VERGENNES TOWNSHIP
PLANNING COMMISSION

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that a public hearing before the Vergennes Township Planning Commission will be held on **Monday, June 7 at 7:00 PM, at the Vergennes Township Hall, located at 10381 Bailey Drive, Lowell, MI** to consider amendments to the Zoning Ordinance as summarized below:

Amendments are proposed in Chapter 2, Definitions Section, to add or amend definitions of agriculture, child care center, family child care home and group child care home.

In Chapter 3, the R-A District, clarifications are made to the Permitted Uses of agricultural, government owned open space and add family child care home. In the R-A District for Special Exception Uses group child care home is added, day care centers are amended and floor area requirements are added. In the R-1 District, the purpose section is clarified, Permitted Uses are amended to add uses that were described with a pointer to the R-A district, and family child care home is added. In the R-1 Special Exception Uses, group child care home is added, day care center is amended, and floor area requirements are added. In the R-2 District, clarifications are made to the Permitted Uses and adding uses described with a pointer from R-1 and adding family child care home. In R-2 Special Exception Uses group child care home is added, clarifications to other uses, adding schools, libraries, community buildings, municipal structures and uses and churches and parish houses. In R-3 District, Permitted Uses, family child care home is added and other added specific uses described as allowed listed in the R-2 District with a pointer. In R-2 Special Exception Uses, group child care home is added, other uses are clarified and adding schools, libraries, community buildings, municipal structures and uses and churches and parish houses and floor area requirements. In the R-L District, Permitted Uses, family child care home and cemeteries are added and clarifications to other uses. In R-L Special Exception Uses, group child care home and floor area requirements are added. In the Commercial District, child care center is added to Permitted Uses and floor area requirements are amended to match the other districts numbers. In the Commercial District, family and group child care homes are added to the residential uses section.

In Chapter 4, sign section, child care home sign regulations are added. In Chapter 4, parking section, clarifications are made to the driveway parking areas, parking lighting and adding a parking formula for group child care home.

The complete ordinance amendments can be reviewed at the **Vergennes Township Hall, 10381 Bailey Drive, PO Box 208, Lowell, MI 49331 - Phone: (616) 897-5671** [fax 897-5674] or on the website at **www.vergennestwp.org.** Written and oral comments will be received from any interested party until the conclusion of the public hearing. Written comments may be addressed to the Planning Commission Chairman or the Planning Coordinator at the Township Offices. Comments may be emailed to the Planning Commission at: zoning@vergennestwp.org

Vergennes Township Planning Commission

Vergennes Township
Kent County

Ordinance # 2010-___
Adopted _____

AN ORDINANCE TO AMEND CHAPTER 2, DEFINITIONS, CHAPTER 3, ZONING DISTRICTS AND CHAPTER 4 GENERAL AND SPECIAL REGULATIONS OF THE VERGENNES TOWNSHIP ZONING ORDINANCE.

VERGENNES TOWNSHIP HEREBY ORDAINS:

Section 1. Add the following definitions of child care center, family child care home, group child care home and amend agriculture definition to Section 2.02:

Agriculture: Raising of crops, animals, livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals and animal products, forestry, horticulture, floriculture, dairying, aquaculture, raising of tree crops, or other commonly accepted agricultural operations for commercial purposes including the sale of products grown on the premises.

~~*Agriculture:* Raising of crops, animals and animal products; forestry; other commonly accepted agricultural operations for commercial purposes including the sale of products grown on the premises.~~

Agritourism Business: A farm enterprise operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products and whose proprietor resides on the site in a single-family dwelling unit; and which may include educational and/or outdoor recreational programs; a public accommodation use; farm tours; horseback riding; and similar activities.

Apartment house: A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three (3) or more family units, and with a yard, compound, service, or utilities in common.

Attached Communication System: The equipment (i.e. antennas, radios, cables, hangers, accessory building, enclosures and etc.) used for the transmission and/or reception of signals for radio, television, cellular telephone, microwave, enhanced mobile radio, personal communication, pagers, internet and similar devices. This definition shall not include support structures.

Attached Single Family Dwelling: Shall mean a residential structure, other than a manufactured housing unit, designed for and consisting of up to four (4) residential dwelling units, each such residential dwelling unit having private and independent egress.

Basement: That portion of a building below the first floor joists, at least half of whose clear ceiling height is below the level of the adjacent ground.

Bed and Breakfast: An owner-occupied residential building wherein up to six (6) rooms or suites are offered, for compensation, as overnight lodging for transient guests and which may provide one or more meals per day primarily for overnight guests only.

Bluff: The top of a steep bank rising sharply from the water's edge. If an existing flat area begins at the water's edge before rising into a steep bank, the bluff setback does not apply.

Boardinghouse: A dwelling in which lodging or meals, or both, are furnished to three (3) or more guests for compensation.

Boat Slip: A space designed for the mooring of a single watercraft. Such spaces may extend from a dock or shoreline.

Building: A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Building height: The elevation measured from the average finished lot grade at the front of the building to the highest point of the roof.

Child care center: Any facility in which one or more preschool or school-age children are given care and supervision for periods of less than 24 hours per day on a regular basis where the parents or guardians are not immediately available to the child. Child care centers provide care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. Child care centers do not include Family or Group Day Care Homes, or Schools. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public

meetings, or by a fitness center or similar operation, shall be considered accessory to such principal use and shall not be considered to be a child care center and a special land use shall not be required for these types of accessory uses. Activities for children sponsored by and supervised by organized club or hobby groups such as youth clubs, scouting, recreational or educational programs shall not be considered a child care center.

Child care – family child care home: Is a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

Child care – group child care home: Is a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

Cluster: Shall mean a grouping of residential dwellings arranged in harmony with the natural features and topography of the site and in compliance with the terms of this Ordinance.

Co-Location: The activity of placing more than one Attached Communication System on a Support Structure.

Commercial recreation establishment: Any establishment whose main purpose is to provide the general public with a sport or recreational activity and where tickets are sold or fees are collected for the activity, including without limitation, skating rinks, miniature golf, driving ranges, arcades, bowling alleys, billiard halls, go-cart tracks, exercise and health clubs, tennis clubs, rural recreation facilities and similar uses.

Common Open Space: Shall mean land within an Open Space Preservation Development or PUD which is not individually owned and which may not be subdivided. Such land shall be permanently protected from development and preserved in an undeveloped state. Areas not considered common open space shall include areas devoted to public or private road right-of-ways or any land that has been or is to be conveyed to a public agency for utilities, areas devoted to County drain easements, existing surface water bodies and regulated wetlands.

Condominium: Shall mean that portion of a condominium project designed and intended for separate use and ownership, as described in a master deed.

Condominium Project: Shall mean a plan or project consisting of not less than two (2) condominium units established in conformance with Act 59 of the Public Acts of 1978, as amended.

Conservation easement: A less than fee simple interest in land, that is donated or sold by a landowner to a governmental unit or a nonprofit land trust. The landowner or resident association retains ownership and continues to pay property taxes, and ordinarily gives up the right to fully develop the property. The existence of a conservation easement does not imply free ingress and egress by the general public or any other group. The purpose of a conservation easement is to permanently protect significant open space, recreational, natural, agricultural, or historical resources.

Country club: A private club catering primarily to its membership, providing recreational, entertainment and social activities, which customarily includes golf, swimming, a clubhouse, riding, etc; but which does not include sleeping facilities.

Density: Shall mean the total number of dwelling units divided by the area of land under

Section 2. Pertaining to permitted uses in the R-A District, clarify Sections 3.04, B, 1, 2, 8, and add 19, as shown in the following pages:

Section 3. Pertaining to special exception uses in the R-A District, put group child care home in a separate section and remove it from the child care center section of Sections 3.04, C, 11, 12 and renumber rest of listed uses. In Section 3.04 G, add floor area requirements as shown in the following pages:

201.303 Interpretation of zoning district boundaries.

3.03. Where uncertainty exists as to the boundaries of any of the districts or zones shown on the Zoning Map, the following rules shall apply:

A. Zoning district boundary lines are intended to be parallel or perpendicular to street or lot lines, unless such district boundary lines are fixed by dimensions, as shown on said Zoning Map.

