the expiration of the initial period or any extension thereof.
 - .02 The Planning Commission may approve on their own initiative an extension of the final PUD site plan for a specified period of time, not to exceed one (1) year for each such extension. Such extension shall be granted no later than the first regular meeting following the expiration of the current approval period.
 - .03 If neither above actions are taken, then the final PUD site plan shall be deemed to have expired, and the Planning Commission shall recommend to the Township Board a rezoning of the affected property in accordance with Article 22.

SECTION 15.08 EFFECT OF APPROVAL

When approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment. Notice of adoption of the final PUD site plan and PUD permit conditions shall be recorded with the Genesee County Register of Deeds at the applicant's expense.

SECTION 15.09 DEVIATIONS FROM APPROVED FINAL PUD SITE PLAN

Deviations from the approved final PUD site plan may occur only under the following conditions:

- .01 An applicant or property owner who has been granted final PUD site plan approval shall notify the Building Official of any proposed amendment to such approved site plan or PUD conditions.

- .02 Minor changes may be approved by the Township Building Official upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any conditions of the plan imposed upon the original approval by the Planning Commission. In considering such a determination, the Building Official shall consider the following to be a minor change:
- a. For residential buildings, the size of structures may be reduced, or increased by five percent (5%) provided that the overall density of units does not increase.
 - b. Square footage of nonresidential buildings may be decreased or increased by up to five percent (5%) or ten thousand (10,000) square feet, whichever is smaller.
 - c. Horizontal and/or vertical elevations may be altered by up to five percent (5%).
 - d. Movement of a building or buildings by no more than ten (10) feet.
 - e. Designated "Areas not to be disturbed" may be increased.
 - f. Plantings approved in the final PUD landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
 - g. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - h. Changes of building materials to another of higher quality, as determined by the Building Official.
 - i. Changes in floor plans which do not alter the character of the use.
 - j. Slight modification of sign placement or reduction of size.
 - k. Relocation of sidewalks and/or refuse storage stations.
 - l. Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
 - m. Changes required or requested by the Township for safety reasons shall be considered a minor change.
- .03 Should the Building Official determine that the requested modification to the approved final PUD site plan is not minor, or if a change in land use has occurred which is different than land uses previously approved, re-submittal to the Planning Commission shall be necessary and a new public hearing and notification under Section 19.11 shall be required.

- .04 Should the Planning Commission determine that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the modification shall be required.
- .05 Any deviation from the approved PUD site plan, except as authorized in this Section, shall be considered a violation of this Article and treated as a misdemeanor. Further, any such deviation shall invalidate the PUD designation.

ARTICLE 16

ONE-FAMILY CLUSTERING OPTION

SECTION 16.01 INTENT

The One-Family clustering Option of this section is to permit the development of one-family residential patterns which, through design innovation, will introduce flexibility so as to provide for the sound physical handling of site plans in situations where the normal subdivision approach would otherwise be restrictive.

SECTION 16.02 SCOPE OF APPLICATION

To accomplish this, the following modifications to the one-family residential standards as outline in the Schedule of Regulations shall be permitted subject to the conditions herein imposed.

- .01 Under this Section the attaching of one-family homes shall be permitted when said homes are attached through a common party wall which does not have over thirty (30%) percent of its area in common with an abutting dwelling wall; by means of an architectural wall detail which does not form interior room space; or through a common party wall in only the garage portion of adjacent structures, there being no common party wall relationship permitted through any other portion of the residential unit. The maximum number of units attached in the above described manner shall not exceed four (4) in a cluster.

- .02 DENSITY: Under this Section the density shall not exceed the following:

DISTRICT	DWELLING UNITS PER ACRE
AG, R-1, R-2	2.0

Dedicated roads shall be excluded for purposes of computing density. Private drives shall be included for purposes of computing density.

- .03 YARD REQUIREMENTS:

- a. Front yards, on that side of the cluster adjacent to a dedicated street shall be equal to at least twenty-five (25) feet.
- b. Spacing between groups of clusters shall be equal to at least twenty (20) feet measured between the nearest point of the two (2) groupings.

- c. One (1) yard of the cluster may be provided in the form of common open space.
 - d. This nature of cluster, when abutting a front yard of an existing recorded subdivision, which is not a part of the Comprehensive Site Plan submitted under this Section 16, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat said side of the cluster as a front yard.
- .04 The minimum floor area required for each residence shall be equal to the minimum floor area per unit as set forth in Article 12, Schedule of Regulations for the district in which the cluster is located.
- .05 In submitting a proposed layout under this section, the sponsor of the development shall include along with the Site Plan, typical building elevations and floor plans, topography drawn at a two (2) foot contour interval, all computation relative to acreage and density, details relative to the proposed berm, and any other details which will assist in reviewing the proposed plan.
- .06 Approval of a Site Plan under this section shall be effective for a period of two (2) years. Development not completed in this period shall be considered as abandoned and authorization shall expire requiring that any proposed development thereafter shall be reviewed and approved by the Planning Commission. Any proposed change in Site Plan or building plans, after approval is had, shall require review and approval by the Planning Commission prior to effecting said change.

ARTICLE 17**GENERAL PROVISIONS****SECTION 17.01 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 17.02 SCOPE OF APPLICATION

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

SECTION 17.03 NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES AND PREMISES

- .01 **INTENT:** It is the intent of this Ordinance to permit legal nonconforming 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, structures and uses of land and structures 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 with 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 uses prohibited elsewhere in the same district.

Nonconforming uses 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 addition of other uses of a nature which would not be permitted 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 materials 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.

- .02 **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 otherwise lawful, subject to the following provisions:
- a. 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.
 - b. 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.
 - c. If such nonconforming use of land ceases for any reason for a period of more than thirty (30) 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.
- .03 **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:
- a. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
 - b. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after its removal.

.04 NONCONFORMING USES OF STRUCTURES AND LAND: If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted 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:

- a. 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, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. 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 or amendment of this Ordinance, but no such use shall be extended to occupy ~~and~~ land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, 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 conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

- d. 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.
- e. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and land 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.

- f. Where nonconformity use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- .05 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 percent (50%) 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 the public safety, upon order of such official.
- .06 USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES: Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.
- .07 CHANGE OF TENANCY OR OWNERSHIP: There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures and land in combination.

SECTION 17.04 ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- .01 Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- .02 Accessory buildings shall not be erected in any minimum side yard setback nor in any front yard.
- .03 An accessory building shall not occupy more than twenty-five percent (25%) of a required rear yard, provided that in a residential district, the accessory building shall not exceed the ground floor area of the main building.
- .04 No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than five (5) feet to any side or rear lot line.

- .05 No detached accessory building in AG or R-1 Districts shall exceed nineteen (19) feet in height.
- Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Board of Appeals review and approval if the building exceeds one (1) story or fourteen (14) feet in height.
- .06 When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall any accessory building be located nearer than ten (10) feet to a street right-of-way line.
- .07 When an accessory building in any Residential District is intended for other than storage of private motor vehicles, the accessory use shall be subject to the approval of the Board of Appeals.
- .08 The parking of a recreational vehicle for periods exceeding twenty-four (24) hours is prohibited, except that the Building Official may extend temporary permits allowing the parking of a recreational vehicle in a rear yard on private property, not to exceed a period of two (2) weeks. All recreational vehicles owned by residents of the Township and stored on their individual lots shall be stored only within the confines of the rear yard and shall further respect the requirements of this section applicable to accessory buildings, insofar as distances from principal structures, lot lines, and easements are concerned. All recreational vehicles parked or stored, shall not be connected to sanitary facilities and shall not be occupied.
- .09 No accessory building shall be erected or used prior to the erection or use of the principal building.
- .10 Private wind energy conversion systems may be allowed as an accessory use in any zoning district, subject to the regulations of Section 17.20.

SECTION 17.05 OFF-STREET PARKING REQUIREMENTS

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

- .01 Off-street parking spaces may be located within a nonrequired side or rear yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this Ordinance.

- .02 Off-street parking for other than residential use 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. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- .03 Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 17.04 - Accessory Buildings of this Ordinance.
- .04 Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
- .05 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.
- .06 Two (2) 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.
- .07 In the instance of dual function of off-street parking spaces where operating hours of building do not overlap, the Board of Appeals may grant an exception.
- .08 The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- .09 For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considered as similar in type.
- .10 When units or measurements determining the number of required parking spaces result in the requirement of a fraction space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.
- .11 For the purpose of computing the number of parking spaces required, the definition of Usable Floor Area in Article 23, Definitions, Section shall govern.
- .12 The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

**NUMBER OF MINIMUM
PARKING SPACES PER
UNIT OF MEASURE**

USE

a. RESIDENTIAL

- | | |
|----------------------------------|---------------------------------|
| (1) AG, R-1, R-2, One-Family | Two (2) for each dwelling unit. |
| (2) Residential, Multiple-Family | Two (2) for each dwelling unit. |

b. INSTITUTIONAL

- | | |
|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Churches or Temples | One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship. |
| (2) Hospitals | One (1) for each one (1) bed. |
| (3) Homes for the aged and convalescent homes | One (1) for each four (4) beds. |
| (4) Elementary and junior high schools | One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of auditorium. |
| (5) Senior high schools | One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium. |
| (6) Private clubs or lodge halls | One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, County, or State Fire, Building, or Health Codes. |
| (7) Private golf clubs, swimming clubs, tennis clubs or other similar uses | One (1) for each two (2) member families or individuals plus spaces required for each accessory use, such as a restaurant or bar. |
| (8) Golf courses open to the general public | Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar. |
| (9) Fraternity or sorority | One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater. |
| (10) Stadium, sports arena, or similar place of outdoor assembly | One (1) for each three (3) seats or six (6) feet of benches |
| (11) Theaters and auditoriums | One (1) for each three (3) seats plus one (1) for each two (2) employees. |
| (12) Nursery schools, day nurseries or child care centers | One (1) for each one hundred and fifty (150) square feet of usable floor space. |

**NUMBER OF MINIMUM
PARKING SPACES PER
UNIT OF MEASURE**

USE**c. BUSINESS AND COMMERCIAL**

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Planned commercial or shopping center | One (1) for each one hundred (100) square feet of usable floor area. |
| (2) Auto wash (automatic) | One (1) for each one (1) employee. In addition, reserve parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20). |
| (3) Auto wash (self-service or coin operated) | Five (5) for each washing stall in addition to the stall itself. |
| (4) Beauty parlor or barber shop | Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair. |
| (5) Bowling alleys | Five (5) for each one (1) bowling lane plus accessory uses. |
| (6) Dance halls, pool or billiard parlors, roller or skating rinks, halls, and assembly halls without fixed seats | One (1) for each two (2) persons allowed within the maximum exhibition occupancy load as established by local, County, or State Fire, Building, or Health Codes. |
| (7) Establishment for sale and consumption on the premises of beverages, food or refreshments | One (1) for each seventy-five (75) square feet of usable floor space or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, County, or State Fire, Building or Health Codes. |
| (8) Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses | One (1) for each eight hundred (800) square feet of usable floor space. (For that floor area used in processing), one (1) additional space shall be provided for each two (2) persons employed therein. |
| (9) Gasoline service stations | Two (2) for each lubrication stall, rack or pit; and one (1) for each gasoline pump. |
| (10) Laundromats and coin operated dray cleaners | One (1) for each two (2) washing and/or dry-cleaning machines. |
| (11) Miniature or "par-3" golf courses | Three (3) for each one (1) hole plus one (1) for each one (1) employee. |
| (12) Golf Driving Range | One and a half (1½) for each tee and one (1) for each employee. |
| (13) Mortuary establishments | One (1) for each fifty (50) square feet of usable floor space. |

**NUMBER OF MINIMUM
PARKING SPACES PER
UNIT OF MEASURE**

USE

- | | |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| (14) Motel, hotel, or other commercial lodging establishment | One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee. |
| (15) Motor vehicle sales and service establishments | One (1) for each two hundred (200) square feet of usable floor space of salesroom and one (1) for each one (1) auto service stall in the service room. |
| (16) Retail stores except as otherwise specified herein | One (1) for each one hundred and fifty (150) square feet of usable floor space. |

d. OFFICES

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|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Banks | One (1) for each one hundred (100) square feet of usable floor space. |
| (2) Business offices or professional offices except as indicated in the following item (3) | One (1) for each two hundred (200) square feet of usable floor space. |
| (3) Professional offices of doctors, dentists or similar professions | One (1) for each fifty (50) square feet of usable floor area in waiting rooms, one (1) for each examining room, dental chair, or similar use area, and one (1) for each employee. |

e. INDUSTRIAL

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|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Industrial or research establishments, and related | Five (5) plus one (1) for every one and one-half (1½) employees in the accessory offices largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater. |
| (2) Warehouses and wholesale establishments and related accessory offices | Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater. |

SECTION 17.06 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Whenever the off-street parking requirements in Section 17.05 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- .01 No parking lot shall be constructed unless and until a permit therefore is issued by the Building Official. Applications for a permit shall be submitted to the Building Department in such form as may be determined by the Building Official and shall be accompanied with two (2) sets of Site Plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- .02 Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Space Plus Maneuvering Lane	Total Width of One Tier of Space Plus Maneuvering Lane
0 (parallel parking)	12'	8'	23'	20'	28'
30 to 53	12'	8.5'	20'	32'	52'
54 to 74	15'	8.5'	20'	26.5'	58'
75 to 90	24	9'	20'	40'	60'

- .03 All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- .04 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.
- .05 All maneuvering lane widths shall permit one-way traffic movement, except that the ninety (90) degree pattern may permit two-way movement.
- .06 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 distance from adjacent property located in any single-family residential district.
- .07 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.

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 or ornamental trees. The ground area shall be planted and kept in

lawn. All such landscaping and planting shall be maintained in a health, growing condition, neat and orderly in appearance.

- .08 The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township Engineer. The parking area shall be surfaced within one (1) year of the date of the occupancy permit is issued.

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.

- .09 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.
- .10 In all cases where a wall extends to an alley 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 alley line in order to permit a wider means of access to the parking area.
- .11 The Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

SECTION 17.07 OFF-STREET LOADING AND UNLOADING

On the same premises with every building, structure, or part thereof, involving the receipt of 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:

- .01 All spaces shall be provided as required in Article 12, Schedule of Regulations under minimum Rear Yards, except as hereinafter provided for Manufacturing Districts.
- .02 Within a Manufacturing district, all spaces shall be laid out in the dimension of at least ten by fifty (10x50) feet, or five hundred (500) square feet in area, with a 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 and M-2 Districts shall be provided in the following ratio of spaces to floor area:

GROSS FLOOR AREA (IN SQUARE FEET)	LOADING AND UNLOADING SPACE REQUIRED
0 - 1,400	None
1,401 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space for each twenty thousand (20,000) square feet in excess of twenty thousand and one (20,001) square feet
100,001 and over	Five (5) spaces

- .03 All loading and unloading in a Manufacturing Districts shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.

SECTION 17.08 PLANT MATERIALS

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

- .01 PLANT MATERIAL SPACING:
- a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
 - b. Where plant materials are placed in two (2) or more rows, planting shall be staggered in rows.
 - c. Evergreen trees shall be planted not more than thirty (30) feet on centers, and shall be not less than three (3) feet in height.
 - d. Narrow evergreens shall be planted not more than six (6) feet on centers, and shall be not less than three (3) feet in height.
 - e. Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall be not less than four (4) feet in height.
 - f. Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall not be less than six (6) feet in height.

- g. Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall be not less than eight (8) feet in height.