B. Where district boundaries are indicated as approximately following street lines or proposed street lines, such lines shall be construed to be such boundaries.

C. Where district boundaries are so indicated that they approximately follow lot lines and are not more than twenty-five (25) feet distant therefrom, such lot lines shall be such boundaries.

D. Where district boundaries cross unsubdivided property or where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the Ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.

E. If all or any portion of any public street, alley, right-of-way, easement or land which is not included in any district shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zone, if there be more than one (1).

201.304 "R-A" Rural-Agricultural District.

3.04.

A. *State of Purpose.* Rural--Agricultural Districts are those open areas of the township where farming, forestry operations and other such rural-type activities exist and should be preserved and encouraged, and where woodlot, wetlands, wildlife and open space contribute to the natural beauty and diversity of the Township and should be preserved and conserved. Accordingly, agricultural land, as well as large vacant areas, fallow land, wooded areas and wetlands may be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply and protection of the air, water and other natural resources are essential to the health and welfare of the Township, county, state and nation.

B. *Permitted Uses.*

1. Farm dwellings, barns, stables, silos, grain bins, milk-houses, housing for farm labor, and structures and uses customarily incidental thereto if located on the same parcel, or on an abutting parcel under common ownership with a farm dwelling.

2. Agricultural, horticultural, viticultural, ~~poultry and~~raising livestock including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals, ~~raising,~~ farm forestry and other similar bona fide farming or agricultural enterprises, EXCLUDING, HOWEVER, rendering plants,

commercial fertilizer production, or garbage feeding or disposal activities.

3. Greenhouses or nurseries.

4. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business including an advertising sign subject to the requirements of Section 201.403 (D) (1) (d).

5. Private single-family dwellings including earth-bermed and earth-shelter dwellings.

6. Home Occupations and Home Based Businesses as defined in this Ordinance.

7. Churches and parish houses.

8. Community buildings, ~~parks, government owned open space public recreational areas~~.

9. Essential services (See Section 4.11).

10. Cemeteries.

11. Wildlife reserves.

12. Hunting preserves.

13. Amateur radio antennas conforming to the terms of this Ordinance.

14. Accessory buildings and uses customarily incidental to the permitted uses when located on the same lot or parcel of land.

15. Open Space Preservation Development, subject to Section 4.35.

16. Rental Storage; subject to the requirements of Section 201.431A.

17. Improved park, when direct access is provided from a public, paved road.

18. Unimproved park.

19. Licensed family child care home (1-6 children in a private home).

C. *Special Exception Uses.*

1. Public utility and service buildings.

2. Concentrated livestock or poultry feeding operations at or above the following population numbers:

   a. A total of seven hundred fifty (750) dairy cattle (all classes), seven hundred fifty (750) slaughter and feeder cattle, one thousand eight hundred (1,800) swine (all classes), one hundred thousand (100,000) poultry (all classes), five thousand (5,000) sheep and goats (all classes), two hundred (200) horses (all classes), or;

   b. A population per contiguous acre of four (4) dairy cattle (all classes), four (4) slaughter and feeder cattle, twenty (20) swine (all classes), seven hundred (700) poultry (all classes), ten (10)

sheep and goats (all classes), four (4) horses (all classes).

c. On a lot of less than five (5) acres, a total population per acre in excess of one (1) cattle (all classes), one (1) horse (all classes), two (2) swine (all classes), two (2) sheep and goats or twenty (20) poultry (all classes).

3. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.

4. Private landing fields.

5. Dog Kennel.

6. Rural recreation facility, subject to the following standards:

a. The use shall have direct access to a public, paved road.

b. No clubhouse or similar building shall be located within 150 feet of any road right-of-way line, and within 400 feet of any side or rear lot line.

c. Any clubhouse or similar building shall not exceed 5,000 square feet of floor area and must be designed consistent with structures on neighboring properties.

d. Any clubhouse or similar building may include light refreshments, restroom facilities or offices; but shall not include indoor sports facilities.

e. Outdoor lighting shall be the minimum required for safe use of the facility and be directed away from neighboring properties and public rights-of-way. Limitations on lighting may be imposed by the Planning Commission.

f. The Planning Commission may limit the hours of operation of the facility to protect the character of surrounding uses.

g. Facilities must employ effective physical barriers and isolation distances to ensure that on-site activities shall not be perceptible beyond the lot line, as determined by the Planning Commission. Tees, fairways, greens and trails shall be arranged in a manner to limit stray golf shots and other trajectories and trespassing onto neighboring properties. The Planning Commission may require fencing and other measures to prevent trespassing into neighboring properties.

h. The applicant shall demonstrate that large increases in the number of patrons and/or spectators shall not occur except upon approval of an amended special exception use application. All parking facilities shall be located on the property and shall not be allowed to spill over into any right-of-way or road.

i. Violation of these standards shall be cause for revocation of the special exception permit.

j. A traffic study may be required by the Planning Commission.

k. To approve the use, the Planning Commission must find that it

(5) No elevated exterior light fixture, including, but not limited to, light poles, canopy lights, soffit lights and similar fixtures, shall exceed fourteen (14) feet in height.

(6) There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon and searchlights are not permitted.

(7) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

g. Proposed signs shall meet the standards of Section 201.403 and sign type shall meet 201.403 (D) (3) (a) (1-3).

10. Free-standing farm buildings. Farm buildings, such as barns, stables, silos, and structures, if not located on the same parcel, or on an abutting parcel under common ownership with a farm dwelling, may be permitted as a special exception use, after review by the Township Board, subject to the terms of Section 5.02, under the following conditions:

a. The parcel shall be not less than twenty (20) acres in area,

b. Free-standing farm building(s) shall be constructed and intended for use exclusively in connection with agriculture.

c. Free-standing farm building(s) shall not be used

(1) As a permanent, temporary or seasonal residence,

(2) For private or commercial storage of personal property, except in connection with a bona fide agricultural activity,

(3) For the retail sale of any product, whether grown or processed on site,

(4) For the processing or manufacture of any product, except in connection with a bona fide agricultural activity.

11. Licensed group child care home (7-12 children in a private home)

a. Application shall meet section 125.3206 of the Michigan Zoning Enabling Act 110 of 2006 and the Child Care Licensing Act 116 of 1973.

b. The Township shall be provided with a copy of the state license and each re-issued license. The child care facility shall not operate without a state license.

c. The exterior of the private home must have residential characteristics consistent with the neighborhood.

d. All parking must be off street and adequate size for the number of patrons dropping off and picking up children and employee parking. Parking is also subject to the provisions of section 201.417.

~~11.~~12. Licensed day care/child care ~~facilities~~ center [being those facilities

licensed or registered as ~~a group day care home (being 7-12 children in a private home) or~~ a day care center/child care center (being any number of children in a non-home ~~facility~~building) by the state under Public Act 116 of 1973]; subject to the following standards:

a. All day care ~~facilities~~ centers must be located on a paved county primary road.

b. That the ~~facility~~ building be setback as follows:

(1) Front yard setback: Seventy-five (75) feet for the main building.

(2) Side setback: Thirty (30) foot minimum from any side lot line, except that the setback shall increase to fifty (50) feet from any adjacent residential zone and one hundred (100) feet from any existing residence.

(3) Rear setback: Fifty (50) foot minimum from any rear lot line, except that the setback shall increase to one hundred (100) feet from any existing residence.

(4) Outdoor play areas shall be setback at least fifty (50) feet from the street right-of-way line and twenty-five (25) feet from the side and rear property lines.