SUGGESTED PLANT MATERIALS

- (1) **EVERGREEN TREES**
Minimum three (3) feet in height
 - * Juniper
 - * Fir
 - * Spruce
 - * Hemlock
 - * Pine
 - * Douglas-Fir

- (2) **NARROW EVERGREENS**
Minimum three (3) feet in height
 - * Column Hinoki Cypress
 - * Blue Columnar Chinese Juniper
 - * Pyramidal Red-Cedar
 - * Swiss Stone Pine
 - * Pyramidal White Pine
 - * Irish Yew
 - * Douglas Arborvitae
 - * Columnar Giant Arborvitae

- (3) **TREE-LIKE SHRUBS**
Minimum four (4) feet in height
 - * Flowering Crab
 - * Mountain Ash
 - * Redbud
 - * Hornbeam
 - * Magnolia
 - * Dogwood
 - * Rose of Sharon
 - * Hawthorn

- (4) **LARGE DECIDUOUS SHRUBS**
Minimum six (6) feet in height
 - * Mock-Orange
 - * Lilac
 - * Cotoneaster
 - * Euonymus
 - * Vibrunum
 - * Forsythia
 - * Ninebark

- * Hazelnut
- * Privet
- * Sumac

(5) **LARGE DECIDUOUS TREES**
Minimum eight (8) feet in height

- * Oak
- * Hackberry
- * Planetree (sycamore)
- * Ginkgo
- * Sweet-Gum
- * Linden
- * Hard Maple
- * Birch
- * Beech
- * Honey locust
- * Hop Hornbeam

.02 **TREES NOT PERMITTED:**

- * Box Elder
- * Soft Maples (Red-Silver)
- * Elms
- * Poplars
- * Willows
- * Horse Chestnut (Nut bearing)
- * Tree of Heaven
- * Catalpa
- * Ash

SECTION 17.09 EXTERIOR LIGHTING

- .01 All outdoor lighting in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
- .02 All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns or parking lots.
- .03 All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

SECTION 17.10 RESIDENTIAL ENTRANCE WAY

In all residential districts, so called entrance way structures including but not limited to: walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in Section 17.11 - Corner Clearance, provided that such entrance way structures shall comply to all codes of the Municipality and shall be approved by the Building Department and a permit issued.

SECTION 17.11 CORNER CLEARANCE

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

SECTION 17.12 WALLS

- .01 For those use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below (except otherwise required in Subsection .04, of this Section):

USE	REQUIREMENTS
a. Off-street parking area	Four foot, six inch (4'6") high wall area
b. C-1 and C-2 Districts	Four foot, six inch (4'6") high wall
c. M-1 and M-2 Districts open storage areas, loading or unloading areas, service areas	Four foot, six inch (4'6") to eight foot (8') high wall or fence. (Height shall provide the most complete obscuring possible.)
d. Auto wash - drive in restaurants	Six foot (6'0") high wall
e. Hospital - ambulance and delivery areas	Six foot (6'0") high wall
f. Open utility substations or storage yards	Six foot (6'0") high wall

- .02 Required walls shall be located at or abutting the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Upon review of the Site Plan, the Planning Commission may approve an alternative location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the parking area effectively. Required walls may, upon approval of the Board of Appeals, be located on the opposite side of an alley right-of-way from a non-

residential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.

- .03 Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as maybe approved by the Building Inspector Official to be durable, weather resistant, rust proof and easily maintained; and wood or wood products shall be specifically excluded.

Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty percent (20%) of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Building Official.

- .04 The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distance from and approved by the Building Official.
- .05 The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4'6") in height, except where Section 17.12 applies.

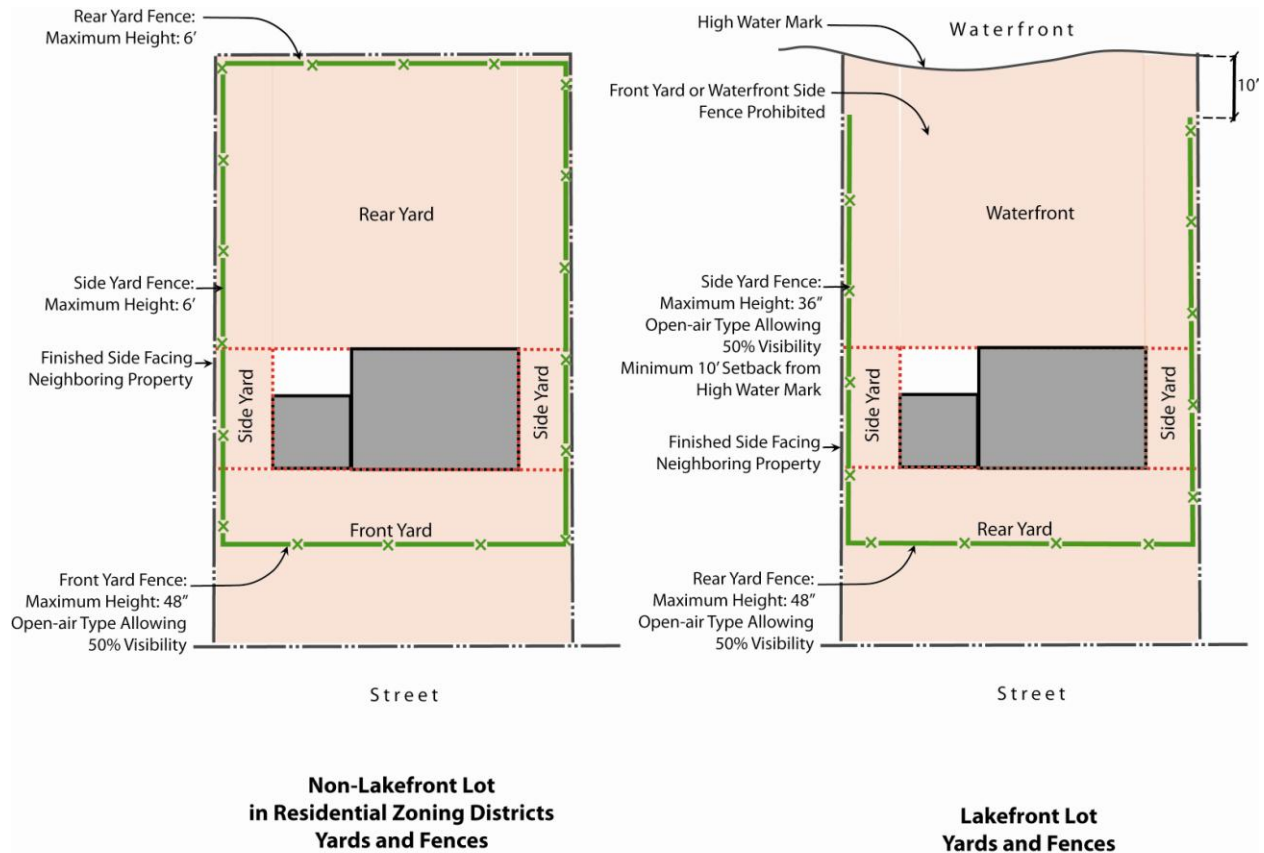
SECTION 17.13 FENCES

Fences are permitted, or required subject to the following:

- .01 Fences in all residential districts (R-1, R-2, RM, MHP) which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard setback, or whichever is greater except as provided below.
- All fences shall be constructed with the finished side exposed to neighboring properties, the support posts placed on the inside, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding area.
- .02 In residential zoning districts (AG, R-1, R-2 and RM) fences may be constructed within a front yard or in front of a house subject to the following restrictions:

- A front yard fence shall not exceed forty-eight (48) inches in height measured from the surface of the ground.
 - A front yard fence shall be open-air type which allows visibility through at least fifty percent (50%) of any portion of the fence or gate surface area. Permitted front yard fences may include chain link, picket, split rail, vinyl, decorative metal or other similar type fences.
- .03 On lakefront lots, fences shall be prohibited on the waterfront side of the lot. Side lot line fences for lakefront lots shall be permitted, but shall be an open-air type such as a chain link, picket, split rail, vinyl decorative metal or similar type fences, which permits visibility through at least fifty percent (50%) of the surface area of the fence. The fence shall have a ten (10) foot setback from the ordinary high water mark, and shall not exceed a total height of thirty-six (36) inches above the ground.

Figure 17.13-1



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- .04 In a commercial or industrial district, no fence, wall, or other screening structure shall exceed eight (8) feet in height.
- .05 The use of barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited except in conjunction with permitted agricultural

operations.

- .06 Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall permit visibility through at least eighty percent (80%) of the total surface area of the fence.
- .07 On any corner lot in any district having front and side yards, no fence, wall screen, hedge, sign, or other structure or plating shall obstruct the visibility of street vehicular traffic between the heights of three (3) feet and ten (10) feet in an area measuring thirty (30) feet from the point of intersection of the street right-of-way lines and the tangent connecting the thirty (30) foot extremities of the intersecting right-of-way lines.

SECTION 17.14 RIPARIAN USE

Where a parcel of land is contiguous to a body of water, it shall not be used for riparian purposes for more than one (1) dwelling unit. Where a parcel of land is not contiguous to a body of water, it shall not be used in conjunction with a continuous parcel to allow the owners or occupiers to engage in riparian uses. The intent of this section is to prevent non-riparian owners or occupiers to engage in riparian uses. The intent of this section is to prevent non-riparian owners or occupiers from engaging in riparian uses on parcels owned by others or in common with others. This section shall not be construed to prevent riparian use from being engaged in by riparian owners. All other provisions of this ordinance are to be applied to these conditions.

SECTION 17.15 CONDOMINIUM DEVELOPMENT STANDARDS

The intent of this Section is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership.

- .01 GENERAL REQUIREMENTS:
 - a. Each condominium lot shall be located within a zoning district that permits the proposed use.
 - b. Each condominium lot shall front (except for those abutting a body of water) on and have direct access to a public street or a private street approved by the Township. Approval for a private street may be conferred by the Township between preliminary and final site plan. An approved private street shall comply with the same standards for public subdivision streets as set forth in Argentine Township Subdivision Ordinance.
 - c. All condominium project plans shall conform to the plan preparation

requirements, design, layout, and improvements standards and all other requirements as established in the Township of Argentine Subdivision Regulations.

- d. For the purposes of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located.

.02 SITE PLAN APPROVAL REQUIRED

Preliminary approval and final approval of the site plan and condominium documents by the Planning Commission shall be required as a condition to the right to construct, expand or convert a site condominium project. Preliminary and final approval shall not be combined.

a. Preliminary Approval

- (1) A site plan pursuant to the standards and procedures set forth in Section 17.14 of this Ordinance shall be submitted to the Planning Commission for preliminary review.
- (2) If the site plan conforms to all respects to applicable laws, ordinances and design standards, preliminary approval shall be granted by the Planning Commission and Township Board.
- (3) If the site plan fails to conform, the Planning Commission shall either deny the application, or grant preliminary approval with conditions, provided such conditions are met before final approval.

b. Final Approval

- (1) Following preliminary approval, the applicant shall submit the condominium Documents and Master Deed to the Township Planning Commission. The Condominium Documents shall be reviewed with respect to all matters subject to regulation by the Township including without limitation; ongoing preservation and maintenance of drainage, stormwater retention, wetlands, woodlands, and other natural features; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.

All review comments shall be submitted to the Township Clerk who shall compile the findings prior to consideration of the site plan for final approval by the Planning Commission and Township Board.

- (2) Following receipt of preliminary approval, the applicant shall also submit to the Township Clerk engineering plans in

sufficient detail for the Township, along with appropriate consultants, to determine compliance with applicable laws, ordinances and design standards for construction of the project.

All review comments shall be submitted to the Township Clerk who shall compile the findings prior to consideration of the site plan for final approval by the Planning Commission and Township Board.

- (3) Upon completion of the review of the Condominium Documents and engineering plans and receipt of the recommendations and findings from the Township staff and/or consultants, the site plan shall be submitted to the Planning Commission for final review in accordance with Section 17.14 of this ordinance.
- (4) If the site plan, Condominium Documents and/or engineering plans conform in all respects to applicable laws, ordinances and design standards, final approval shall be granted by the Planning Commission and Township Board.
- (5) If the site plan, Condominium Documents and/or engineering plans fail to conform to the Ordinance or development standards, final approval shall be denied by the Planning Commission and Township Board.
- (6) In the interest of insuring compliance with this Ordinance and protecting the health, safety and welfare of the residents of the Township, the Planning Commission, as a condition of final approval of the site plan, may require the applicant to deposit a performance guarantee, for the completion of improvements associated with the proposed use.

c. Information Required Prior to Building/Occupancy

Prior to the issuance of building/occupancy permits for any condominium units, the applicant shall have submitted the following to the Township:

- (1) A copy of the recorded Condominium Documents (including exhibits).
- (2) A copy of any recorded restrictive covenants.
- (3) A copy of the site plan on mylar sheet.
- (4) Evidence of completion of improvements associated with the proposed use including two (2) copies of an "as-built survey".

d. Revision of Site Condominium Plan

If the site condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission and Township Board before any building permit may be issued, where such permit is required.

e. Amendment of Condominium Documents

Any amendment to a master deed or bylaws that affects the approved final site plan, or any conditions of approval of the final site plan, shall be reviewed and approved by the Township staff or consultants, Planning Commission, and Board before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the original site plan.

SECTION 17.16 LOT WIDTHS - MINIMUM ROAD FRONTAGES

Minimum lot widths are required along the street right-of-way upon which the lot fronts, according to the following provisions: Where curvilinear street patterns or cul-de-sacs result in irregularly shaped lots with non-parallel side lot lines, no less than eighty (80%) percent of the minimum lot width shall be required at the street right-of-way (measured by a straight line chord) provided one hundred (100%) percent of the minimum lot width is met at the building line.

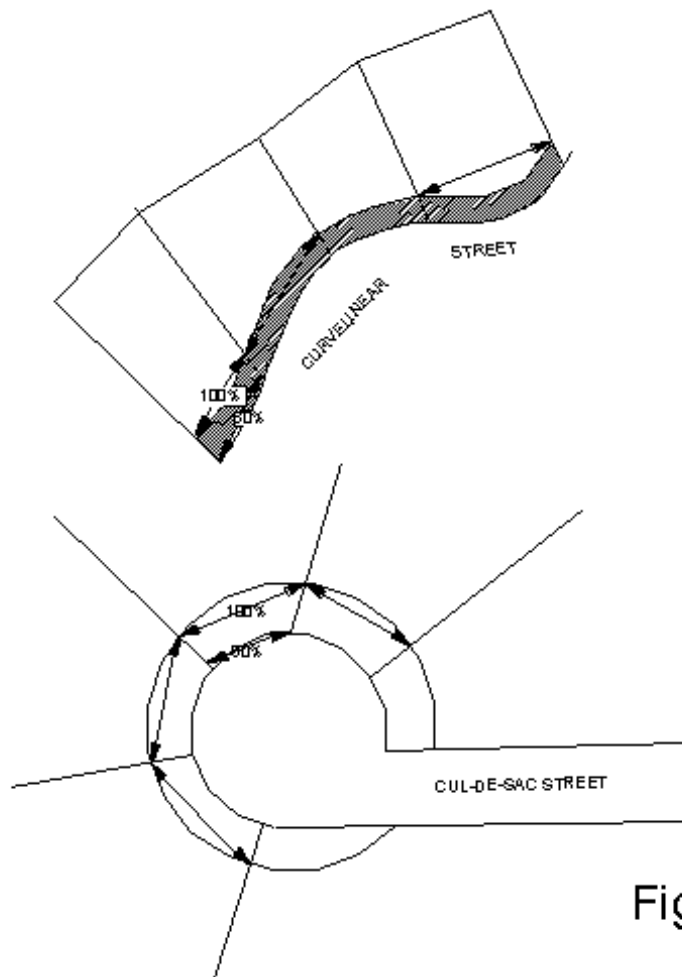
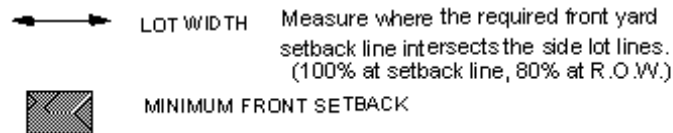


Figure 1

LOT WIDTH AND SETBACK



SECTION 17.17 LIVESTOCK OR FARM ANIMALS

Raising of livestock or farm animals in any AG or R-1 or R-2 District shall conform at least to the following regulations.