(5) Parking areas shall be setback at least thirty-five (35) feet from the street right-of-way line and thirty (35) feet from any other property line.

c. The Township, in addition to those general standards established in Section 201.502, Special Exception, shall consider standards and may set conditions on the site plan and ~~facility~~ building design to insure that on the property, and at the day care facility, there is:

(1) Adequate ingress and egress to provide separation of incoming and exiting traffic, with appropriate acceleration, de-acceleration lanes and turning lanes;

(2) Adequate off-street loading, unloading, and stacking areas for vehicles that is separated from the parking areas;

(3) Paved parking and loading areas which comply with the parking requirements for elementary schools [Section 201.417(F)(12)];

(4) Appropriate lighting that is directed away from adjacent residential areas and the street;

(5) Adequate fencing or screening of active playground and outdoor play areas;

(6) Compliance with the institutional identification signs requirements for the R-A District [Section 201.403 (D)(1)(a)];

(7) No dormitory style facilities and that the day care facility be designed in appearance to be consistent with those uses and structures in the surrounding area.

d. The Township shall be provided with a copy of the state license and each re-issued license. The day care/child care center ~~facility~~ shall not operate without a state license.

e. The day care/child care center ~~facility~~ shall not maintain regular hours of operations before 6:00 am or after 7:00 pm.

~~12.~~ 13. Wireless communication facilities subject to Section 201.432.

~~13.~~ 14. Planned Unit Development (PUD) subject to Section 210.429.

~~14.~~ 15. ~~.....~~Rental Storage Special Exception Use Permit subject to Section 201.431 (B).

~~15.~~ 16. Agritourism Business, subject to the following standards:

a. The parcel or parcels on which the use is located shall be owner-occupied.

b. The business shall not be incompatible with other allowed uses in the vicinity, as determined by the Township Board.

c. Bedrooms in the dwelling unit may be offered for rental as sleeping rooms, subject to the following:

(1) The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.

(2) The accommodation use shall be limited to five (5) or fewer sleeping rooms.

(3) The rental sleeping rooms shall have a minimum size of one-hundred and twenty (120) square feet for one (1) or two (2) occupants with an additional fifty (50) square feet for each occupant to a maximum of four (4) occupants per room.

(4) A site plan shall include a floor plan layout of the proposed structure drawn to a scale of not less than 1"=8' that shows the specific layout of the proposed facility in accord with the provisions of this Zoning Ordinance.

(5) The accommodation use shall employ no more than three (3) persons in addition to the owners and their immediate family, including spouses, siblings and children.

(6) The business shall maintain a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor in the immediate vicinity of the sleeping rooms.

(7) Any food preparation areas shall be licensed and approved by the Health Department, as applicable.

d. Sleeping tents may be permitted on the site, provided:

(1) The site shall not provide more than ten (10) total sleeping units, including rental sleeping rooms and sleeping tents.

(2) Sleeping tents shall only be offered to guests generally

p. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.

~~17.~~ 18. Neighborhood Local Business, subject to Section 201.440 (Key Street Segments). All developed portions of a Neighborhood Local Business in the R-A District shall have primary access upon a Key Street Segment. If the property gains access from Alden Nash, no developed portion of the site shall be more than 300 feet to the east of the front setback. If the property gains access from Lally, no developed portion of the site may be more than fifty (50) feet to the south of the front setback.

D. *Height.* No residential or other building, excepting silos and amateur radio antennas (see Section 201.602), shall exceed the lesser of thirty-five (35) feet or two and one-half (2 1/2) stories.

E. *Lot Area.* The minimum lot area for use in this District shall be three (3) acres with a minimum lot width of three hundred (300) feet.

F. *Setback and Side Line Spacing.* No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following setback and side line spacing requirements are met in connection with the lot or parcel on which such building, structure or enlargement is located:

1. *Setback.* There shall be a setback from all street right-of-way lines of not less than thirty-five (35) feet.

2. *Side Line Spacing.* There shall be a space of not less than twenty-five (25) feet from the interior side line of the lot to the building, structure or enlargement, except on corner lots where there shall be a setback of not less than thirty-five (35) feet from all street right-of-way lines.

3. *Rear Line Spacing.* There shall be a space of not less than fifty (50) feet from the rear line of the lot to the building, structure or enlargement.

~~G. *Floor Area Requirements.* Residential buildings in this district shall comply with the area requirements set forth for the R-2 zone.~~

G. *Floor Area Requirements.* All single family dwellings hereafter constructed shall contain not less than eleven hundred fifty (1,150) square feet of total living space as measured around the exterior of said building. Of that, not less than seven hundred fifty (750) square feet of total living space shall be on the ground floor, as defined herein.

No dwelling shall be less than twenty-four (24) feet in width as measured along the exterior front elevation of the dwelling except for mobile homes the minimum width may be twenty-two (22) feet.

All measurements and area requirements herein set forth shall be computed without regard to porches, garages, breezeways and carports.

In the event of any controversy concerning what constitutes habitable floor area, the Board of Appeals is hereby given the authority to determine the same upon application thereto by either the Zoning Administrator of the Township or by the applicant for a building permit.

Section 4. Pertaining to permitted uses in the R-1 District, in Section 3.05, A, clarify the purpose wording; in Section 3.05 B 4, 7, 8, 9, 10, 11, 12, 13, 14, add other uses from the R-A District that are permitted with a reference pointer; in Section 3.05 B 19 add family child care home as shown in the following pages:

Section 5. Pertaining to special exception uses in the R-1 District, add a new Section 3.05, C 5 group child care home; remove group child care home from the child care center of section C 6; add 3.05 G floor area requirements instead of reference pointer as shown in the following pages:

H. *Key Street Segments:* Within the R-A district, the following Key Street Segments are established:

1. Alden Nash Avenue, north of Lally Road to the Township Boundary.

2. Lally Road, between Alden Nash and Murray Lake Road.

(Amended: Ord. No. 91-7, 12-9-91; Ord. No. 95-01, 2-20-95; Ord. No. 98-2, §§ 4, 9, 3-30-98; Ord. No. 99-2, 5-17-99; Ord. No. 99-8, 8-16-99; Ord. No. 2000-2, 3-20-00; Ord. No. 2002-12, 10-21-02; Ord. No. 2002-11, 10-21-02, Ord. No. 2003-3, 3-10-03, Ord. No. 2003-6, 10-20-03, Ord. No. 2005-1, 8-15-05, Ord. No. 2006-1, 1-16-06, Ord. No. 2006-2, 8-21-06, Ord. No. 2007-2, 10-15-07, Ord. No. 2009-4, 11-16-09)

201.305 "R-1" Low Density Residential District.

3.05.

A. *Statement of Purpose.* This district classification is designed to be ~~the most restrictive of the residential districts to encourage an environment of predominantly low-density single-family dwellings,~~ a transition area between the Rural Agriculture district and the higher density residential, commercial and industrial districts in the southeast area of the Township. The district will have a mixture of residential and agriculture uses and accessory and compatible uses together with a minimum of other residentially and agricultural related facilities and activities primarily of service and convenience to the residents in the area.

B. *Permitted Uses.*

1. Private single-family dwellings including earth-bermed dwellings.

2. Home Occupations and Home Based Businesses as defined in this Ordinance.

3. Schools, libraries, and other municipal structures and uses.

4. Churches and parish houses.~~Churches.~~

5. Essential services (See Section 4.11);

6. Accessory buildings and uses customarily incidental to any of the permitted uses when located on the same lot or parcel of land.

7. Farm dwellings, barns, stables, silos, grain bins, milk-houses, housing for farm labor, and structures and uses customarily incidental thereto if located on the same parcel, or on an abutting parcel under common ownership with a farm dwelling.

8. Agricultural, horticultural, viticultural, raising livestock including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals, farm forestry and other similar bona fide farming or agricultural enterprises, EXCLUDING, HOWEVER, rendering plants, commercial fertilizer production, or garbage feeding or disposal activities.

9. Greenhouses or nurseries.

10. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business including an advertising sign subject to the requirements of Section

201.403 (D) (1) (d).

11. Community buildings, government owned open space.

12. Cemeteries.

13. Wildlife reserves.

14. Hunting preserves.

~~7. Any use permitted in the R-A District except Rental Storage.~~

~~8.~~15. Amateur radio antennas conforming to the terms of this Ordinance.