- .01 The keeping of livestock shall conform to the Michigan Right to Farm, Act 93 of 1981 as amended, MCL 286, 471, et. seq.
- .02 The keeping of livestock or farm animals shall be prohibited in the R-M and MHP zoning districts as well as other commercial and industrial zoning districts.

SECTION 17.18 WIRELESS COMMUNICATION FACILITIES AND SERVICES

- .01 PERMITTED AS PRINCIPAL USES: In the following circumstances, a new wireless communication facility shall be a principal permitted use, or a permitted accessory use, subject to site plan approval as provided in Site Plan Review Standards, and also subject to the conditions set forth in section (.04) below:
- a. Attached wireless communication facilities within all districts where the existing structure is not, in the discretion of the Planning Commission, proposed to be either materially altered or materially changed;
 - b. Colocation of an attached wireless communication facility which has been previously approved for colocation by the Planning Commission; or
 - c. Wireless communication facilities attached to a utility pole located within a right-of-way, where the existing pole is not modified to materially alter the structure and/or result in an impairment of sight lines or other safety interests.
- .02 PERMITTED AS SPECIAL LAND USES IN M DISTRICT: Wireless communication facilities with monopole support structures shall be permitted as special land uses or special accessory uses only, subject to the standards, Special Land Uses, and also subject to the conditions hereinafter imposed in the M-1 and M-2 districts, except that they shall not be located within five hundred (500) feet of any district zoned for single-family residential purposes or within a distance equal to the height of the support structure from the right-of-way line of major roads. If located on the same parcel with another permitted use, such facilities and any other structures connected therewith shall not be located in a front yard.
- .03 PERMITTED AS SPECIAL LAND USES IN GENERAL COMMERCIAL: If an applicant can demonstrate to the satisfaction of the Planning Commission that a location permitted in sections (.01) and (.02) above cannot reasonably meet the coverage and/or capacity needs of the applicant, and the applicant can demonstrate that it has reasonably exhausted all efforts to locate its facility in accordance with sections (.01) or (.02) above, a wireless communication facility with a monopole support structure may be permitted as a special land use or a special accessory use within all other zoning districts, subject to the standards of Special Land Uses. Provided, however, that they shall not be located within five hundred (500) feet of any district zoned for single-family residential.
- .04 REQUIRED STANDARDS FOR WIRELESS COMMUNICATION FACILITIES IN ALL DISTRICTS:

- a. Required Information
- i. Site Plan: A site plan prepared in accordance with Required Site Plan requirements, also showing as-built drawings for all proposed attached wireless communication facilities and/or wireless communication support structures.
 - ii. Demonstration of Need: Demonstration of the need for the proposed wireless communication support structure due to a minimum of one (1) of the following:
 - (a) Proximity to an interstate highway or major thoroughfare.
 - (b) Proximity to areas of population concentration.
 - (c) Proximity to commercial or industrial business centers.
 - (d) Avoidance of signal interference due to buildings, woodlands, topography, or other obstructions.
 - iii. Service Area and Power: At application, a description of the planned, proposed, or existing service area of the facility, and wireless communication support structure height and type, and signal power expressed in effective radiated power (ERP) upon which the service area has been planned.
 - iv. Map of Other Facilities Nearby: A map showing existing or proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township, which are relevant in terms of potential colocation or in demonstrating the needs for the proposed facility. If the information is on file with the Township, the applicant shall update as needed. This ordinance shall serve as the promise to maintain confidentiality as permitted by law. A request for confidentiality must be prominently stated.
 - v. Data on Other Facilities Nearby: For each location identified by the applicant/provider, the application shall include the following data, with the applicant/provider expected to exercise reasonable diligence to obtain information:
 - (a) The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 - (b) Evidence of property owner approvals.

- (c) Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility; if the location cannot be used, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing services.
 - vi. Fall Zone Certification: To determine setbacks, a certification by a Michigan licensed, registered engineer regarding the manner in which the proposed structure will fall.
 - vii. Description of Security for Removal: A description of the security for the wireless communication support structure to ensure removal and maintenance. The security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Attorney and recordable at the Genesee County Register of Deeds, a promise of the applicant and owner of the property to timely remove the facility as required, with the provision that the applicant and owner shall pay costs and attorney's fees incurred by the Township in securing removal.
 - viii. Data on FCC and FAA Approval: A copy of the application submitted to the Federal Communications Commission and Federal Aviation Administration detailing technical parameters authorization for the facility.
- b. No accessory equipment structure or area shall be allowed in any rights-of-way.

The Wireless Communication Support Facility (WCSF) shall have a landscaped buffer so that the base of the WCSF and accessory equipment structure or storage area shall be screened from any right-of-way, residential use, or residential zoning district. Such landscaped buffer may be placed on the site in a manner which will maximize the aesthetic and environmental benefits, while at the same time providing the visual buffer required hereby. Such landscaped buffer shall consist of hedges planted leaf to leaf which shall reach a height of not less than six (6) feet at maturity and conifer trees planted on fifteen (15) foot centers along the approved buffer of a species approved by the Planning Commission unless safety requirements of the principal use requires otherwise (i.e., utility substations).

The construction of the WCSF shall be of monopole design.

If colocation is not part of the application, then the applicant must demonstrate in the application as to why colocation is not possible.

WCSF's shall not have a shiny or metallic finish.

If a WCSF requires an accessory equipment storage structure, it shall not be greater than fifteen (15) feet in height and shall meet all zoning requirements.

c. Maximum Height

The maximum height of wireless communication support structures shall be: (a) one hundred eighty (180) feet; or (b) the minimum height demonstrated to be necessary by the applicant; or (c) such lower heights as approved by the Federal Aviation Administration. The applicant shall demonstrate a justification for the height and provide an evaluation of alternative designs which might result in lower heights. Accessory buildings shall be limited to the maximum height for accessory structures within respective districts.

d. Setbacks from Non-Residential Districts

Wireless communication support structures abutting any lot zoned for other than residential purposes shall have a minimum setback in accordance with the required setbacks for the principal buildings for the zoning district in which the support structure is located.

e. Variances

The Zoning Board of Appeals may grant variances for the setbacks of a wireless communication support structure, to reduce its visual impact, or to meet the required standards of Colocation. The Zoning Board of Appeals may also grant variances for the height of a support structure of up to twenty (20) feet only in cases where a variance would permit additional colocations.

f. Compatibility of Accessory Structures

Wireless communication facilities proposed on the roof of a building with an equipment enclosure shall be architecturally compatible with the principal building upon which it is located. The equipment enclosure may be located within the principal building or may be an accessory building, provided the accessory building conforms with all district requirements for accessory buildings and is constructed of the same or compatible building material as the principal building.

g. Appearance of Support Structures

The color of wireless communication support structures and all accessory buildings shall minimize distraction, reduce visibility, maximize aesthetics, and ensure compatibility with surroundings. The

applicant shall be responsible for the maintenance of the wireless communication facility in a neat and orderly condition. All support structures and tower parcels shall comply with accessory structure requirements.

h. Federal and State Requirements

The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted on the site plan.

i. Lighting

If the Federal Aviation Administration requires lighting, the applicant shall propose said lighting.

j. Colocation

All wireless communication support structures shall accommodate no more than three (3) attached wireless communication facilities. Support structures shall allow for future rearrangement of attached wireless communication facilities to accept other attached facilities mounted at varying heights.

i. When Colocation is Not "Feasible": Wireless communication support structures shall not be approved unless the applicant documents that its attached wireless communication facilities cannot be feasibly colocated or accommodated on an existing support structure or other existing structure due to one (1) or more of the following reasons:

- (a) The planned equipment would exceed the structural capacity of the existing support structure or other structure, as documented by licensed engineer, and the existing support structure or other structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
- (b) The planned equipment would cause interference affecting the function of other equipment on the existing support structure or other structure as documented by a licensed engineer, and the interference cannot be prevented at a reasonable cost.
- (c) Support structures and other structures within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional

engineer.

- (d) Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing support structure or other structure.
- ii. Determining Feasibility of Colocation: Colocation shall be deemed to be "feasible" when all of the following are met:
 - (a) The applicant/provider will pay market rent or other market compensation for colocation.
 - (b) The site is able to provide structural support, considering reasonable modification or replacement of a facility.
 - (c) The colocation being considered is technically reasonable and will not result in unreasonable interference, given appropriate physical adjustments.
 - (d) The height of the structure necessary for colocation will not be increased beyond maximum height limits.
- iii. Refusal to Permit Colocation: If a party who owns or otherwise controls a wireless communication support structure shall fail or refuse to alter a structure to accommodate a feasible colocation, such facility shall thereafter be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- iv. Refusal to Colocation Constitutes Violation: If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this Section of the Zoning Ordinance.
- v. New Structures Prohibited: Consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new support structure within the Township for a period of five (5) years from the date of the failure or refusal to permit the colocation.
- vi. Offer of Colocation Required: An application for a new wireless communication support structure shall include a letter from the applicant offering future colocation.

vii. Variance from Colocation: Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.

k. Removal

When a wireless communications facility has not been used for one hundred eighty (180) days, or one hundred eighty (180) days after new technology is available which permits the operation of a facility without the requirement of a wireless communication support structure, all or parts of the wireless communications facility shall be removed by the users and owners of the facility and owners of the property.

The removal of antennae or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The situations(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.

i. Upon the occurrence of one (1) or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the facility.

ii. If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected from the security posted at the time application was made for establishing the facility.

l. Radio Frequency Emission Standards

Wireless communication facilities shall comply with applicable Federal and State standards relative to electromagnetic fields and the environmental effects of radio frequency emissions.

- m. Effect of Approval
 - i. Subject to subparagraph (b) below, final approval for a wireless communication support structure shall be effective for a period of six (6) months.
 - ii. If construction of a wireless communication support structure is commenced within two (2) miles of the land upon which a facility has been approved, but upon which construction has not been commenced during the six (6) month period of effectiveness, the approval for the support structure that has not been commenced shall be void thirty (30) days following written notice from the Township of the commencement of the other support structure. Such voiding shall apply when the applicant granted approval of the support structure which has not been commenced demonstrates that it would not be feasible to colocate on the support structure that has been newly commenced.

SECTION 17.19 WIND ENERGY CONVERSION SYSTEMS

- .01 INTENT – It is the intent of Argentine Township to promote the effective and efficient use of Wind Energy Conversion Systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare. In no case shall this ordinance guarantee the wind rights or establish access to the wind.
- .02 APPROVAL REQUIRED - Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within Argentine Township unless approval for a:
 - a. Private WECS: A permit has been obtained from the Building Department as an accessory use and subject to Section 17.04 and the height restrictions of Section 18.04. Only one (1) Private WECS shall be permitted per lot, and the private WECS shall not be allowed within either a required or non-required front yard area.
 - b. Commercial WECS: A special land use has been obtained pursuant to Section 30.01 and this Section.
 - c. Temporary WECS: A permit has been obtained from the Building Department.
- .03 GENERAL STANDARDS - The following standards shall apply to wind energy conversion systems in Argentine Township:
 - a. Design Safety Certification. The safety of the design of all WECS

structures shall comply with all current applicable State of Michigan guidelines and standards.

- b. Height. Private WECS structures shall not be greater than forty (40) feet in height, or the height of the setback, whichever is less, except in the AG or R-1 zoning districts. Within the AG or R-1 zoning district, the height of the tower shall not exceed the setback from the property line.
- c. Setbacks. All private and commercial WECS structures (Horizontal axis or vertical axis wind turbines) must be setback from property lines at a distance equal to or greater than the height of the structure, measured from the base of the structure to the highest reach of its blade. (See Figure 17.20)

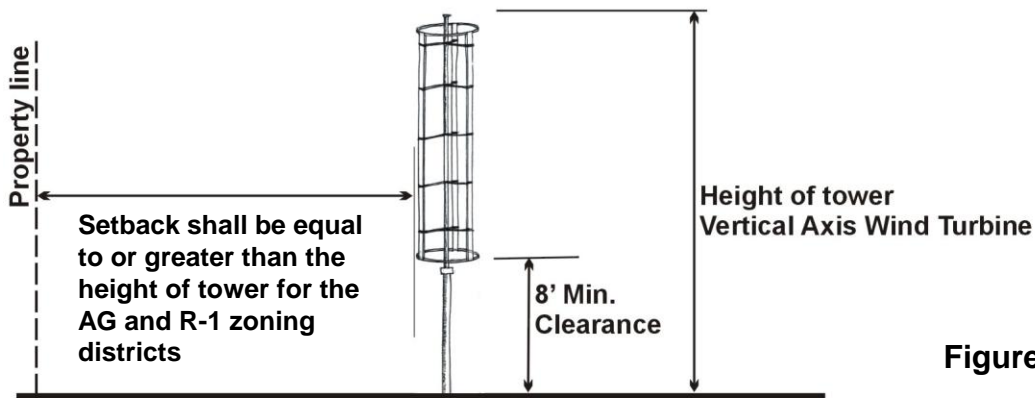
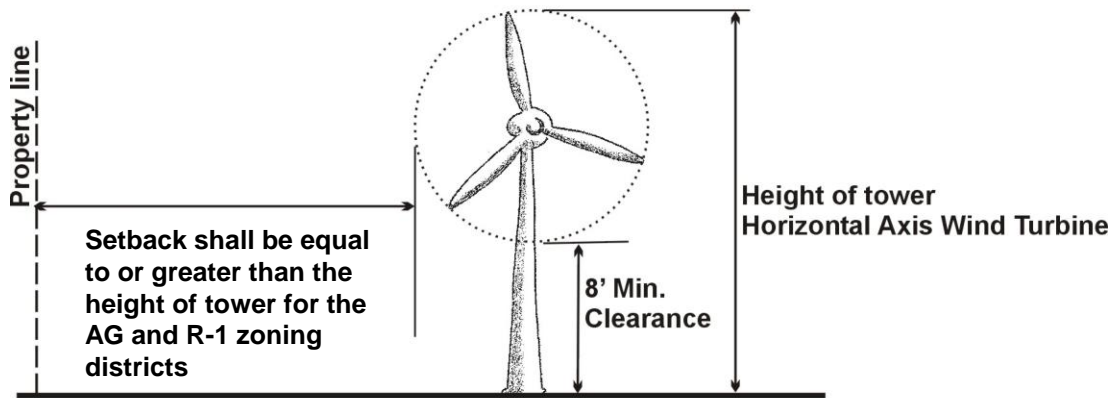


Figure 17.20

- d. Interference. All WECS structures shall be certified by the manufacturer to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave or television signals.
- e. Noise. The sound pressure level shall not exceed sixty (60) dB (A)

(A-weighted Decibels) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds sixty (60) dBA, the standard shall be ambient dBA plus five (5) dBA.

- f. Safety. All moving parts including blades or rotating cylinders shall be located at least eight (8) feet above the ground and a safe distance from human interference (See Figure 17.20). The support system, footings and tower shall be constructed in accordance with all applicable building codes governing structural integrity and wind loads.