~~9.~~16. Open Space Preservation Development, subject to Section 4.35.

~~10.~~17. Improved park, when direct access is provided from a public, paved road.

~~11.~~18. Unimproved park.

19. Licensed family child care home (1-6 children in a private home).

C. *Special Exception Uses.*

1. Private two (2) family dwellings.

2. Dog Kennel.

3. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.

4. Hospitals.

5. ~~(Removed).~~Licensed group child care home (7-12 children in a private home)

a. Application shall meet section 125.3206 of the Michigan Zoning Enabling Act 110 of 2006 and the Child Care Licensing Act 116 of 1973.

b. The Township shall be provided with a copy of the state license and each re-issued license. The day care facility shall not operate without a state license.

c. The exterior of the private home must have residential characteristics consistent with the neighborhood.

d. All parking must be off street and adequate size for the number of patrons dropping off and picking up children and employee parking. Parking is also subject to the provisions of section 201.417.

6. Licensed day care/child care center ~~facilities~~ [being those facilities licensed or registered as ~~a group day care home (being seven (7) twelve (12) children in a private home) or~~ a day care center/child care center (being any number of children in a non-home ~~facility~~building) by the state under Public Act 116 of 1973]; subject to the following standards:

a. All day care centers ~~facilities~~ must be located on a paved county primary road.

b. That the ~~facility~~ building be setback as follows:

(1) Front yard setback: Seventy-five (75) feet for the main building.

(2) Side setback: Thirty (30) foot minimum from any side lot line, except that the setback shall increase to fifty (50) feet from any adjacent residential zone and one hundred (100) feet from any residences existing at the time that the special exception use is granted.

(3) Rear setback: Fifty (50) foot minimum from any rear lot line, except that the setback shall increase to one hundred (100) feet from any residences existing at the time that the special exception use is granted.

(4) Outdoor play areas shall be setback at least fifty (50) feet from the street right-of-way line and twenty-five (25) feet from the side and rear property lines.

(5) Parking areas shall be setback at least thirty-five (35) feet from the street right-of-way line and thirty-five (35) feet from any other property line.

c. The Township, in addition to those general standards established in Section 201.502, Special Exceptions, shall consider standards and may set conditions on the site plan and ~~facility~~ building design to insure that on the property, and at the day care facility, there is:

(1) Adequate ingress and egress to provide separation of incoming and exiting traffic, with appropriate acceleration, de-acceleration lanes and turning lanes;

(2) Adequate off-street loading, unloading, and stacking areas for vehicles that is separated from the parking areas;

(3) Paved parking and loading areas which comply with the parking requirements for elementary schools [Section 201.417 (F)(12)];

(4) Appropriate lighting that is directed away from adjacent residential areas and the street;

(5) Adequate fencing or screening of active playground and outdoor play areas;

(6) Compliance with the institutional identification sign requirements for the R-1 District [Section 201.403 (D)(1)(a)];

(7) No dormitory style facilities and that the day care facility be designed in appearance to be consistent with those uses and structures in the surrounding area.

d. The Township shall be provided with a copy of the state license and each re-issued license. The day care/child care center ~~facility~~ shall not operate without a state license.

e. The day care/child care center ~~facility~~ shall not maintain regular hours of operations before 6:00 am or after 7:00 pm.

which such building, structure or enlargement is located:

1. *Setback.* There shall be a setback from all street right-of-way lines of not less than thirty-five (35) feet.

R-1

2. *Side Line Spacing.* There shall be a space of not less than ten (10) feet from the interior side line of the lot to the building, structure or enlargement, except on corner lots where there shall be a setback of not less than thirty-five (35) feet from all street right-of-way lines.

3. *Rear Line Spacing.* There shall be a space of not less than fifty (50) feet from the rear line of the lot to the building, structure or enlargement.

~~G. *Floor Area Requirements.* Residential buildings in this district shall comply with the area requirements set forth for the R-2 District.~~

G. *Floor Area Requirements.* All single family and two (2) family dwelling units hereafter constructed shall contain not less than eleven hundred fifty (1,150) square feet of total living space as measured around the exterior of said building. Of that, not less than seven hundred fifty (750) square feet of total living space shall be on the ground floor, as defined herein.

No dwelling shall be less than twenty-four (24) feet in width as measured along the exterior front elevation of the dwelling except for mobile homes the minimum width may be twenty-two (22) feet.

All measurements and area requirements herein set forth shall be computed without regard to porches, garages, breezeways and carports.

In the event of any controversy concerning what constitutes habitable floor area, the Board of Appeals is hereby given the authority to determine the same upon application thereto by either the Zoning Administrator of the Township or by the applicant for a building permit.

(Amended: Ord. No. 95-01, 2-20-95; Ord. No. 98-2, § 5, 3-30-98; Ord. No. 99-5, 7-19-99; Ord. No. 99-8, 8-16-99; Ord. No. 2000-2, 3-20-00; Ord. No. 2002-12, 10-21-02; Ord. No. 2002-11, 10-21-02, Ord. No. 2003-3, 3-10-03, Ord. No. 2003-4, 8-18-03, Ord .No. 2006-2, 8-21-06, Ord. No. 2009-4, 11-16-09)

Section 6. Pertaining to permitted uses in the R-2 District, in Section 3.06, B 1-9, clarify existing wording and add uses that were permitted by reference pointer and add some new uses as shown in the following pages:

Section 7. Pertaining to special exception uses in the R-2 District Section C 2, 3, 8, 9, to clarify existing wording of child care center and group child care home, clarify farming part, add uses that were permitted by reference pointer, add some new uses and renumber the rest of the uses as shown in the following pages:

201.306 "R-2" Medium Density Single-Family Residential District.

3.06.

A. *Statement of Purpose.* This district classification is designed to permit an environment of predominately medium density single-family dwellings together with a minimum of facilities designed to serve the inhabitants of the area.

B. *Permitted Uses.*

~~1. Any use permitted in the R-1 District, EXCLUDING, HOWEVER, those non-residential uses (except including improved and unimproved parks) and excluding Rental Storage permitted in the R-A District.~~

~~2.~~1. Essential services (See Section 4.11).

2. Private single-family dwellings including earth-bermed dwellings.

3. Home Occupations and Home Based Businesses as defined in this Ordinance.

4. Accessory buildings and uses customarily incidental to any of the permitted uses when located on the same lot or parcel of land.

5. Cemeteries.

6. Amateur radio antennas conforming to the terms of this Ordinance.

7. Improved park, when direct access is provided from a public, paved road.

8. Unimproved park.

9. Licensed family child care home (1-6 children in a private home).

C. *Special Exception Uses.*

1. Private two (2) family dwellings.

2. Medical clinics and doctors' and dentists' offices for the treatment of human beings and licensed ~~day~~ child care centerfacilities~~s~~, provided that they are constructed in appearance as a residence. Off street parking shall be subject to section 201.417.

3. Licensed group child care home (7-12 children in a private home)

a. Application shall meet section 125.3206 of the Michigan Zoning Enabling Act 110 of 2006 and the Child Care Licensing Act 116 of 1973.

b. The Township shall be provided with a copy of the state license and each re-issued license. The day care facility shall not operate without a state license.

c. The exterior of the private home must have residential characteristics consistent with the neighborhood.

d. All parking must be off street and adequate size for the number of patrons dropping off and picking up children and employee parking. Parking is also subject to the provisions of section 201.417.

~~3.~~4. Farming and agricultural operations, including raising livestock and horses, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised or grown upon the premises.

~~4.~~5. Planned Unit Development (PUD) subject to Section 201.429.

~~5.~~6. Open Space Preservation Development, subject to Section 4.35.