.04 ADDITIONAL STANDARDS FOR COMMERCIAL WECS STRUCTURES -
The following additional standards shall apply to all commercial wind energy conversion systems in Argentine Township:

- a. Color. Towers and blades shall be a non-reflective neutral color.
- b. Controls and Brakes. All commercial WECS structures shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and over speed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.
- c. Compliance with FAA. It shall be the responsibility of the applicant to obtain the appropriate FAA permits for the WECS structure, or to obtain a determination of no significant impact to air navigation from the FAA.
- d. Climb Prevention. All commercial WECS structures must be protected by anti-climbing devices.
- e. Warnings. A visible warning sign of High Voltage may be required to be placed at the base of all commercial WECS structures. The sign must have at a minimum six (6") inch letters with three-fourth ($\frac{3}{4}$) inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.
- f. Performance Bond. The Township shall have on file a performance bond for removal of a commercial structure. The value of the bond shall be in the amount given prior to construction for the cost of removal and any other costs deemed necessary by the Township.
- g. Removal. A condition of every approval of a commercial WECS shall be adequate provision for removal of all or part of the facility by users

and owners upon the occurrence of one (1) or more of the following events:

- i. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of equipment from the facility, or the cessation of operations (transmission of electrical power or prolonged periods of no movement of the WECS) shall be considered as the beginning of a period of nonuse.
- ii. Six (6) months after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the WECS without the requirement of the support structure.
- iii. The situations in which removal of a facility is required, as set forth in paragraphs 1 and 2 above, may be applied and limited to portions of a facility.
- iv. Upon the occurrence of one (1) or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, proceed with, and complete the demolition/removal.
- v. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time of application.

SECTION 17.20 OUTDOOR WOOD BURNING BOILERS

Outdoor Wood Burning Boilers. An outdoor wood-fired boiler or other type of fueled furnace may be installed and used in the Township of Argentine only in accordance with ALL OF the following provisions:

- .01 The outdoor wood-fired boiler or furnace shall only be permitted within the AG, R-1, and R-2 zoning districts.
- .02 The outdoor wood-fired boiler or furnace shall only be permitted on parcels containing a minimum of three (3) acres of land.
- .03 The outdoor wood-fired boiler or furnace shall not be used to burn refuse.

- .04 The outdoor wood-fired boiler or furnace shall be located at least one hundred (100) feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.
- .05 The outdoor wood-fired boiler or furnace shall have a chimney which is in compliance with the State of Michigan Construction Code.

SECTION 17.21 HOME OCCUPATIONS

Home occupations which are clearly incidental to the principal residential structure are permitted in any residential district (AG, R-1, R-2, RM, or MHP). The following conditions for home occupations shall be met:

- .01 The home occupation shall utilize no more than twenty-five percent (25%) of the total floor area of any one (1) story of the residential structure used for such home occupation.
- .02 The home occupation shall involve no employees other than members of the immediate family residing on the premises.
- .03 All home occupation activities shall be conducted indoors, except gardening.
- .04 No structural alterations or additions which will alter the residential character of the structure shall be permitted to accommodate a home occupation.
- .05 Only customary domestic or household equipment, or equipment judged by the Zoning Administrator not to be injurious or a nuisance to the surrounding neighborhood, shall be permitted.
- .06 There shall be no external evidence of such occupation, except a small announcement sign not exceeding two (2) square feet.
- .07 No home occupation shall be permitted which is injurious to the general character of the residential district and which creates a congested or otherwise hazardous traffic or parking condition.

SECTION 17.22 FEES

Before any site plan is placed on the Planning Commission Agenda for preliminary site plan approval and/or final site plan approval, a review fee shall be paid in an amount fixed by a schedule established by resolution of the Township Board.

The review fee will be in addition to the Township's standard submittal fee. The review fee will be placed in escrow by the Township to cover expenses from the Township Planner review and Township Engineer review and all other applicable reviews conducted by the Township. If expenses exceed the escrow amount due to the nature of a submitted plan

and necessary reviews the Township will forward an invoice to the Developer for the amount owed. If expenses are less than the escrow amount, the Township will refund the amount left in escrow to the Developer.

ARTICLE 18**GENERAL EXCEPTIONS****SECTION 18.01 AREA, HEIGHT AND USE EXCEPTIONS**

The regulations in this Ordinance shall be subject to the following interpretations and exceptions.

SECTION 18.02 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the municipality, it being the intention hereof to exempt essential services constructed by the Township of Argentine from the application of this Ordinance.

SECTION 18.03 VOTING PLACE

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

SECTION 18.04 HEIGHT LIMIT

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, and wind energy conversion systems; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

SECTION 18.05 PROJECTIONS INTO YARDS

Architectural features, e.g., decks, etc., not including vertical projections, may extend or project into a required side, front or rear yards no closer than five (5) feet to the lot line.

SECTION 18.06 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 yards 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 serving a 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 yard.

ARTICLE 19**ADMINISTRATION AND ENFORCEMENT****SECTION 19.01 ENFORCEMENT**

The provisions of this Ordinance shall be administered and enforced by the Building Official or by such deputies or designees as the Building Official may delegate to enforce the provisions of this Ordinance.

SECTION 19.02 DUTIES OF BUILDING OFFICIAL

The Building Official shall have the power to grant Zoning Compliance and Occupancy Permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

Under no circumstances is the Building Official permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Official. The Building Official shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

SECTION 19.03 PLOT PLAN

The Building Official shall require that all applications for Building Permits shall be accompanied by plans and specifications including a Plot Plan, in triplicate, drawn to scale, showing the following:

- .01 The actual shape, location and dimensions of the lot.
- .02 The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structure already on the lot.
- .03 The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- .04 Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- .05 Survey required if planned building is within ten (10) feet of lot line.

SECTION 19.04 PERMITS

The following shall apply in the issuance of any permit:

- .01 **PERMITS NOT TO BE ISSUED:** No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
- .02 **PERMITS FOR NEW USE OF LAND:** No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class of type unless a certificate of occupancy is first obtained for the new or different use.
- .03 **PERMITS FOR NEW USE OF BUILDING:** No building or structure, or part thereof, shall be changed to or occupied by a use of a different class of type unless a certificate of occupancy is first obtained for the new or different use.
- .04 **PERMITS REQUIRED:** No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a Building Permit shall have been first issued for such work. The terms “altered” and “repaired” shall include any changes in structural parts, stairways, type or construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Township of Argentine, Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features. A summary of uses or structures requiring a zoning permit and building permit is provided on Table 19.04.

**Table 19.04
Zoning Permit / Building Permit
Summary**

Building and Structures Subject to Zoning Permits	Building and Structures Subject to Building Permits
One (1) story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed one hundred twenty (120) sq. ft.	Any two (2) story structures. Structures or building larger than two hundred (200) sq. ft. in area
Fences	Decks
Gazebos	Retaining walls over four (4) feet in height
In-ground or above-ground swimming pools with a water capacity of over twenty-four (24) inches deep	

SECTION 19.05 CERTIFICATES

No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- .01 **CERTIFICATES NOT TO BE ISSUED:** No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
- .02 **CERTIFICATES REQUIRED:** No building or structure, or part thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- .03 **CERTIFICATE INCLUDING ZONING:** Certificate of occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.
- .04 **RECORD OF CERTIFICATES:** A record of all certificates issued shall be kept on file in the office of the Building Official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- .05 **CERTIFICATES FOR DWELLING ACCESSORY BUILDINGS:** Buildings or structures accessory to dwellings shall not require separate certificate of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the Plot Plan and when completed at the same time as such dwellings.
- .06 **APPLICATION FOR CERTIFICATES:** Application for certificates of occupancy shall be made in writing to the Building Official on forms furnished by that department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

SECTION 19.06 FINAL INSPECTION

The holder of every Building Permit for the construction, erection, alteration, repair, or moving of any building, structure or part thereof, shall notify the Building Official immediately upon the completion of the work authorized by such permit, for a final inspection.

SECTION 19.07 FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provision of this Ordinance may be collected by the Building Official in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

SECTION 19.08 PERFORMANCE GUARANTEE REQUIRED

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan, site condominium, or other type of development has been submitted, the Township Board upon the recommendation of the Planning Commission shall require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, safety paths, drainage, fences, screens, walls, landscaping, and widening strips.

- .01 Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Township.
- .02 Where the Township Board requires a performance guarantee, said performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a building permit by the Township for the development and use of the land. Upon the deposit of the performance guarantee the Township shall issue the appropriate building permit.
- .03 The approval shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- .04 The Building Official, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
- .05 Upon the satisfactory completion, as determined by the Township, of the improvement for which the performance guarantee was required, the Township shall return to the applicant the performance guarantee deposited and any interest earned thereon. However, the Township is not required to deposit the performance guarantee in an interest-bearing account.

- .06 In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited. Should the township use the performance guarantee or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Township to insure completion of an improvement associated with the proposed use prior to the Township conditional approval, the applicant shall not be required to deposit with the Township a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

SECTION 19.09 SPECIAL APPROVAL USE PERMITS

- .01 **APPLICATIONS.** Applications for special approval use permits authorized in this section shall be submitted to the Building Official or designee. Application requirements shall conform to the provisions of this Section.
- .02 **PROCEDURES.**
- a. The Building Official or designee shall review the proposed application to determine if all required information has been supplied, and then forward completed applications and supporting data to the Planning Commission.
 - b. Upon receipt of the application for a special approval use permit, the Planning Commission shall hold a public hearing, notice of which shall be given in accordance with Section 103 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.
 - c. Upon conclusion of the public hearing procedures, the Planning Commission may deny, approve, or approve with conditions a special approval use permit. The decision of the Planning Commission shall

be incorporated in a statement of findings and conclusions relative to the special approval use and shall be sent promptly to the Zoning Administrator and the applicant.

- .03 **BASIS OF DETERMINATIONS.** The Planning Commission shall review the proposed special approval use in terms of the standards stated in this section, and shall establish that such use and the proposed location meet the following standards:
- a. Will be harmonious and in accordance with the general objectives or any specific objectives of the Township's Master Plan.
 - b. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
 - c. Will not be directly or indirectly hazardous or disturbing to existing or future uses, ecosystems, waterways, wetlands, etc.
 - d. Will be an improvement in relation to property in the immediate vicinity and to the Township as a whole.
 - e. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately for any such service or facility.
 - f. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.
 - g. Will be consistent with the intent and purposes of this chapter.
- .04 **CONDITIONS AND SAFEGUARDS.** The Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, the protection of individual property rights and ensuring that the purposes of this chapter and the general spirit and purpose of the district in which the special approval use is proposed will be observed. Special approval use permits may be issued for specific time periods, as determined by the Planning Commission.
- .05 **VOIDING ACTION.** Unless otherwise specified by the Planning Commission, any special approval use permit granted under this section shall be null and void unless the development proposed shall be operational within two (2) years of the date of special use approval. The Building Official shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared.
- .06 A special use permit may be suspended or revoked according to the following procedure:

- a. Conditions which may give rise to a suspension or revocation proceeding include, but are not limited to, the following:
 - i. The special approval use was not constructed in conformance with the approved plans, or the property is not being used in conformance with the approved special use; or the approved special use is not operational within two (2) years of the date of special use approval; or
 - ii. Compliance with the special use permit and any conditions have not been consistently demonstrated and administrative attempts to secure compliance have been unsuccessful; or
 - iii. The special use permit is issued erroneously on the basis of incorrect or misleading information supplied by the applicant and/or his/her agent; or
 - iv. The operation of the use granted by special use permit has created a risk or danger to the public health, safety or welfare; or
 - v. The special use is a violation of any provision of this ordinance or other township, county, state or federal regulations.
- b. If the Building Official or designee determines that a condition for suspension or revocation of the special use permit exists, the Building Official shall prepare a report in writing specifying the specific factual details for the violation and which support the suspension or revocation of the special use permit.
- c. The Building Official or designee shall file the report so prepared with the Township Supervisor, who shall provide a copy to the Township Board, and serve a copy of such report upon the permittee or its authorized agent or employee personally or by regular mail and certified mail, return receipt requested.
- d. After the Supervisor submits the report to the Township Board, the Township Clerk shall schedule a hearing within a reasonable period of time after Township Board's receipt of the report to consider the alleged violation. Notice of the hearing(s) shall be served by the Township Clerk upon the permittee or its authorized agent or employee personally or by regular mail and certified mail, return receipt requested not less than seven (7) days before a scheduled hearing date, and such notice shall advise the permittee of its right to be represented by legal counsel at the hearing before the Township Board.

- e. At all such hearings, the permittee shall have the legal right to defend against the allegations made by way of confronting any adverse witnesses, by being able to present witnesses in his/her behalf, by being allowed to present arguments, personally or through legal counsel in his/her own behalf.
 - f. The Township Board shall prepare a written statement of its findings within thirty (30) days of the conclusion of all such hearings and shall serve such findings upon the permittee either personally or by regular mail and certified mail, return receipt requested. If the Township Board decides that the special use permit shall be suspended or revoked, the permittee shall not thereafter conduct, operate or carry on the business or use for which the special use permit was granted.
- .07 REAPPLICATION. No application for a special approval use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the Planning Commission.

SECTION 19.10 SITE PLAN REVIEW

The review and approval of site plans is necessary and required in order to minimize the possibility of adverse effects upon adjacent property and furthermore, to ensure proper relationships between the development features as they relate to: traffic safety, service roads, driveways, parking areas, accessory buildings and uses, open spaces, adjoining areas, environmental quality and the land use goals of the community.

- .01 The Building Official shall not issue a building permit for the construction of a building or development of Site Condominiums and Condominium Developments, pursuant to P.A. 59 of 1978, until a Site Plan for the development has been submitted to the Argentine Township Planning Commission and Board for its review and approval. This provision shall not apply to the erection or alteration of single family homes which are built upon lands platted pursuant to 1967 P.A. 288 or which are being built on unplatted parcels which are not intended to be built pursuant to 1979 P.A. 59, adopted 1/2/90, published 2/4/90, effective 3/4/90.

Approval shall be contingent upon a finding that: (1) The Site Plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety, and (2) All the development features including the principal building or buildings and any accessory buildings, or uses 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 such as, but not limited to: channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking on service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access.

- .02 Any persons may file a request for a Site Plan review by the Township Planning Commission, and the Township Board provided the subject property is properly zoned by filing with the Township Clerk the complete application upon the forms therefore furnished by the Clerk. As an integral part of said application, the applicant shall file at least seven (7) copies of a Site Plan, which shall conform to the following minimum requirements.
- a. A scale of not less than 1" = 30' if the subject property is less than three (3) acres and 1" = 50' if three (3) acres or more, and of such accuracy that the same can be readily interpreted.
 - b. The property shall be identified by lot lines and location, including dimension, angles or bearing and areas, correlated with the legal description of said property. Such Site Plan shall be designed and prepared by a Registered Land Planner, Registered Architect, Registered Professional Engineer, or Registered Land Surveyor. Such plan shall further include the name and address of property owners, developers and designers.
 - c. The Site Plan shall show the scale, north point, existing elevations (at least at two (2) foot contour intervals or at fifty (50) foot grid intervals), boundary lines and topography showing such natural features as woodlots, streams, rivers, lakes, drains, and similar features.
 - d. The Site Plan shall show existing man-made features such as buildings, structures, high tension towers, pipe lines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts, drains and easements and shall identify adjacent properties and their existing uses.
 - e. The Site plan shall show the location and size of proposed main and accessory buildings, their relation one to another, and to any existing structures on the site, the height of all buildings and the percentage of lot coverage of all main buildings.
 - f. The Site Plan shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type, and also a parking schedule showing parking spaces per dwelling unit.
 - g. The Site Plan shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features, within and without the site, the location, size and number of parking spaces in the off-street parking areas, the identification of service lanes and service parking.
 - h. The Site Plans shall show the proposed location, use and size of open spaces and the location of any landscaping, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.