~~6.~~7. Rural recreation facility, subject to the following standards:

a. The use shall have direct access to a public, paved road.

b. No clubhouse or similar building shall be located within 100 feet of any property line.

c. Any clubhouse or similar building shall not exceed 5,000 square feet of floor area and must be designed consistent with structures on neighboring properties.

d. Any clubhouse or similar building may include light refreshments, restroom facilities or offices; but shall not include indoor sports

facilities.

e. Outdoor lighting shall be the minimum required for safe use of the facility and be directed away from neighboring properties and public rights-of-way. Limitations on lighting may be imposed by the Planning Commission.

f. The Planning Commission may limit the hours of operation of the facility to protect the character of surrounding uses.

g. Facilities must employ effective physical barriers and isolation distances to ensure that on-site activities shall not be perceptible beyond the lot line, as determined by the Planning Commission. Tees, fairways, greens and trails shall be arranged in a manner to limit stray golf shots and other trajectories and trespassing onto neighboring properties. The Planning Commission may require fencing and other measures to prevent trespassing into neighboring properties.

h. The applicant shall demonstrate that large increases in the number of patrons and/or spectators shall not occur except upon approval of an amended special exception use application. All parking facilities shall be located on the property and shall not be allowed to spill over into any right-of-way or road.

i. Violation of these standards shall be cause for revocation of the special exception permit.

j. A traffic study may be required by the Planning Commission.

k. To approve the use, the Planning Commission must find that it would support the Township's goal of rural character preservation; and not create congestion or unsafe conditions for users of the development or the general public.

8. Schools, libraries, community buildings and other municipal structures and uses.

9. Churches and parish houses.

D. *Height.* No residential or other building except amateur radio antennas (see Section 201.602) shall exceed the lesser of thirty-five (35) feet or two and one-half (2 1/2) stories.

E. *Lot area; Single Family Dwellings.* The minimum lot area for use in this District shall be seventeen thousand (17,000) square feet with a minimum lot width of one hundred (100) feet.

Two (2) Family Dwellings. The minimum lot area for a two (2) family dwelling in the District shall be twenty-five thousand (25,000) square feet, with a minimum lot width of one hundred (100) feet.

F. *Setback and Side Line Spacing.* No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following setback and side line spacing requirements are met in connection with the lot or parcel on which such building, structure or enlargement is located:

1. *Setback.* There shall be a setback from all street right-of-way lines of not

Section 8. Pertaining to permitted uses in the R-3 District, Section 3.06A, B, 1-11, clarify existing wording, add uses that were permitted by reference pointer, and add some new uses such as family child care home as shown in the following pages:

Section 9. Pertaining to special exception uses in the R-3 District, Section 3.06A, C, 1, 2, to make child care center one use and separate group child care home with standards; in section 3.06A C 8, 9, to add some new uses of schools, libraries, community buildings and churches and parish houses and renumber rest of uses; add full wording for 3.06A G floor area requirements instead of a reference pointer as shown in the following pages:

less than thirty-five (35) feet.

2. *Side Line Spacing.* There shall be a space of not less than ten (10) feet from the interior side line of the lot to the building, structure or enlargement, except on corner lots where there shall be a setback of not less than thirty-five (35) feet from all street right-of-way lines.

3. *Rear Line Spacing.* There shall be a space of not less than thirty (30) feet from the rear line of the lot to the building, structure or enlargement.

G. *Floor Area Requirements.* All single family and two (2) family dwelling units hereafter constructed shall contain not less than eleven hundred fifty (1,150) square feet of total living space as measured around the exterior of said building. Of that, not less than seven hundred fifty (750) square feet of total living space shall be on the ground floor, as defined herein.

No dwelling shall be less than twenty-four (24) feet in width as measured along the exterior front elevation of the dwelling except for mobile homes the minimum width may be twenty-two (22) feet.

All measurements and area requirements herein set forth shall be computed without regard to porches, garages, breezeways and carports.

In the event of any controversy concerning what constitutes habitable floor area, the Board of Appeals is hereby given the authority to determine the same upon application thereto by either the Zoning Administrator of the Township or by the applicant for a building permit.

(Amended: Ord. of 11-12-90; Ord. No. 93-1, 5-10-93; Ord. No. 95-01, 2-20-95; Ord. No. 96-2, 5-20-96; Ord. No. 97-2, 3-31-97; Ord. No. 98-2, § 6, 3-30-98; Ord. No. 99-8, 8-16-99; Ord. No. 2000-2, 3-20-00, Ord. No. 2002-5, 5-20-02; Ord. No. 2002-12, 10-21-02; Ord. No. 2002-11, 10-21-02, Ord. No. 2003-3, 3-10-03, Ord. No. 2003-4, 8-18-03, Ord. No. 2004-1, 2-16-04, Ord. No. 2009-4, 11-16-09)

201.306A "R-3" Special Residential.

3.06A.

A. *Statement of Purpose.* This district classification is designed to permit the greatest density of residential uses appropriate to the Township, together with other residentially related facilities designed to service the inhabitants of the area.

B. *Permitted Uses.*

1. Essential services (See Section 4.11).

2. Private single-family dwellings including earth-bermed dwellings.

3. Private two (2) family dwellings.

4. Home Occupations and Home Based Businesses as defined in this Ordinance.

5. Accessory buildings and uses customarily incidental to any of the permitted uses when located on the same lot or parcel of land.

6. Cemeteries.

7. Amateur radio antennas conforming to the terms of this Ordinance.

8. Improved park, when direct access is provided from a public, paved road.

9. Unimproved park.

~~1. Any use permitted in the R-2 District.~~

~~2. Private two (2) family dwellings~~

~~3.~~10. Manufactured Home Developments subject to section 201.416.

11. Licensed family child care home (1-6 children in a private home).

C. *Special Exception Uses.*

1. Medical clinics and doctors' and dentists' offices, nursing and convalescent homes for the treatment and care of human beings and licensed child care center, provided that they are constructed in appearance as a residence. Off street parking shall be subject to section 201.417.

~~human beings, and licensed day care facilities, provided they are constructed in appearance as a residence.~~

2. Licensed group child care home (7-12 children in a private home)

a. Application shall meet section 125.3206 of the Michigan Zoning Enabling Act 110 of 2006 and the Child Care Licensing Act 116 of 1973.

b. The Township shall be provided with a copy of the state license and each re-issued license. The day care facility shall not operate without a state license.

c. The exterior of the private home must have residential characteristics consistent with the neighborhood.

d. All parking must be off street and adequate size for the number of patrons dropping off and picking up children and employee parking. Parking is also subject to the provisions of section 201.417.

~~2.~~3. Multiple family dwellings.

~~3.~~4. Hotels, motels, lodging houses, and other transient-type residential buildings.

~~4.~~5. Rural recreation facility, subject to the following standards:

a. The use shall have direct access to a public, paved road.

b. No clubhouse or similar building shall be located within 100 feet of any property line.

c. Any clubhouse or similar building shall not exceed 5,000 square feet of floor area and must be designed consistent with structures on neighboring properties.

d. Any clubhouse or similar building may include light refreshments, restroom facilities or offices; but shall not include indoor sports facilities.

e. Outdoor lighting shall be the minimum required for safe use of the facility and be directed away from neighboring properties and public rights-of-way. Limitations on lighting may be imposed by the Planning Commission.

f. The Planning Commission may limit the hours of operation of the facility to protect the character of surrounding uses.

g. Facilities must employ effective physical barriers and isolation distances to ensure that on-site activities shall not be perceptible beyond the lot line, as determined by the Planning Commission. Tees, fairways, greens and trails shall be arranged in a manner to limit stray golf shots and other trajectories and trespassing onto neighboring properties. The Planning Commission may require fencing and other measures to prevent trespassing into neighboring properties.

h. The applicant shall demonstrate that large increases in the number of patrons and/or spectators shall not occur except upon approval of an amended special exception use application. All parking facilities shall be located on the property and shall not be allowed to spill over into any right-of-way or road.

i. Violation of these standards shall be cause for revocation of the special exception permit.

j. A traffic study may be required by the Planning Commission.

k. To approve the use, the Planning Commission must find that it would support the Township's goal of rural character preservation; and not create congestion or unsafe conditions for users of the development or the general public.

~~5.~~6. Planned Unit Development (PUD) subject to Section 201.429.

~~6.~~7. Open Space Preservation Development, subject to Section 4.35.