- i. In the case where a petitioner wishes to develop a given area, but wishes to begin with only a portion of the total area, the Site Plan shall include the proposed general layout for the entire area in sufficient detail to allow planning review. This layout shall include general road alignment, general open space, parking and building relationships. The initial stage shall be clearly superimposed upon the overall plan in order to illustrate the method of development intended. Each subsequent development stage shall follow the same procedure until the area controlled by the petitioner is developed.
- .03 Upon receipt of such application from the Clerk, the Township Planning Commission shall recommend approval, approval with conditions, postpone, or deny the site plan application. If the site plan is denied, the reasons for denial will be communicated to the applicant. The Planning Commission shall consider:
- a. The location and design of driveways providing vehicular ingress and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matter as will assure:
 - i. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - ii. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - c. Compliance with the standards established within this Ordinance.
- .04 After the Site Plan is reviewed and a recommendation is made by the Planning Commission, the site plan shall be submitted to the Township Board for approval or disapproval.
- .05 The approval by the Township Board of any Site Plan under this provision shall expire one (1) year after the date of such approval, unless actual construction and development have been commenced in accordance with said Site Plan prior thereto. If such construction and development is commenced within said one (1) year period, then such approval shall continue for a period of five (5) years from the date thereof; provided, however, that in the event a lapse of more than one (1) year in continuous substantial construction and development does occur, then in such event, said approval shall expire. The Township Building Official shall not issue a Building Permit for any type of construction on the basis of the approved Site Plan after such approval has expired.

- .06 Any substantial modification, revision or variation in the Site Plan submitted to the building department in conjunction with an application for a Building Permit from the Site Plan approved by the Township Board, shall be subject to review and reapproval in accordance with the same procedure as required under this section.
- .07 Every Site Plan submitted shall be in accordance with the requirements of this Ordinance.
- .08 Site Plan review by the Township shall be required where there is an intensification of use which requires additional parking, where there is an expansion of a building footprint, or where there are changes in parking and driveway circulation.
- .09 A change of a conforming use to another conforming use which does not require additional parking or does not involve exterior changes may be administratively approved. In these cases, the Building Official shall refer a building permit or change of use application to the Site Review Committee, comprised of:
- a. Township Board Representative to the Planning Commission;
 - b. Chairperson of the Planning Commission; and
 - c. Building Official.

The Site Review Committee shall review a building permit application for compliance with the Zoning Ordinance. A permit shall not be issued by the Building Official or designee until all members of the Site Review Committee have determined that the permit application is in substantial compliance with this Ordinance.

A member of the Site Review Committee shall have the authority to refer a permit application to the Planning Commission for additional review or comment.

SECTION 19.11 CONDITIONAL REZONINGS

- .01 **INTENT.** It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the Township must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering items such as, but not limited to, the surrounding land uses, the Township Master Plan, available infrastructure and utilities, and natural features. It is the intent of this Section to provide a process consistent with

the provisions of Section 405 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

.02 APPLICATION AND OFFER OF CONDITIONS. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.

- a. *General Procedure.* A request for a conditional rezoning shall be commenced by filing an application with the Township Zoning Administrator or designee, on the required forms, accompanied by the specified fees. The application and process for considering a conditional rezoning request will be the same as that for considering a rezoning request without any conditions, except as modified by this Section. The application shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Applications for conditional rezoning of a specific site shall be accompanied by a plot plan or survey, which contains all the information required in Section 17.14 of this Ordinance. The applicant shall also present a conceptual plan showing the specific proposed use of the property, and containing all the information required for a zoning amendment.
- b. *Pre-Application Conference.* Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant must informally meet with the Township Zoning Administrator or designee, and other representatives as deemed necessary by the Township, to discuss the proposed development. The Pre-Application Conference is intended to be informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the Argentine Township.

The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the Pre-Application Conference. Any and all statements made by the Argentine Township Board of Trustees, Zoning Administrator or designee, Planning Commissioners, Township employees, attorneys, agents or representatives at the Pre-Application Conference have no legal force and are not legal and binding promises, commitments or contracts.

.03 REVIEW PROCEDURES. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested. Further, the Planning Commission and Township Board shall, at a minimum,

consider all the review considerations contained in this Section and Ordinance in rendering a decision on a request for conditional rezoning.

- a. *Other Required Approvals.* Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this Ordinance.

- b. *Amendment of Conditions.* The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

.04 **PLANNING COMMISSION REVIEW.** The Planning Commission, after public hearing and consideration of the factors for rezoning, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner in writing. In the event that any recommended changes to the offer of conditions are not subsequently offered by the owner in writing, the recommendation of the Planning Commission shall be considered by the Township Board to be a recommendation of denial of the proposed conditional rezoning.

.05 **TOWNSHIP BOARD REVIEW.** After receipt of the Planning Commission's recommendation, the Township Board shall review the Planning Commission's recommendation and deliberate upon the requested conditional rezoning, and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the Planning Commission subsequent to the recommendation of the Planning Commission, then the Township Board shall refer such

proposed additional or different conditions to the Planning Commission for report thereon within a time specified by the Township Board, and the Township Board shall thereafter proceed to deny or approve the conditional rezoning.

.06 APPROVAL. If the Township Board finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested conditional rezoning. The Statement of Conditions shall:

- Be prepared in a form recordable with the Genesee County Register of Deeds.
- Contain a legal description of the land to which it pertains.
- Contain a statement acknowledging that the Statement of Conditions runs with the land, and is binding upon successor owners of the land.
- Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning.
- Contain the notarized signatures of all the owners of the property proceeded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- The Statement of Conditions may be reviewed and approved by the Township Attorney, with the applicant to pay all costs associated with such review and approval.

The approved Statement of Conditions shall be filed by the owner with the Genesee County Register of Deeds within thirty (30) days after approval of the conditional rezoning. The owner shall provide the Township with a recorded copy of the Statement of Conditions within thirty (30) days of receipt. The Township Board shall have the authority 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 the Statement of Conditions would be of no material benefit to the Township or to any subsequent owner of the land; and

Upon the conditional rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification, together with a designation that the land was a Conditional Rezoning with a Statement of Conditions. Upon the conditional rezoning taking effect, and after the required recording

of the Statement of Conditions, unless waived, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

- .07 **COMPLIANCE WITH CONDITIONS.** Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply fully with the conditions contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- .08 **TIME PERIOD FOR ESTABLISHING DEVELOPMENT OR USE.** The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if:
- a. It is demonstrated to the Township Board's sole satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and
 - b. The Township Board finds that there has not been change in circumstances that would render the conditional rezoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- .09 **REVERSION OF ZONING.** If approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (h) above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the Township Board, and proceed pursuant to Article 22.
- .10 **SUBSEQUENT REZONING OF LAND.** When land that is conditionally rezoned with the 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 subsection (i) above, or upon application of the landowner, 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 Genesee County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

.11 AMENDMENT OF CONDITIONS.

- a. During the time period for commencement of an approved development or use specified pursuant to subsection (h) above, 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.
- b. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and Statement of Conditions.

.12 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 the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.

.13 FAILURE TO OFFER CONDITIONS.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

SECTION 19.12 PUBLIC HEARINGS

When any article of this chapter refers to this section, a notice of public hearing shall be made in accordance with Michigan Zoning Enabling Act (Public Act 110 of 2006). Written notice of the public hearing shall be as follows:

.01 NOTICE CONTENT. The notice shall do all of the following:

- a. Describe the nature of the request.
- b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- c. State when and where the request will be considered.
- d. Indicate when and where written comments will be received concerning the request.

- .02 NOTICE PUBLICATION AND MAILING. Notice shall be published and mailed no less than fifteen (15) days prior to the public hearing as follows:
- a. Notice of the request shall be published in a newspaper of general circulation in the Township.
 - b. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - c. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- .03 ORDINANCE AMENDMENTS AND REZONINGS OF MORE THAN TEN (10) PROPERTIES. Public hearings for an amendment to the Zoning Ordinance, or the zoning map that affects eleven (11) or more properties shall only require notice in a newspaper, which shall not be required to indicate the property subject to the request under .01 (b) above, and notice shall not be required to be mailed to individual properties under .02 (b) and .02 (c) above.
- .04 ZBA INTERPRETATIONS AND APPEALS. Public hearings for ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals shall only require notice in a newspaper, as required in .02 (a) above and if the interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal, as required in .02 (b) above. Variances shall require full notification under .02 (a) through .02 (c) above.

ARTICLE 20
BOARD OF APPEALS

SECTION 20.01 CREATION AND MEMBERSHIP

There is hereby established a Board of Zoning Appeals, hereinafter called the "Board", which shall perform its duties and exercise its powers as provided in Act 110, of the Public Acts of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety and welfare secured and substantial justice done.

SECTION 20.02 MEMBERSHIP

(a) Membership.

- .01 The Board shall consist of five (5) members.
- .02 The first member shall be a member of the Township Planning Commission.
- .03 The second member may be a member of the Township Board of Trustees.
- .04 The remaining members shall be selected and appointed by the Board of Trustees, upon recommendation of the Township Supervisor, from the electors of Argentine Township. These members shall be representative of the population distribution and of the various interests present in Argentine Township.
- .05 The Board may appoint up to two (2) alternates to serve during the absence of a regular member. Alternates may serve for one (1) or more consecutive meetings in accordance with state law, or when a regular member is excused from an item due to an announced conflict of interest. Alternates shall serve for a three (3) year term. Alternates shall continue to serve until any item for which they are replacing a regular member has been decided.
- .06 The Board shall, not less than annually, fix and adopt rules and regulations to govern its procedure.
- .07 The members of the Board shall annually elect a Chairman, Vice Chairman and Secretary.
- .08 The member of the Board who is a member of the Board of Trustees shall not serve as Chair.
- .09 An employee or contractor of the Board of Trustees may not serve as a member and/or an employee of the Board.

(b) Terms.

- .01 The term of each member, other than the member of the Planning Commission and the member of the Board of Trustees, if appointed, shall be for three (3) years.
- .02 The term of the Planning Commission liaison shall be for three (3) years or as long as such member holds membership on the Planning Commission.
- .03 The term of the member of the Board of Trustees, if appointed, shall be for three (3) years or as long as such member holds membership on the Board of Trustees.
- .04 A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

(c) Removal.

- .01 Members of the Board shall be removable by the Board of Trustees for nonperformance of duty or misconduct in office upon written charges and after public hearing.
- .02 A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

SECTION 20.03 ORGANIZATION AND PROCEDURES

- (a) All meetings of the Board shall be held at the call of the Chairperson and/or Township Staff and at such times as the Board may determine. All hearings conducted by the Board shall be open to the public. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and evidence pertinent to the matters before it.
- (b) The Board shall make no recommendations or decisions, except in a specific case and after a public hearing conducted by said Board. Notice of the public hearing shall be provided in accordance with Section 19.11.
- (c) The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, an indication of this fact; and shall also keep written records of its hearings and other official action.
- (d) A concurring vote of at least three (3) members is required, regardless of the number of members present.

SECTION 20.04 JURISDICTION

The Board shall have the power to act on those matters listed in the following subsections:

- (a) An appeal may be taken to the Board by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Building Official, Planning Commission or other administrative body authorized by this chapter. An appeal shall be taken within the time prescribed by the Board by general rule. A notice of appeal shall specify the grounds thereof.
- .01 All of the papers or documentation constituting the record upon which the action is appealed shall be provided to the Board. An appeal shall stay all proceedings in furtherance of the action appealed unless the Building Official certifies to the Board, after notice of appeal has been filed, that, in his opinion, the stay of proceedings would cause eminent peril to life or property, in which case the proceedings shall not be stayed, other than by a restraining order, which may be granted by a court of record.
- .02 The Board shall conduct a hearing as required by this article of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney or submit comments in writing.
- .03 The Board shall reverse, modify or refer back with findings a decision or order of the Building Official, other zoning administration staff or administrative decisions of the Planning Commission only if it finds that the action or decision appealed meets at least one (1) of the following:
- a. Was arbitrary or capricious;
 - b. Was based on an erroneous finding of fact;
 - c. Constituted an abuse of discretion; or
 - d. Was based on erroneous interpretation of this chapter.
- (b) The criteria for various types of variances are listed below. The Board shall have the authority to grant a lesser variance than requested upon finding that justice shall be served, or may require conditions of site/operation/use changes to mitigate the impact of any variance.
- .01 The Board may authorize a variance from the strict application of the area or dimensional requirements of this chapter when the applicant demonstrates that a practical difficulty exists on the subject site by demonstrating all of the following conditions:
- a. *Exceptional or extraordinary circumstances or conditions.* An exceptional or extraordinary circumstance or condition exists on the

subject site (such as exceptional narrowness, shallowness, shape or area; presence of floodplain; or exceptional topographic conditions) and strict compliance with the requirements of this chapter would render conformity unnecessarily burdensome. The unique or exceptional condition shall apply only to the characteristics of the subject site and not to the applicant personally. Economic hardship or profits potential are not to be the sole considerations for demonstrating a unique or exceptional condition.

- b. *Unique situation.* The exceptional or extraordinary circumstances or conditions applying to the subject site at the time the ordinance was adopted or amended are unique to the site and are different than typical properties in the same zoning district or the vicinity.
 - c. *Not self-created.* That the immediate practical difficulty causing the need for the variance request was not created by an affirmative action of the applicant or recent owner and would have existed regardless of ownership of the property.
 - d. *Substantial justice.* The request, if granted, would provide substantial justice by preserving property rights similar to those enjoyed by the majority of other properties in the vicinity, and other properties in the same zoning district. The decision shall not bestow upon the property special rights not enjoyed by other properties in the same district, or which might result in significant adverse effects on properties in the vicinity, such as the supply of light and air, significant increases in traffic, increased odors, and increase in the danger of fire, or other activities which may endanger the public health, safety, or welfare.
 - e. *Minimum variance necessary.* The variance shall be the minimum necessary to grant relief created by the practical difficulty.
 - f. *Compliance with other laws.* The variance shall be the minimum necessary to grant relief from the practical difficulty or to comply with state or federal laws.
- .02 The Board shall have the authority to hear and decide dimensional variance requests related to special land uses and associated site plans; provided such request is made prior to review of the special land use by the Planning Commission. This authority shall include the authority to vary specific special land use standards. However, the Board shall not have the authority to overturn a Planning Commission decision to deny a special land use, nor to modify any conditions attached to the approval of a special land use.
- .03 A use variance may be requested when the use proposed by an applicant is not listed as either permitted or as a special land use in the district in which the property is located. Use variances shall only be granted when the applicant demonstrates that all of the following conditions exist:

- a. The proposed use is compatible with existing or planned uses on surrounding properties.
 - b. The applicant has demonstrated that the site can not reasonably be used for any of the uses allowed under current zoning.
 - c. Public utilities and streets are sufficient to accommodate the proposed use.
 - d. An unnecessary hardship exists on the property in question due to very unique circumstances. Such circumstances may include:
 - i. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this article;
 - ii. Exceptional topographic conditions or other extraordinary situation on the land, building or structure;
 - iii. The use or development of the property immediately adjoining the property in question; or
 - iv. Any other physical situation on the land, building or structure deemed by the Board to be extraordinary.
 - e. The variance requested is the minimum necessary to permit a reasonable use of the land.
 - f. That the conditions causing the need for the variance request were not created by any affirmative action of the applicant and would have existed regardless of ownership of the property.
- (c) The Board may permit temporary uses, buildings and structures as allowed within this ordinance.
- (d) The Board shall be responsible for interpretations to the text of this chapter to interpret the provisions or meaning of standards of this chapter in such a way as to carry out the stated intent of the zoning districts and the goals of the Master Plan; and to interpret the boundaries of the Zoning Map where the actual alignment of streets or natural features used to separate zoning districts varies from the alignment shown on the Zoning Map, or where the zoning district boundary does not follow property lines but was intended to do so. In making an interpretation of this chapter, the Board shall have the authority to request an opinion from the Township Attorney and shall adhere to the following:

.01 TEXT INTERPRETATIONS.