8. Schools, libraries, community buildings and other municipal structures and uses.

9. Churches and parish houses.

D. *Height.* No residential or other buildings shall exceed the lesser of thirty-five (35) feet or two and one-half (21/2) stories.

E. *Lot Area.*

1. Single Family Dwellings. The minimum lot area for use in this District shall be seventeen thousand (17,000) square feet for a single family dwelling, within a minimum lot width of one hundred (100) feet.

2. Two (2) Family Dwellings. The minimum lot area for a two (2) family dwelling in the District shall be twenty-five thousand (25,000) square feet, with a minimum lot width of one hundred (100) feet.

3. Special Exception Residential Uses. For special exception residential developments located outside of an Open Space Preservation Development approved pursuant to Section 4.35, the following limitations shall apply:

a. Special exception use permits for multiple family dwellings shall be limited to three dwelling units per acre in the absence of public sewer and water.

b. Notwithstanding the availability of public water and sewer, a special exception use permit will not be issued for a multiple family dwelling containing more than six dwelling units per acre.

c. The minimum lot width for a multiple family dwelling of three units is one hundred fifty (150) feet and, in the event the multiple family dwelling unit contains more than three units, the minimum lot width shall be specified by the special use permit as granted by the Township Board.

d. No more than six (6) dwelling units shall be permitted in any multiple family building.

4. Special Exception Non-Residential Uses. Lot areas and minimum width for non-residential special uses shall be specified by the special use permit as granted by the Township Board.

F. *Setback and Sideline Spacing.* Setback and sideline spacing requirements for this District shall be the same as for the R-2 District.

~~G. *Floor Area Requirements.* Floor area requirements for this District shall be the same as for the R-2 District.~~

G. *Floor Area Requirements.* All single family and two (2) family dwelling units hereafter constructed shall contain not less than eleven hundred fifty (1,150) square feet of total living space as measured around the exterior of said building. Of that, not less than seven hundred fifty (750) square feet of total living space shall be on the ground floor, as defined herein.

No dwelling shall be less than twenty-four (24) feet in width as measured along the exterior front elevation of the dwelling except for mobile homes the minimum width may be twenty-two (22) feet.

All measurements and area requirements herein set forth shall be computed without regard to porches, garages, breezeways and carports.

In the event of any controversy concerning what constitutes habitable floor area, the Board of Appeals is hereby given the authority to determine the same upon application thereto by either the Zoning Administrator of the Township or by the applicant for a building permit.

All multiple family dwelling units hereafter constructed shall provide not less than the following minimum square feet of living space:

Efficiency and one (1) bedroom: 750 square feet

Two (2) bedrooms: 870 square feet

Three (3) bedrooms: 990 square feet

In excess of three (3) bedrooms: 120 additional square feet per bedroom

(Amended: Ord. of 11-12-90; Ord. No. 93-1, 5-10-93; Ord. No. 98-2, § 7, 3-30-98; Ord. No. 99-8, 8-16-99, Ord. No. 2000-4,10-16-00, Ord. No. 2002-6, 5-20-02; Ord. No. 2002-12, 10-21-02; Ord. No. 2002-11, 10-21-02, Ord. No. 2003-3, 3-10-03, Ord. No. 2003-4, 8-18-03, Ord. No.

Section 10. Pertaining to permitted uses in the R-L District, Section 3.075, B, 1 to clarify dwelling part; B 6, 7 to add cemeteries and family child care home as shown in the following pages:

Section 11. Pertaining to special exception uses in the R-L District, Section 3.075, C, 4 to add a new use of group child care home; in Section 3.075 G to add the entire floor area requirements instead of a reference pointer as shown in the following pages:

5. *Advertising Signs and Billboards Prohibited.* No advertising signs or billboards of any size or type shall be erected or maintained in this District.

6. *Boating and Canoeing.*

a. Non-motorized boating and canoeing is permitted.

b. Use of motorized watercraft will be permitted in accordance with local controls promulgated under the Marine Safety Act, MCLA 324.8010 Et. Seq., FKA MCLA 281.1001. Such local controls are in Section 101.000, Flat River Slow-No Wake Ordinance.

G. *Floor area requirements.* Residential buildings in this district shall comply with the floor area requirements set forth for the R-2 District.

(Amended: Ord. of 11-12-90; Ord. No. 92-3, 7-13-92; Ord. No. 93-1, 5-10-93; Ord. No. 96-2, 5-20-96; Ord. No. 97-3, 3-31-97; Ord. No. 98-8, 8-17-98; Ord. No. 99-8, 8-16-99; Ord. No. 2000-3, 7-17-00, Ord. No. 2001-1, 07-16-01, Ord. No. 2009-4, 11-16-09)

201.3075 "R-L" Lake Residential District.

3.075.

A. *Statement of Purpose and Description.* This district classification is intended to (1) encourage the proper development of land abutting lakes and waterways, (2) avoid pollution and (3) preserve lakes and waterways for the best use of the land, and includes those properties in Section 4 on Lally Street, Causeway Drive or Murray Lake Avenue with frontage on Murray Lake.

B. *Permitted Uses.* Only the following uses are permitted:

1. Single-family dwellings including earth-bermed dwellings.

2. Accessory buildings and uses customarily incidental to the permitted uses when located on the same lot or parcel of land.

3. Home Occupations and Home Based Businesses as defined in this Ordinance.

4. Improved park, when direct access is provided from a public paved road.

5. Unimproved park.

6. Cemeteries.

7. Licensed family child care home (1-6 children in a private home).

C. Special Exception Uses.

1. Planned Unit Development (PUD) subject to Section 201.429.

2. Marina, subject to Section 201.438 (*Marinas)* and Section 201.440 (*Key Street Segments)*

3. Neighborhood Local Business, subject to Section 201.439 (*Neighborhood Local Business*), and Section 201.440 (*Key Street Segments*). All developed portions of a Neighborhood Local Business shall have primary

access upon a Key Street Segment, being either Alden Nash Avenue or Lally Road. If the property gains access from Alden Nash, no developed portion of the site shall be more than 300 feet to the east of the front setback. If the property gains access from Lally, no developed portion of the site may be more than fifty (50) feet to the south of the front setback.

4. Licensed group child care home (7-12 children in a private home)

a. Application shall meet section 125.3206 of the Michigan Zoning Enabling Act 110 of 2006 and the Child Care Licensing Act 116 of 1973.

b. The Township shall be provided with a copy of the state license and each re-issued license. The day care facility shall not operate without a state license.

c. The exterior of the private home must have residential characteristics consistent with the neighborhood.

d. All parking must be off street and adequate size for the number of patrons dropping off and picking up children and employee parking. Parking is also subject to the provisions of section 201.417.

D. *Height.* No residential building shall exceed thirty-five (35) feet or two and one-half ($2^1/_2$) stories, whichever is lesser. No accessory building shall exceed a height of sixteen (16) feet.

E. *Set Back and Side Line Spacing.* No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following set back and side line spacing requirement are met in connection with the lot or parcel on which such building, structure or enlargement is located:

1. *Set Back.* There shall be a set back from all street right-of-way lines of not less than thirty-five (35) feet.

2. *Side Line Spacing.* There shall be a space of not less than ten (10) feet from the interior side line of the lot to the building, structure or enlargement, except on corner lots where there shall be a set back of not less than thirty-five (35) feet from all street right-of-way lines.

3. *Rear Line Spacing.* There shall be a space of not less than thirty (30) feet from the building, structure or enlargement to the rear line of lot or not less than thirty (30) feet from a waterfront property line, or the highwater of a body of water, whichever is greater.

F. *Lot Area.*

1. Single-Family Dwelling with Public Sewers. The minimum lot area for use in this district shall be ten thousand (10,000) square feet. The width of such a lot shall be at no point less than fifty (50) feet.

2. Single-Family Dwelling Without Public Sewers. For lots not served by public sewers in the R-L District, the minimum lot dimensions, including lot area, width and setbacks, shall be equivalent to those for the R-1 District; provided that for lots located on Murray Lake, the rear yard setback shall be measured from the ordinary high watermark.