- a. The Board shall avoid broad interpretations. Text interpretations shall be confined to the question raised, shall be based on a thorough reading and understanding of the entire chapter, and not have the

effect of amending the chapter.

- b. If the ordinance is silent on a particular use, and the use is not deemed similar to others already listed in the chapter by the Planning Commission, the Board does not have the authority to make such an interpretation; instead, the applicant must seek a use variance from the Board or chapter amendment from the Board of Trustees following an evaluation, public hearing and recommendation by the Planning Commission.
- c. Where the legislative intent of the Board of Trustees is unclear and the facts can be read to support more than one (1) interpretation, the benefit of doubt goes to the property owner.

.02 SUGGEST CHAPTER AMENDMENTS. The Board may suggest chapter amendments to the Planning Commission and Board of Trustees based upon the frequent application for, or granting of, specific variances or problems with interpretation. Such suggestions shall be submitted in writing by the Board to the Planning Commission for further consideration.

SECTION 20.05 CONDITIONS

Any approval granted by the Board may be made subject to such conditions as the Board may require to ensure that the applicable review standards are satisfied. For a site plan or design related condition, the Board may require the applicant to prepare plans for review and approval of a designated Township staff person or the Planning Commission. Any conditions imposed must be stated in writing as part of the record of the approval. The Board may require that a bond or performance guarantee be furnished to insure compliance with certain conditions imposed with the granting of any appeal or variance.

SECTION 20.06 LIMITS ON AUTHORITY

The Board shall not have the power to alter or change the zoning district classification of any property, nor approve a variance within a planned unit development, nor consider variances from the requirements of any special land use or planned unit development option, nor make any change in the terms of this chapter.

SECTION 20.07 EXPIRATION OF APPROVALS

No variance nor order of the Board permitting the erection, or alteration, or use of a building or lot shall be valid for a period longer than one (1) year, except when the Planning Commission grants an extension of a site plan approval (the variance approval expires when or if the site plan approval expires), or unless a building permit for the erection, alteration, or use is obtained within this period and a meaningful erection, alteration, or use is started and is continually proceeding toward completion in accordance with the terms of a permit granted by the Township.

SECTION 20.08 APPEALS

Denial of a decision by the Board may be appealed to Genesee County Circuit Court in accordance with court procedures. Any appeals must be filed within twenty-one (21) days from the date when the minutes of the applicable Board meeting are approved.

SECTION 20.09 FEES

A fee shall be paid to the Township at the time an application to the Board is filed, with which the Township Treasurer shall credit the general revenue fund of the Township. The fees to be charged shall be set by resolution of the Board of Trustees.

ARTICLE 21**TOWNSHIP BOARD APPROVAL**

In cases where the Planning Commission is empowered to approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Board for the proper consideration of the matter. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may, in its opinion, be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance. Any approval given by the Township Board, under which premises are not used or work is not started within one (1) year or when such use or work has been abandoned for a period of one (1) year, shall lapse and cease to be in effect.

ARTICLE 22**CHANGES AND AMENDMENTS**

The Township Board may, from time to time, on recommendation from the Planning Commission or on petition, amend, supplement, or change the district boundaries or the regulations herein, or subsequently establish herein pursuant to the authority and procedure established in Act 110 of the Public Acts of 2006, as amended.

ARTICLE 23**DEFINITIONS****SECTION 23.01 DEFINITIONS**

SECTION 23.01.1 ACCESSORY USE, ACCESSORY BUILDING: An “accessory use” is a use which is clearly incidental to, customarily found in connection with, subordinate to, and located on the same zoning lot as, the principal use to which it is related, and devoted exclusively to the main use of the premises.

SECTION 23.01.2 AIRCRAFT LANDING STRIP (PRIVATE): Shall mean the use of land for the landing or taking off of aircraft by a proprietor residing in a housing unit contiguous to the site of the aircraft landing strip, and may include facilities for the shelter of aircraft but does not include the boarding or care of aircraft owned by other than occupants of the housing units in common ownership with the aircraft landing strip.

SECTION 23.01.3 AIRPORT AND RELATED FACILITIES - COMMERCIAL (PUBLIC OR PRIVATE): Shall mean the use of land for the landing or taking off of aircraft, which provides facilities or shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities.

SECTION 23.01.4 ALLEY: Any dedicated public space affording a secondary means of access to abutting property, and not intended for general traffic circulation.

SECTION 23.01.5 ALTERATIONS: In any change, additions, modification in construction or any change in the structural members of a building, such as bearing walls, columns, beams or girder, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

SECTION 23.01.6 AMUSEMENT DEVICE, ACCESSORY: Means an establishment in which one (1) or two (2) commercial amusement devices are licensed to operate.

SECTION 23.01.7 AMUSEMENT DEVICE, COMMERCIAL: Means an instrument, machine, or contrivance which may be operated or set in motion upon the insertion of a coin or token or the use of which may be permitted by the payment of a fee and which provides amusement, information or entertainment.

SECTION 23.01.8 ARCADE: Means any place or establishment wherein is located three (3) or more commercial amusement devices.

SECTION 23.01.9 APARTMENT: Is a room or suite of rooms arranged and intended as a place of residence for a single-family or a group of individuals living together as a single housekeeping.

SECTION 23.01.9a ATTACHED WIRELESS COMMUNICATION FACILITY (ANTENNAE): Any wireless communication facility affixed to an existing structure, such as a building, tower, water tank, utility pole, etc., used to receive and transmit federal or state licensed communications services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.

SECTION 23.01.10 BUILDING: Is any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

SECTION 23.01.11 BUILDING HEIGHT: Is the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hip roof. Where the building is located on sloping terrain, the height may be measured from the average ground level of the grade at the front building wall unless otherwise defined herein.

SECTION 23.01.12 BUILDING LINE: A line parallel to the front lot line at the minimum required front setback line.

SECTION 23.01.13 BUILDING OFFICIAL, CHIEF ENFORCEMENT OFFICER, CHIEF BUILDING OFFICIAL: Whenever these words and phrases are noted in this Ordinance they should be regarded as being synonymous with one another and refer to the Township Official appointed by the Township Board or designee to administer and enforce this Ordinance.

SECTION 23.01.14 CLINICAL (MEDICAL): Shall mean any facility providing physical or mental health service including diagnostic service, laboratories in conjunction with practitioners, and medical or surgical care of the sick or injured but does not include in-patient or overnight accommodations. Medical clinic includes health center, health clinic, and a group of physicians offices with common shared facilities.

SECTION 23.01.15 CONDOMINIUM ACT: Act 59, Public Acts of 1978, as amended.

SECTION 23.01.16 CONDOMINIUM DOCUMENTS: The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

SECTION 23.01.17 CONDOMINIUM LOT: The condominium unit, and the contiguous limited common element surrounding the condominium unit, shall be the counter-part of “lot” as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.

SECTION 23.01.18 CONDOMINIUM UNIT: The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

SECTION 23.01.19 DEVELOPMENT: Is the construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use or open land for a new use, and/or any man-made change to improved or unimproved real estate.

SECTION 23.01.20 DISTRICT: Is a portion of the unincorporated area of the Township within which certain regulations and requirements or various combination thereof apply under the provisions of this Ordinance.

SECTION 23.01.21 DWELLING UNIT: Is a building or a portion thereof, designed for occupancy by one-family for residential purposes and having cooking facilities.

SECTION 23.01.22 DWELLING, ONE-FAMILY: Is a building designed exclusively for and occupied exclusively by one-family.

SECTION 23.01.23 DWELLING, MULTIPLE-FAMILY: Is a building, or a portion thereof, designed exclusively for occupancy of two (2) or more families living independently of each other.

SECTION 23.01.24 DWELLING, CONDOMINIUM: Is a building consisting of dwelling units in which there is a fee simple ownership of each dwelling unit contained within the building.

SECTION 23.01.25 DWELLING, COOPERATIVE: Is a building consisting of dwelling units in which the tenants enjoy joint ownership of the entire building and its accessory areas.

SECTION 23.01.26 ERECTED: For the purpose of this Ordinance shall include built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises such as, but not limited to excavation, fill and/or drainage.

SECTION 23.01.27 ESSENTIAL SERVICES: Is the erection, construction, alteration, or maintenance by public utilities or municipal departments of structures which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare. Essential services are allowed in every zoning district.

SECTION 23.01.28 EXCAVATION: Is any breaking of ground, except common household gardening and ground care.

SECTION 23.01.29 FAMILY: A collective number of individuals living together in one (1) dwelling unit, whose relationship is of a permanent and distinct domestic character.

SECTION 23.01.30 FARM: Means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products.

Farm operation means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes operations defined by the Right to Farm Act, MCL 286.471 et. seq. as amended, but is not limited to:

- .1 Marketing produce at roadside stands or farm markets.
- .2 The generation of noise, odors, dust, fumes, and other associated conditions.
- .3 The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan Vehicle Code, Public Act No. 300 of 1949 as amended, MCL Sections 257.1 to 257.923.
- .4 Field preparation and ground and aerial seeding and spraying.
- .5 The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- .6 Use of alternative pest management techniques.
- .7 The fencing, feeding, watering, sheltering, transportation, treatment use, handling and care of farm animals.

- .8 The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- .9 The conversion from a farm operation activity to other farm operation activities.
- .10 The employment and use of labor.

Farm product means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aqua-cultural products, bee and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur as determined by the Michigan Commission of Agriculture.

SECTION 23.01.31 FILLING: Is the deposition or dumping of any matter onto, or into the ground except common household gardening and ground care.

SECTION 23.01.32 FLOOD HAZARD BOUNDARY MAP (FHBM): Means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated.

SECTION 23.01.33 FLOOR AREA: The sum of the horizontal areas of each story measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area is exclusive of areas of basement, unfinished attics, garages, breezeways and porches.

SECTION 23.01.34 FLOOR AREA, USABLE: (For purposes of computing parking) Is the area of the building used for or intended to be used for the sale, and display of merchandise or services, or for use to serve patrons, clients or customers. Employee stations, desks, filing cabinet and other equipment used to facilitate merchandising and provision of services is included in usable floor area. Floor area used or intended to be used solely for storage, hallways, stairways, elevator shafts and mechanical rooms, utilities and sanitary facilities, shall be excluded from the computation of "usable floor area". Measurement of usable floor area shall be the sum of the horizontal gross areas of the several floors of the building less the exclusion herein described.

SECTION 23.01.35 FLOOR AREA RATIO, (FAR): The floor area of the building or buildings on a lot divided by the area of the lot. (A maximum "Floor Area Ratio" (FAR) of 3.0 means that a building containing thirty-thousand (30,000) square feet of gross floor area may be constructed on a zoning lot of at least ten-thousand (10,000) square feet. In a FAR of 0.5 means that a building of thirty-thousand (30,000) square feet may be

constructed on a zoning lot containing at least sixty-thousand (60,000) square feet).

SECTION 23.01.36 GENERAL COMMON ELEMENTS: The common elements other than the limited common elements.

SECTION 23.01.37 HOSPITAL: Shall mean any institution providing physical or mental health services, in-patient or overnight accommodations, and medical or surgical care of the sick or injured. Hospital includes sanitariums.

SECTION 23.01.38 HOSPITAL, ANIMAL: Shall mean a facility owned and operated by a doctor of veterinary medicine, where animals are treated for illnesses, injury or preventative purposes and where animals are not boarded or kept, except for purposes of medical care.

SECTION 23.01.39 KENNEL, COMMERCIAL: Any lot or premise on which four (4) or more dogs or cats or other household pets are either permanently or temporarily boarded for remuneration or where such pets are kept for breeding purposes.

SECTION 23.01.40 LIMITED COMMON ELEMENTS: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

SECTION 23.01.41 LOADING SPACE: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

SECTION 23.01.42 LOT: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings together with accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. Every lot, as defined herein, shall front upon a public road or approved private street.

SECTION 23.01.43 LOT, CORNER: A lot where the interior angle of two adjacent sides at the intersection of two (2) streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot line meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

SECTION 23.01.44 LOT, INTERIOR: Any lot other than a corner lot.

SECTION 23.01.45 LOT, THROUGH: Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

SECTION 23.01.46 LOT ZONING: A single tract of land, located within a single block, which at the time of filing for a Building Permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

SECTION 23.01.47 LOT AREA: The total horizontal area within the lot lines of the lot.

SECTION 23.01.48 LOT COVERAGE: The part or percent of the lot occupied by buildings, including accessory buildings.

SECTION 23.01.49 LOT DEPTH: Is the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

SECTION 23.01.50 LOT LINES: The lines abounding a lot as defined herein.

Section 23.01.50.01 LOT LINE, FRONT: That the line separating the lot from the street or body of water. In the case of a corner lot or through lot, the lines separating the lot from each street or body of water. It is the intention of this section to provide that those portions of the lot closest to a body of water shall be considered the front yard.

Section 23.01.50.02 LOT LINE, REAR: A lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one (1) rear 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.

Section 23.01.50.03 LOT LINE, SIDE: Any lot line not a front lot line and not a rear lot line.

Section 23.01.50.4 LOT LINE, INTERIOR: Any lot line which does not abut a public or private street.

Section 23.01.50.05 LOT, WIDTH: The required horizontal distance between the side lot lines measured between the two (2) points where the required front yard setback line intersects the side lot lines.

SECTION 23.01.51 LOT OF RECORD: Is a parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township of County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

SECTION 23.01.52 MAIN BUILDING: Is a building in which is conducted the principal use of the lot upon which it is situated.

SECTION 23.01.53 MAIN USE: Is the principal use conducted on a lot.

SECTION 23.01.54 MAJOR THOROUGHFARE: Is an arterial street which is intended to serve as a large volume trafficway for both the immediate Township area and the expressway.

SECTION 23.01.55 MASTER DEED: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

SECTION 23.01.56 MASTER PLAN: Is a Comprehensive General Development Plan approved by the Planning Commission, including graphic and written material indicating the general location for streets, parks, schools, public buildings, and other physical development of the Township and includes any unit or part of such plan and any amendment to such plan for parts thereof.

SECTION 23.01.57 NATURAL RESOURCE EXTRACTION: The removal of minerals, liquids or gases for sale. All lands disturbed by such removal must be restored to a condition satisfactory to the Township Board. Removal may take place in any zoning district upon the application and approval of a permit by the Township Board. Restoration plans shall be submitted for recommendation to the Planning Commission prior to final approval by the Township Board.

SECTION 23.01.58 NEW CONSTRUCTION: Means structures for which the “start of construction” commenced on or after the effective date of this Ordinance.

SECTION 23.01.59 NON-CONFORMING USE: A use which lawfully occupied a building or lot at the effective date of the Ordinance, or amendments thereto but which does not conform to the provisions of the Ordinance in the district in which it is located.

SECTION 23.01.60 NURSERY, PLANT MATERIALS: A space, building, structure or combination thereof, for the storage of plant materials offered for sale.

SECTION 23.01.61 PARKING SPACE: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto.

SECTION 23.01.62 PRINCIPAL USE: The main use to which the premises are devoted and the principal use for which the premises exist.

SECTION 23.01.63 RECREATIONAL VEHICLES: A transportable structure which is used for camping or casual travel.

SECTION 23.01.64 RESIDENTIAL STRUCTURE: A dwelling unit designed for occupancy for residential purposes and having cooking facilities.

SECTION 23.01.65 ROOM: For the purpose of determining lot area requirements and density, a room is a living room, dining room or bedroom, equal to at least eight (80) square feet in area, a room is not to include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage.

Plans presented showing 1, 2 or 3 bedroom units and including a “den”, “library”, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

SECTION 23.01.66 SETBACK: A distance required to obtain minimum front, side, or rear yard open space provisions of this ordinance.

SECTION 23.01.67 SIGN: The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

SECTION 23.01.68 SIGN, ACCESSORY: A sign which is accessory to the principal use of the premises.

SECTION 23.01.69 SIGN, NON-ACCESSORY: A sign which is not accessory to the principal use of the premises.

SECTION 23.01.70 SITE, CONDOMINIUM: A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located in which each co-owner owns exclusive

rights to a volume of space within which a structure or structures may, be constructed, herein defined as a condominium unit, as described in the master deed.

SECTION 23.01.71 STATE LICENSED DAY CARE FACILITIES.

ADULT DAY CARE FACILITY. Includes the following definitions:

- .01 ADULT FAMILY DAY CARE HOME. A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- .02 ADULT GROUP DAY CARE HOME. A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- .03 ADULT DAY CARE CENTER. A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

CHILD DAY CARE FACILITIES. Includes the following definitions as defined and regulated by PA No. 116 of 1973 as amended:

- .01 CHILD FAMILY DAY CARE HOME. A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

- .02 **CHILD GROUP DAY CARE HOME.** A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- .03 **CHILD CARE CENTER.** Also known as “day care center”, a state-licensed facility, other than a private residence, receiving one (1) or more minor children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

STATE LICENSED FOSTER CARE FACILITIES.

ADULT FOSTER CARE FACILITY. A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, PA No. 218 of 1979 as amended. The following additional definitions shall apply in the application of this Ordinance:

- .01 **ADULT FOSTER CARE SMALL GROUP HOME.** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- .02 **ADULT FOSTER CARE LARGE GROUP HOME.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- .03 **ADULT FOSTER CARE FAMILY HOME.** A private residence with the approved capacity to receive six (6) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- .04 **ADULT FOSTER CARE CONGREGATE FACILITY.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults

who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation.

CHILD FOSTER CARE FACILITY. A state-licensed establishment that provides foster care to minor children. The following additional definitions shall apply in the application of this Ordinance:

- .01 **CHILD FOSTER FAMILY HOME.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to PA No. 288 of 1939 as amended, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- .02 **CHILD FOSTER FAMILY GROUP HOME.** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to PA No. 288 of 1939 as amended, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

SECTION 23.01.72 STORY: That part of a building including the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

SECTION 23.01.73 STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SECTION 23.01.74 TEMPORARY USE: A use or building permitted to exist during a specific period of time.

SECTION 23.01.75 USE: The principal purpose for which land or a building is arranged, designed or intended or for which land or a building is or may be occupied.

SECTION 23.01.76 VARIANCE: A modification of the provision of the ordinance granted when strict enforcement of the ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

SECTION 23.01.77 VARIANCE, USE: A variance which grants a use to property which is a use prohibited in the zoning classification in which the property is located.

SECTION 23.01.78 VARIANCE, NON-USE: A variance which grants a modification of the provisions of the ordinance to property which is used for a use allowed in the zoning classification in which it is located.

SECTION 23.01.79 WALL, OBSCURING: A structure of sufficient height and location to serve as an obscuring screen.

SECTION 23.01.80 WIND ENERGY CONVERSION SYSTEMS.

Wind Energy Conversion System (WECS) shall mean any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of electrical energy greater than one (1) kilowatt.

- a. Private WECS shall mean any WECS that is accessory to a principal non-residential or residential use located on the same lot, and is designed and built to serve the needs of the principal use which may provide some electricity back into the power grid when needs of principal use are exceeded.
- b. Commercial WECS shall mean any WECS that is designed and built to provide electricity to the electric utility's power grid as an ongoing commercial enterprise and/or for profit.
- c. Temporary WECS shall mean any WECS not permanently affixed to a structure or the ground and will serve a need for no more than 365 days.
- d. Manual and Automatic Controls give protection to power grids and limit rotation of WECS blades to below the designed limits of the conversion system.
- e. An Authorized Factory Representative shall mean an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
- f. A Professional Engineer shall mean any licensed engineer registered in the State of Michigan.
- g. A Utility Scale wind farm shall mean all wind farms that produce greater than fifty (50) kilowatts of energy.
- h. Facility Abandonment shall mean out of production for a period of time not less than one (1) year.

SECTION 23.01.81a WIRELESS COMMUNICATION FACILITY: All facilities, structural, attached, or accessory, related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals and includes, radio and television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities.

Not included are facilities for: citizen band radio, short wave radio, ham and amateur radio, television reception antennae, satellite dishes, and governmental facilities which are subject to state and federal law or regulations that preempt municipal authority. Wireless communication facilities shall be specifically excluded from the definition of "essential services."

SECTION 23.01.81b WIRELESS COMMUNICATION FACILITY (COLOCATION):

The location by two (2) or more wireless communications providers, public authorities or other duly authorized parties of wireless communications facilities on a common structure in a manner that reduces the overall need for additional or multiple freestanding single use communications facilities and/or support structures within the Township.

SECTION 23.01.81c WIRELESS COMMUNICATION SUPPORT STRUCTURE (TOWER):

Any structure used to support attached wireless communication facilities, or other antennae or facilities, including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof-mounted pole, monopole, or other similar structures which support wireless communication facilities.

SECTION 23.01.82 YARDS: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward.

SECTION 23.01.83 ZONING ADMINISTRATOR: The Township Official appointed by the Township Board to administer and enforce the regulations of the Zoning Ordinance.

ARTICLE 24

REPEAL OF PRIOR ORDINANCE

All prior zoning ordinances are repealed.

ARTICLE 25**INTERPRETATION**

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

ARTICLE 26**VESTED RIGHT**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

ARTICLE 27**ENFORCEMENT, PENALTIES, AND OTHER REMEDIES****SECTION 27.01 VIOLATIONS**

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to not more than Five Hundred (\$500.00) Dollars and the cost of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment at the discretion of the court, together with the costs of such prosecution.

SECTION 27.02 PUBLIC NUISANCE PER SE

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

SECTION 27.03 FINES; IMPRISONMENT

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

SECTION 27.04 EACH DAY A SEPARATE OFFENSE

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SECTION 27.05 RIGHTS AND REMEDIES ARE CUMULATIVE

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

ARTICLE 28
SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part so declared to be unconstitutional or invalid.

ARTICLE 29**EFFECTIVE DATE**

Public hearing having been held hereon, the provisions of this Ordinance are hereby given immediate effect upon its publication, pursuant to the provisions of Act 110 of the Public Acts of 2006, as amended.

Made, passed, and adopted by the Township Board of the Township of Argentine, Genesee County, Michigan, on this 29th day of August, 2011.

SIGN ORDINANCE
TOWNSHIP OF ARGENTINE

SECTION 1 PURPOSE AND SCOPE

It is the intent of this Ordinance to safeguard and enhance property values in the Township of Argentine; to encourage sound practice and lessen the objectionable effects of competition in respect to size and placement of signs; to reduce hazards to motorists and pedestrians traveling on public ways, and thereby to promote the public health, safety and welfare.

The regulation and standards of this Article are considered the minimum amount of regulation necessary to achieve a substantial government interest for public safety, traffic safety, aesthetics, protection of property values, and are intended to be content neutral. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the Township as to:

- A. **First Amendment Rights.** Protect the public right to express and receive messages, especially, non-commercial messages such as religious, political, social, philosophical and other types of information protected by the First Amendment of the United States of America Constitution. Nothing in this Article is intended to limit the expression of free speech protected by the First Amendment of the United States of America Constitution.

- B. **Safety.** The requirements of this Article, including without limitation those with regard to placement, installation, maintenance, size and location of signs are intended to minimize distractions to motorists, maintain unobstructed vision for motorists, protect pedestrians, and otherwise minimize any threat to public health or safety.

- C. **Aesthetics.** Signs should enhance the appeal of Argentine Township. Thus, these regulations are intended to:
 - 1. Regulate signs that are out-of-scale with surrounding buildings and structures.
 - 2. Prevent an excessive accumulation of signs.
 - 3. Encourage signs that enhance the appearance and value of business districts.
 - 4. Limit off-premises advertising signs which are distractions to the motoring public and are deleterious to the well-being of the citizens and the economic

development of the Township, including development and promotion of tourism and the preservation of the Township's unique character and historical significance.

5. Recognize that different areas of the Township require different sign regulations due to factors such as their intended audience (pedestrians, drivers, etc.) and their ability to help promote the character of the area.
- D. **Equal Protection and Fairness.** These regulations are designed to be fair to each property owner by establishing uniform standards that provide adequate exposure to the public for all property owners for both commercial and non-commercial speech and expression.
- E. **Land Use Planning Objectives.** The placement and design of signs should further the land use planning objectives of the Township, and protect neighborhood character and the value of surrounding properties. These regulations will advance these objectives by fostering economic development while preserving the Township's unique character and heritage.

SECTION 2 SIGN STANDARDS / ZONING DISTRICTS

- A. **General.** The following sign districts by zone are hereby established. Only signs as described herein and as may be described under TEMPORARY SIGNS and EXCEPTIONS will be permitted in each particular district.

A sign which displays, animation, scrolling, blinking, flashing or intermitted lights or changing degrees of intensity shall be prohibited.

- B. **Residential District Signs – One Family and Multiple-Family.**

1. **General.** This section of the code shall apply to all zones designated by the Zoning Ordinance as AG – Agriculture, R-1 – Rural Residential, R-2 – Urban Residential, RM – Multi-Family Residential, and MHP – Mobile Home Park.
2. **Size.** One (1) sign not exceeding two (2) square feet in area shall be permitted per dwelling unit. For multiple dwellings one (1) or more additional signs with an aggregate total of twelve (12) square feet in areas shall be permitted.
3. **Location.** Permitted signs may be anywhere on the premises, as permitted by the Zoning Ordinance, and may not project beyond any property line. If ground mounted, the top shall not be over five (5) feet above the ground and if building mounted, shall flush mounted, shall not be mounted on any roof of the building and shall not project above the roof line.

4. **Content.** The sign per dwelling unit shall indicate only the name of the occupant and may include the address. An additional sign shall be used only for multiple dwellings for identification of the building.
 5. **Illumination.** Illumination, if used, shall be what is known as white and not colored light and shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign or upon property within the premises on which the sign is located and shall not spill over the property lines, in any direction, except by indirect reflection.
- C. **Non-Residential District Signs.** The following signs shall be permitted in districts zoned for nonresidential use, including districts zoned C-1, C-2, M-1, and M-2:
1. **Freestanding Signs.** Freestanding signs shall be allowed in the C-1, C-2, M-1, and M-2 districts, subject to the following regulations:
 - a. **Number.** One (1) freestanding sign shall be allowed per street or road frontage on each business site.
 - b. **Size.** The total area of the freestanding sign shall not exceed one-half ($\frac{1}{2}$) of one (1) square foot per lineal foot of lot frontage, but in no case shall the freestanding sign exceed sixty (60) square feet in area.
 - c. **Setback from Right-of-Way.** Freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be located closer than fifteen (15) feet to the right-of-way line. If a parcel is served by a private road or public road, no portion of a freestanding sign shall be closer than fifteen (15) feet to the edge of the public road or private road easement/right-of-way.
 - d. **Height.** The height of a freestanding sign in any nonresidential district shall not exceed twelve (12) feet above the natural grade.
 - e. **Setback from Residential Districts.** Freestanding signs shall be located no closer to any residential district than indicated in the following table:

Table 2.3-1 Freestanding Sign Setback from Residential District

Zoning District in Which Sign is Located	Required Setback from Residential District (feet)
C-1, C-2	50
M-1, M-2	100

Table 2.3-2 Summary of Non-Residential Sign Regulations

Zoning District	Wall Signs	Freestanding Signs	Window Signs
C-1, C-2, M-1, M-2	1 wall sign permitted 1 square foot per lineal foot of building frontage (up to 60 square feet of sign area)	1 freestanding sign permitted per street frontage ½ square foot per lineal foot of lot frontage, not to exceed a maximum of 60 square feet of sign area Setback from right-of-way 15 feet	Total combined area of signs shall not exceed ¼ or 25% of the total window area

2. **Motor Fuel Price Signs.** Motor fuel price signs shall be permitted, subject to the following standards:
 - a. **Number.** One (1) motor fuel price sign shall be permitted for each fueling station.
 - b. **Size.** Motor fuel price signs shall not exceed twenty-five (25) square feet in area. Motor fuel price signs shall not be counted in determining compliance with the standards for total area of wall or freestanding signs permitted on the parcel.
 - c. **Setback.** Motor fuel price signs shall comply with the setback and height requirements specified for freestanding signs in the district in which the signs are located.

3. **Wall Signs.** Wall signs shall be permitted in C-1, C-2, M-1, and M-2, subject to the following regulations:
 - a. **Number.** One (1) wall sign shall be permitted per street or highway frontage on each business site. In the case of a multi-tenant building or shopping center, one (1) wall sign shall be permitted for each tenant having an individual means of public access. Tenants who occupy a corner space in a multi-tenant structure shall be permitted to have one (1) sign on each side of the building. Where several tenants use a common entrance in a multi-tenant structure, only one (1) wall sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants. In the event that the resulting multi-tenant sign is no longer safely legible to the public the applicant may petition the Zoning Board of Appeals for a variance.

- b. **Size.** The total area of a wall sign shall not exceed one (1) square foot per lineal foot of building frontage, but in no case shall the wall sign exceed sixty (60) square feet in area. Buildings which are set back more than one hundred and fifty (150) feet from the road right-of-way may be allowed to have a maximum square footage, (based upon the preceding lineal foot formula), not to exceed two hundred (200) square feet.
 - c. **Location.** For a building on a corner lot with frontage on two (2) streets or road, one (1) wall sign may be located on each side of the building that faces a street or road.
 - d. **Vertical Dimensions.** The maximum vertical dimension of any wall sign shall not exceed one-fourth ($\frac{1}{4}$) of the building height.
 - e. **Horizontal Dimensions.** The maximum horizontal dimension of any wall sign shall not exceed one-half ($\frac{1}{2}$) of the width of the building.
 - f. **Height.** The top of a wall sign shall not be higher than whichever is lowest:
 - i. The maximum height specified for the district in which the sign is located.
 - ii. The top of the upper sills at the first level on windows above the first story.
 - iii. The height of the building facing the street on which the sign is located.
 - g. **Projection.** A wall sign shall not project more than twenty-four (24) inches from the face of a wall.
4. **Awning and Canopy Signs** Signs on awnings and canopies shall be allowed in commercial, office, and industrial districts, subject to the following standards:
- a. **Coverage.** The total area of the lettering and logo shall not exceed twenty-five percent (25%) of the total area of the awning or canopy that is visible from the street.
 - b. **Compliance with Wall Sign Size Requirements.** The area of the sign on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.

- c. **Projection.** Limitations imposed by this article regarding projection of signs from the face of a wall or building shall not apply to awning and canopy signs, provided that such signs shall comply with the setback requirements for the district in which the signs are located.
 - d. **Vertical Clearance.** A minimum vertical clearance of ten (10) feet shall be provided beneath any awning or canopy.
 - e. **Illuminated Fabric Canopy Signs.** A translucent fabric canopy sign with internal illumination shall be considered as a wall sign. The entire surface of the illuminated fabric canopy shall be counted in the determination of sign area.
5. **Window Signs.** Temporary and permanent window signs shall be allowed on the inside in commercial, industrial, and office districts, provided that the total combined area of such signs, including incidental signs, shall not exceed one-fourth ($\frac{1}{4}$) or twenty-five percent (25%) of the total window area. However, all such signs shall be placed in a manner that will not block or impede visibility through the window by police, fire, and other public safety personnel. Window signs are subject to the regulations for illumination, brightness, and interval.
- D. **Shopping Centers Signs.** One (1) ground sign, used to identify a shopping center, shall be permitted and shall conform with the requirements of Section 2.C.1. Each business with a separate entrance within a neighborhood shopping center may provide one (1) wall sign which shall conform to the requirements of Section 2.C.4.