R-L

~~G. *Floor Area Requirements.* These requirements shall be the same as those in the "R-2" district (3.06 [102.306] G).~~

G. *Floor Area Requirements.* All single family dwelling units hereafter constructed shall contain not less than eleven hundred fifty (1,150) square feet of total living space as measured around the exterior of said building. Of that, not less than seven hundred fifty (750) square feet of total living space shall be on the ground floor, as defined herein.

No dwelling shall be less than twenty-four (24) feet in width as measured along the exterior front elevation of the dwelling except for mobile homes the minimum width may be twenty-two (22) feet.

All measurements and area requirements herein set forth shall be computed without regard to porches, garages, breezeways and carports.

In the event of any controversy concerning what constitutes habitable floor area, the Board of Appeals is hereby given the authority to determine the same upon application thereto by either the Zoning Administrator of the Township or by the applicant for a building permit.

H. Key Street Segments. Within the R-L district, the following Key Street Segments are established:

- Alden Nash, north of Lally Road to the Township Boundary
- Lally Road, between Alden Nash and Murray Lake Road.

(Amended: Ord. No. 2000-2, 3-20-00; Ord. No. 2002-12, 10-21-02, Ord. No. 2002-16, 12-16-02, Ord. No. 2003-3, 3-10-03, Ord. No. 2007-2, 10-15-07, Ord. No. 2009-4, 11-16-09)

Section 12. Pertaining to permitted uses in the C District, Section 3.08, B, 13 to add child care center as a new use as shown in the following pages:

Section 13. Pertaining to special exception uses in the C District, Section 3.08, C, 18 to add family and group child care home in the residential section; in Section 3.08 E to correct the floor area requirements to match the other districts as shown in the following pages:

201.308 "C" Commercial District.

3.08.

A. *Statement of Purpose.* This district is designed to provide retail sales and commercial service uses catering to the general public as distinguished from industry or general business customers.

B. *Uses permitted by Right.* The following uses shall be permitted by right in the Commercial District, but shall be subject to site plan review and approval, pursuant to section 502.D of this Zoning Ordinance.

1. Retail sales businesses where no assembling, treatment or manufacturing is required.
2. Offices.
3. Banks, building and loan associations, and other lending institutions.
4. Restaurants, without drive through facilities.
5. Cleaning and laundry service customer stations, but without on-site cleaning facilities.
6. Barber shops and beauty parlors.

7. Shoe repair shops.

8. Sign shop.

9. Grocery and convenience stores, without gasoline service.

10. Essential Services, subject to Section 201.411 of this Zoning Ordinance.

11. Improved park, when direct access is provided from a public paved road.

12. Unimproved park.

13. Child care center

C. *Special Exception Uses.* The following commercial uses shall require a Special Exception Use application and approval and site plan review and approval pursuant to Section 502.

1. Funeral parlors.

2. Restaurants, with drive through facilities

3. Indoor theaters.

4. Hotels and motels.

5. Churches.

6. Veterinary Hospitals

7. Dog or animal kennels and pet shops.

8. Cider mill.

9. Nursery and greenhouses.

10. Automatic dry cleaning or laundry facilities.

11. Bait houses.

12. Gasoline stations and grocery and convenience stores with gasoline sales.

13. Automobile repair garages.

14. Outdoor automobile sales.

15. Lumber yards.

16. Commercial recreation establishments, subject to the following standards:

    a. Facilities that include outdoor activity (i.e., paintball, miniature golf) must employ effective physical barriers and isolation distances to ensure that on-site activities shall not be perceptible beyond the lot line, as determined by the Planning Commission.

    b. A traffic study may be required by the Planning Commission.

    c. The use shall have direct access to a public, paved road.

17. Accessory buildings and uses customarily incidental to the special uses when located on the same lot or parcel of land.

18. Residential uses, consisting of private single-family dwellings including

earth-bermed dwellings, licensed family and group child care home, home occupations and customary incidental accessory buildings and uses when located on the same lot or parcel of land.

19. Any commercial building with a proposed building footprint or ground floor coverage in excess of fifteen thousand (15,000) square feet.

20. Adult Businesses, subject to Section 201.433.

21. Planned Unit Development (PUD) subject to Section 201.429.

D. *Height.* No building shall exceed the lesser of thirty-five (35) feet or two and one-half (21/2) stories.

E. *Lot Area, Lot Width, Setback, Side Line Spacing and Floor Area*

1. *Residential Uses.* The following lot area, lot width, set back and side line spacing requirements shall apply and be binding for any residential use in this "C" District.

a. *Lot area; Single Family Dwellings.* The minimum lot area shall be seventeen thousand (17,000) square feet with a minimum lot width of one hundred (100) feet.

b. *Setback and Side Line Spacing.* No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following setback and side line spacing requirements are met in connection with the lot or parcel on which such building, structure or enlargement is located:

(1) *Setback.* There shall be a setback from all street right-of-way lines of not less than thirty-five (35) feet.

(2) *Side Line Spacing.* There shall be a space of not less than ten (10) feet from the interior side line of the lot to the building, structure or enlargement, except on corner lots where there shall be a setback of not less than thirty-five (35) feet from all street right-of-way lines.

(3) *Rear Line Spacing.* There shall be a space of not less than thirty (30) feet from the rear line of the lot to the building, structure or enlargement.

c. *Floor Area Requirements.* All dwelling units hereafter constructed shall contain not less than ~~nine hundred (900)~~one thousand one hundred fifty (1150) total square feet and a minimum of seven hundred fifty (750) square feet on the ~~of first floor~~ground floor for a two story home ~~living space~~ as measured around the exterior of said building.

No dwelling shall be less than twenty-four (24) feet in width as measured along the exterior front elevation of the dwelling except for mobile homes the minimum width may be twenty-two (22) feet.

All measurements and area requirements herein set forth shall be computed without regard to porches, garages, breezeways and carports.

In the event of any controversy concerning what constitutes

Section 14. Pertaining to Chapter 4, Sign Section 4.03, F, 5 to add family and group child care home signage standards (and renumber rest of sections) as shown in the following pages:

Chapter 4
Sign section
see next page
F 5

with an area not to exceed sixty-four (64) square feet and five (5) feet in height may be permitted for the building in addition to traffic control or directional signs, bearing no advertising matter, and with each such traffic control or directional sign not to exceed two (2) square feet area.

(4) An industrial park or other form of planned industrial development with multiple users each located on separate parcels, may have one (1) free standing sign per entrance, not to exceed a sign area of sixty-four (64) square feet or height of five (5) feet.

E. *Special exception use signs:*

1. *Billboards.* Advertising billboards, not to exceed a sign area of sixty four (64) square feet may be allowed as a special exception use in the "C" or "I" districts as a principal use and shall not be located on a lot or parcel with any other principal use. Such a billboard shall be placed not less than fifty (50) feet from the right of way.

2. Modifications of sign requirements: In cases where extenuating or extraordinary circumstances create practical difficulties in complying with the requirements of this section and where a modification of the requirements may still result in achieving the objectives of the zoning district in which the sign is to be located, the size, placement, number and height requirements for signs may be modified as provided by this section and section 201.502. The modification procedure may be applied for as part of a development or special use permit review. In determining whether to approve a proposed modification, the Planning Commission and the Township Board must each find, based upon the facts presented by the applicant, that the following criteria have been met:

a. The modification of requirements is justified due to the nature, size, density, location or design of the proposed PUD, Site Condominium, Plat or other Development or Special Use permit, including the design or placement of proposed signs;

b. The modification of requirements will not result in traffic or other safety hazards, will not be injurious to the use or enjoyment of nearby property, will not result in visual blight, distraction, or clutter, and will not otherwise result in a detriment to the public health, safety or general welfare, and;

c. The modification will still achieve the intended purpose of the development or zoning district if it is a special land use, in which the sign is to be located.

→ F. *Exempted signs.* The following signs are allowed in all zoning districts without a sign permit, provided all other applicable requirements are met:

1. *Dwelling.* One (1) name plate not exceeding two (2) square feet in area. Such sign may be free standing.

2. *Building numbers, including residential buildings.* Building numbers shall be displayed as called for in Ordinance 91-1.

3. *Home occupations and home based business.* One (1) sign not

exceeding four (4) square feet, giving the name and/or occupation of the business; provided that the sign complies with the other requirements of Sections 201.430 (A)(4) and (B)(4), or 201.431 (A)(5) as appropriate.

4. *"R-A" District.* In the "R-A" District one (1) sign not more than sixteen (16) square feet in area advertising permitted services offered on the premises. Such sign may be wall mounted or free standing and not to exceed four (4) feet in height.

5. *Family or group child care home.* One non-illuminated sign shall be permitted provided such sign does not exceed four (4) square feet in area, shall not be located in the road right of way and is not in excess of four (4) feet in height.

~~5.~~6. *Temporary signs.*

a. Real estate sale or lease.

(1) Residence or residential lot - One (1) sign not exceeding four (4) square feet. A housing development may have at the street entrance a temporary free standing sign not exceeding sixteen (16) square feet and four (4) feet in height.

(2) Property other than residential - One (1) free standing sign not exceeding sixteen (16) square feet and (4) feet in height.

b. Political signs.

c. Temporary event signs such as for special events and sales as defined in Section 201.202 Definitions.

~~6.~~7. *Governmental signs:*

a. Emergency and warning signs necessary for public safety and welfare.

b. Traffic signs erected and maintained by an authorized public agency.

c. Legal notices, licenses, permits and other signs required to be displayed by law.

~~7.~~8. *Miscellaneous:*

a. Public signs identifying a neighborhood, district or community.

b. Historic plaques erected or maintained by non-profit organizations, memorials, building cornerstones, and erection date stones and individual "Centennial Farm" signs.

c. Signs located for viewing exclusively within the premises of the user and not visible otherwise.

G. *Non-conforming signs:*

1. Signs authorized by a valid permit and/or variance that complied with all applicable requirements prior to adoption of this ordinance shall be permitted to remain unless a determination is made by the Township

Section 15. Pertaining to Chapter 4, Section 4.17 A to clarify driveway parking; Section 4.17 E 3 to note other applicable lighting sections; Section 4.17 F 14 to add parking standards for group child care homes and renumber the rest of the sections as shown in the following pages:

a. Occupancy: A manufactured housing community development shall be ready for occupancy when it has complied with rule 214k and 214n of the Manufactured Housing Commission.

b. Removal of Towing Mechanisms: Towing mechanisms shall be removed from the manufactured housing dwelling at the time of dwelling installations and stored so as not to be visible from the exterior of the manufactured housing community.

c. The grounds of a manufactured housing community shall be graded to drain properly.

d. New or used manufactured homes in manufactured home developments, which are to remain on-site, may be sold by resident, development owner, licensed retailer or broker, provided the manufactured housing development management permits the sale.

e. All requirements of Act 96 of the Public Acts of 1987, as amended, shall apply.

f. The owner or operator of any manufactured housing community shall be responsible for all street construction and street maintenance within the confines of the manufactured housing community.

Fences on individual home sites, if provided, shall be so constructed as to provide firefighters and emergency response equipment reasonable access to manufactured housing units and site built structures.

(Amended: Ord. of 11-12-90; Ord. No. 99-1, § 4, 2-15-99, Ord. No. 2000-4, 10-16-00, Ord. No. 2002-6, 5-20-02, Ord. No. 2002-9, 6-17-02)

201.417 Off-street parking of motor vehicles.

4.17.

A. Off-street parking shall be prohibited in the areas between buildings and the abutting street line or lines within the "R-A", "R-1", "R-2" and "R-3" Districts except for temporary parking ~~within private driveways~~ within parking bays, strips or turnaround areas and within private driveways not exceeding twenty (20) feet in width upon such properties. ~~not exceeding twenty (20) feet in width upon such properties.~~

B. Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property.

C. A plan showing the required parking and loading spaces including the means of access and interior circulation shall be provided at the time of application for a building permit for the erection or enlargement of any building other than a single family or two (2) family dwelling.

D. Parking of motor vehicles in residential districts shall be limited to passenger vehicles and not more than one (1) commercial vehicle of the light delivery type

prohibited in residential districts.

E. Requirements for all parking spaces and parking lots:

1. Each automobile parking space shall be not less than two hundred (200) square feet and not less than ten (10) feet wide, exclusive of driveway space.

2. All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be constructed of materials which will have a dust-free surface resistant to erosion.

3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged to reflect the light away from any adjoining residential lots and meet the commercial and industrial zoning district lighting sections and the general lighting sections of 201.413 and 201.413A.

4. No parking space shall be closer than five (5) feet from the property line.

5. Off-street parking facilities in nonresidential areas shall be effectively screened on any side which adjoins or faces property in any residential area by a wall, fence or compact planting not less than four (4) feet or more than eight (8) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.

6. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of single or two (2) family dwellings.

7. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking spaces. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.

8. The requirement for the provision of parking facilities with respect to two (2) or more property uses of the same or different types may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated, provided that the number of spaces designated is not less than the sum of individual requirements and provided further that the other requirements of this Ordinance are complied with.

9. The number of parking spaces required for land or buildings used for two (2) or more purposes shall be the sum of the requirements for the various individual uses; parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use.

F. Minimum Required Parking Spaces:

1. Multiple family dwellings: two (2) parking spaces per family unit.

2. Office buildings: one (1) parking space for each two hundred (200) feet of floor space utilized for work space for employees.

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so the rural character of an area would be preserved and the public health, safety and welfare would be protected.

8. Motels and tourist homes: one (1) parking space for each separate unit.

9. Theaters, auditoriums, stadiums and churches: one (1) parking space for each four (4) seats.

10. Dance halls, assembly halls and convention halls without fixed seats: one (1) parking space for each one hundred (100) square feet of floor area if to be used for dancing or assembly.

11. Restaurants and night clubs: one (1) parking space for each one hundred (100) square feet of floor area.

12. Roadside stand: two (2) parking spaces.

13. Schools, private or public elementary and junior high schools: one (1) parking space for each employee normally engaged in or about the building or grounds. Senior high schools and institutions of higher learning: one (1) parking space for each employee normally engaged in or about the building or grounds and one additional space for each five (5) students enrolled in the institution.

14. Group child care home: one (1) space for each employee, one (1) space for each family member's vehicle (unless garage is used) and adequate spaces and turn around area for drop off and pick up of children under care at the home.

~~14.~~15. Other uses not specifically mentioned: in the case of buildings which are used for purposes not specifically mentioned in this section, the provisions for a use which is similar in terms of parking demand shall apply.

~~15.~~16. Mixed uses in the same building: in the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one (1) use shall not be considered as providing required spaces for any other use, except as to churches and auditoriums incidental to public and parochial schools.

~~16.~~17. No parking area, parking space or loading space which exists at the time this Ordinance becomes effective or which thereafter is provided for the purpose of complying with the provisions of this Ordinance shall be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.

(Amended: Ord. of 11-12-90; Ord. No. 95-6, 4-17-95, Ord. No. 2004-4, 4-19-04, Ord. No. 2009-4, 11-16-09)

201.418 One dwelling per lot; open space.

4.18. Not more than one (1) detached dwelling shall be constructed on any lot.

No single-family, two-family or multiple-family dwelling or dwellings together with

Section 16. Conflicts. If any provision of the Vergennes Township Ordinance conflicts with this amendment to the Zoning Ordinance, the most restrictive provision shall be applied.

Section 17. Severability. Should any section or part of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts of this Ordinance.

Section 18. Effective Date. This Ordinance shall become effective eight (8) days after its publication in a newspaper of general circulation in the Township.

VERGENNES TOWNSHIP

Dated: _____ By: _____
Timothy Wittenbach, Supervisor

Dated: _____ By: _____
Mari Stone, Clerk

Date Published:_____