Where the roof structure of a building containing more than one (1) business is extended over a walkway along the outer edge of the building, one (1) underhanging sign may be permitted for each business in the building, provided:

- 1. All such signs will be of an identical size and shape.
- 2. Underhanging signs shall contain the name of the business only and shall not exceed four (4) square feet in area per side.
- 3. All such underhanging signs shall utilize identical lettering style and color scheme.
- 4. A vertical clearance of at least eight (8) feet is provided between the sign and any part of the sign structure and the surface of the sidewalk at ground level.

- E. **Nonconforming Uses.** Any building or land use not conforming to the Zoning Ordinance provisions for the zone in which it is located shall, nevertheless, comply with all the provisions of this Sign Ordinance for the conforming zone.

SECTION 3 TEMPORARY SIGNS

A. Temporary signs include, but are not limited to, the following:

1. For a single dwelling or building or vacant land: an on-site real estate sign, advertising the premise of sale, rent, or lease, shall not exceed twelve (12) square feet and shall be removed within fourteen (14) days of the sale, rental, or lease.
2. For a single dwelling or building or vacant land: an off-site real estate sign for the purpose of providing direction to another premise that is offered for sale, rent, or lease shall not exceed four (4) square feet.
3. An on-site sign advertising an on-going garage, estate, or yard sale shall not exceed eight (8) square feet.
4. An off-site sign for the purpose of providing direction to another premise that is having a garage, estate, or yard sale, as long as the dates of the sale are clearly indicated on the sign, shall not exceed eight (8) square feet.
5. Portable signs mounted on wheels, trailer, or other type of foundation may be allowed within the C-1, C-2, M-1, and M-2 districts, and shall require a permit issued by the Building Official under Section 9 of this ordinance. Portable signs shall not exceed thirty-two (32) square feet.
6. Political signs, election signs, and free expression signs may be allowed in all zoning districts, but shall not exceed thirty-two (32) square feet.
7. Holiday or other seasonal signs.
8. Construction signs for buildings under construction shall not exceed thirty-two (32) square feet.
9. Temporary signs for special events, fundraisers, and festivals for schools, churches, libraries, service organizations, or other nonprofits shall be allowed a temporary sign up to thirty-two (32) square feet in size.

B. Location of Temporary Signs.

1. Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.
2. Temporary signs shall not be located closer than twenty (20) feet to the edge of the traveled portion of the roadway and shall not be located in a dedicated right-of-way.

3. Temporary signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.
4. Temporary signs cannot be constructed or placed so as to create a hazard of any kind.
5. Prior to the erection or placement of a temporary sign, the permission of the property owner where the sign is to be located must be secured.
6. Signs shall be located so as to comply with the corner clearance requirements of this ordinance.

C. **Time Limitations of Temporary Signs.** A temporary sign at any location shall not be displayed more than thirty (30) days in any calendar year, and shall not be renewable unless specified below.

Exceptions:

1. Where there is a valid contract for work on the premises or real estate sales or rental that exceeds sixty (60) days, then temporary signs shall be permitted on the premises for additional periods of time.
2. A sign which advocates or opposes a candidate for public office or a position on an issue to be determined at an election shall be removed within four (4) days after the election.
3. Ideological opinion or free expression signs shall have no time limitations for display.

D. **Street Banners.** Temporary banners for civic or non-profit events and festivals may be approved by the Township Board of Trustees for periods of time up to fourteen (14) days before and seven (7) days after the event.

SECTION 4 ELECTRONIC MESSAGE SIGNS

A. **Electronic Message Sign.** Electronic Message Signs (LED) shall be permitted only in the C-1, C-2 zoning districts, as either a freestanding or wall-mounted sign or window sign. This shall exclude electronic message signs for non-profit organizations such as churches, schools, libraries, etc. in accordance with this ordinance. Electronic message signs shall be allowed in the C-1, C-2 subject to the following additional regulations:

1. The electronic display shall not be animated, flashing, multi-colored, or scrolling.

2. The frequency of the message change shall be restricted to no more than once every six (6) seconds.
3. The maximum area of an electronic message board shall be considered a part of a wall or freestanding sign and shall not exceed fifty percent (50%) of the total sign area as allowed per zoning district and sign regulations of this ordinance.
4. The maximum height of an electronic message board shall conform to the height regulations for signs allowed in each zoning district.
5. The electronic message sign may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. Maximum sign luminance shall not exceed 0.3 foot-candles above ambient light measurement (day or night) based upon the size of the sign (in square feet) and distance measured perpendicular to the sign face in accordance with the following table:

Maximum Light Levels of Electronic Signs

Maximum Allowed Ambient Light Level	Area of Sign (sq. ft.)	Measurement of Distance (ft.)*
0.3 foot-candles	10	32
0.3 foot-candles	15	39
0.3 foot-candles	20	45
0.3 foot-candles	25	50
0.3 foot-candles	30	55
0.3 foot-candles	35	59
0.3 foot-candles	40	63
0.3 foot-candles	45	67
0.3 foot-candles	50	71
0.3 foot-candles	55	74
0.3 foot-candles	60	77

6. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password-protected software or other method satisfactory to Argentine Township.

SECTION 5 EXEMPTIONS

The following types of signs are exempted from all the provisions of this Ordinance, except for construction and safety regulations and the following requirements:

- A. **Public Signs.** Signs of a noncommercial nature and in the public interest, erected by, or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and the like.
- B. **Institutional.** Signs setting forth the name or any simple announcement for any public, charitable, education or religious institution, located entirely within the premises of that institution, up to an area of twenty-four (24) square feet. Such signs may be illuminated in accordance with the regulations contained hereinafter. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground-mounted, the top shall be no more than six (6) feet above ground level.
- C. **Integral.** Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
- D. **Private Traffic Direction.** Signs directing traffic movement onto a premise or within a premise, not exceeding three (3) square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the section hereinafter included on illumination. Horizontal directional signs on and flush with paved areas are exempt from these standards.

Signs not exceeding two (2) square feet in area, attached flat against the building, stationary and not illuminated, announcing only the name and occupation of building tenant.
- E. **Rental.** Signs on the premises announcing rooms for rent, table board, apartment or house for rent and not exceeding four (4) square feet in area.
- F. **Vehicles.** Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle.

SECTION 6 ENFORCEMENT / NONCONFORMING SIGNS

- A. **Prohibited Signs.** Prohibited Signs (Section 6) shall be removed by the owner or lessee; or the Building Official shall cause the removal of said signs and assess the owners and/or lessees of such signs the costs of removal.
- B. **Nonconforming Signs.** No nonconforming sign shall be altered or reconstructed unless the alteration or reconstruction is in compliance with this article, except that nonconforming signs shall comply with the following regulations:

1. **Repairs and Maintenance.** Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than fifty percent (50%) of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs, replacement of faded or damaged surface panels, name changes, or repair or replacement of electrical wiring or electrical devices.
2. **Substitutions.** No nonconforming sign shall be replaced with another nonconforming sign.
3. **Modifications to the Principal Building.** Whenever the principal building on a site on which a nonconforming sign is located is modified to the extent that site plan review and approval is required, the nonconforming sign shall be removed.

SECTION 7 PROHIBITED SIGNS

Prohibited signs include the following:

- A. **Confusion With or Obstruction of Traffic Control Device.** Are of a size, location, movement, content, coloring, or manner of illumination of which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal. Signs which contain or are in imitation of an official traffic sign or signal or contain the words "STOP", "GO SLOW", "CAUTION", "DANGER", "WARNING", or similar words are prohibited.
- B. **Advertise Discontinued Service.** Advertise an activity, a business, a product or service no longer conducted on the premises upon which the sign is located.
- C. **Major Moving Part.** Move in any manner or have a major moving part. Only minor decorative parts may move.
- D. **Banners, Strings of Lights, Etc.** Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other regulation.
- E. **Move in the Wind.** May swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.
- F. **Off-Premise Signs.** Off-premise signs are prohibited except in compliance with this Ordinance.

SECTION 8 ILLUMINATION

- A. **Protection of Surroundings.** The light from any illuminated or internally illuminated LED sign shall be so shaded, shielded, or directed that the light intensity or brightness will not create traffic hazards or exceed the maximum allowed light levels of electronic signs as listed in Section 4 of this ordinance when viewed from surrounding areas.
- B. **Blinking Lights.** NO SIGN shall have blinking lights, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color. Beacon lights are not permitted.
- C. **Traffic Hazard.** Neither the directed light, nor reflected light from primary light sources, shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- D. **Exposed Bulbs; Wattage.** No exposed reflective type bulbs and no strobe light or incandescent lamp which exceeds fifteen (15) watts shall be used on the exterior surface or any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

SECTION 9 PERMITS AND FEES SECTION

- A. **Permit Requirements.** No sign shall be erected, altered or relocated without a permit issued by the Building Official, except as otherwise provided herein. Where electrical permits are required, they shall be obtained at the same time as the sign permit.
- B. **Applications.** The permit application shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawings and location of the sign and such other pertinent information as the Building Official may require so to ensure compliance with the Ordinances of the Township.
- C. **Fees.** Fees for sign permits shall be as fixed from time to time by the Township Board and may be waived subject to Board approval.
- D. **Nullification.** A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of one (1) year after the date of the permit.
- E. **Permit Exceptions and Requirements.** The following operations shall not be considered as creating a sign and, therefore, shall not require a sign permit:

1. **Replacing Copy.** The changing of the advertising copy or message on an approved painted or printed sign or billboard or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
2. **Maintenance.** Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
3. **Temporary Signs.** Per Section 3, (with the exception of portable signs Section 3, A, 5) temporary signs are also exempt from permit requirements.

SECTION 10 STRUCTURAL REQUIREMENTS

All signs shall comply with the pertinent requirements of the Building Code adopted by the Township of Argentine.

SECTION 11 INSPECTION, REMOVAL, SAFETY

- A. **Inspection.** Signs for which a permit is required may be inspected periodically by the Building Official for compliance with this and other codes of the municipality.
- B. **Tagging.** All signs requiring permits shall display, in a place conspicuous to inspectors, a tag supplied by the Building Official and containing such data as he may designate.
- C. **Maintenance.** All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- D. **Removal of Sign.** The Building Official may order the removal of any signs erected or maintained in violation of this code. He shall give ten (10) days' notice in writing to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. The Building Official may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.
- E. **Abandoned Signs.** A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it, the Building Official shall give the owner ten (10) days written notice to remove it. Upon failure to comply with this notice, the Building Official or his duly authorized representative may remove the sign at cost to the owner. Where a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirements shall not apply.

SECTION 12 ADMINISTRATION AND PENALTIES

- A. **Enforcement (Building Official).** The Building Official is hereby authorized and directed to enforce all of the provisions of this code. Upon presentation of proper credentials, the Building Official or his duly authorized representative may enter at reasonable times any building, structure or premises in the Township of Argentine to perform any duty imposed upon him by this code.
- B. **Interpretation.** Where there is any ambiguity or dispute concerning the interpretation of this code, the decision of the Building Official shall prevail subject to appeal as provided herein.
- C. **Sign Code Board of Appeals.** The Zoning Board of Appeals shall act as Board of Appeals, hereinafter referred to as "The Board".
- D. **Right of Appeal.** Any person aggrieved by any decision or order of the Building Official may appeal to the Zoning Board of Appeals by serving written notice to the Building Official, who, in turn, shall immediately transmit the notice to the Board, which shall meet to hear the appeal request. Fees shall be required for sign permits, as established by the Township Board. The Building Official shall take no further action on the matter pending the Board's decision, except for unsafe signs which present an immediate and serious danger to the public, as provided elsewhere in this code.
- The Board shall hold public hearings on all appeals and shall permit all interested persons to offer oral or written testimony. The Board shall publish notices regarding the appeals and public hearing for all interested persons at least fifteen (15) days prior to the hearing. After the close of the hearing, the Board, by a majority vote may affirm, annul, or modify the order or action of the Building Official and hereby has the authority so to do.
- E. **Severability.** If any part of this code is found to be invalid, then all valid parts that are severable from the invalid parts shall remain in effect. If any part of this code is found to be invalid in one or more of its several applications, the part shall remain in effect in all valid applications that are severable from the invalid applications.
- F. **Penalties.** Any person who violates this code shall be guilty of a misdemeanor and, upon conviction, shall be punishable by a fine of not more than \$500.00 and/or imprisonment for not more than ninety (90) days.

SECTION 13 DEFINITIONS

- A. **Area, or Surface Area, Sign.** That area enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display. The area of a sign composed of character or words attached directly to a large, uniform building wall surface shall be the smallest rectangle which encloses the whole group.
- B. **Building Line.** A line beyond which no building may extent, as established by Ordinance. A building line in some instances may coincide with the property line.
- C. **Business Site.** The property owned by a business proprietor upon which the business is situated or land owned by the management entity of a commercial center, including any accessory buildings. In the case of multiple businesses operating from one (1) business site, the tenants will be allowed a pro-rata share of the total sign area allowed as permitted by this Ordinance.
- D. **Location.** A lot, premises, building, wall, or any place whatsoever upon which a sign is located.
- E. **Multiple Dwelling.** Any building housing more than two (2) families, unless otherwise defined by the Zoning Ordinance.
- F. **Person.** Any individual, corporation, association, firm, partnership, and the like, singular or plural.
- G. **Projection.** The distance by which a sign extends over public property or beyond the building line.
- H. **Roof Line.** This shall mean either the edge of the roof or the top of the parapet whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
- I. **Sign.** Any letter, figures, design, symbol, trademark, or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever and painted, printed or constructed and displayed in any manner whatsoever out of doors for recognized advertising purposes. However, this shall not include any official court or public notices nor the flag, emblem or insignia of a government, school, or religious group when displayed for official purposes.
- J. **Sign, Awning.** A sign painted on, printed on, or attached flat against and parallel to the surface of an awning. An awning sign is considered a wall sign and subject to wall sign regulations.

- K. **Sign, Canopy.** A rigid multi-sided structure covered with opaque fabric, metal or other opaque material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.
- L. **Sign, Freestanding.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed on or below the ground surface and not attached to any building or any other structure whether portable or stationary.
- M. **Sign, Identity.** Any sign which carries only the name of the firm, the major enterprise or the principal product offered for sale on the premises, or a combination of these.
- N. **Sign, Projecting.** A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
- O. **Sign, Portable.** A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, mounted on wheels, easily movable, and not permanently attached to the ground.
- P. **Sign, Roof.** A sign located on or above the roof of any building.
- Q. **Sign, Shopping Center.** A freestanding sign which provides identification for a group of commercial establishments designed, built, and managed as a unit to serve the retail trade area.
- R. **Sign, Temporary.** A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard, metal, or other like materials and intended to be displayed for a limited period of time.
- S. **Sign, Wall; Flat.** One (1) affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof any buildings and which projects from that surface less than twelve (12) inches at all points.
- T. **Sign, Window.** A window sign is any sign that is placed inside window panes, or glass door and it visible from the exterior of the building.
- U. **Vehicles.** Automobiles, trucks, trailers, railroad cars, construction equipment and other such mobile equipment whose major purpose is other than the display of advertising.