

Zoning Ordinance



Summit Township Jackson County, Michigan

Prepared By:
Summit Township Planning Commission

With Assistance From:
Region 2 Planning Commission

Summit Township

Zoning Ordinance

Jackson County, Michigan

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ARTICLE I – ENACTING CLAUSE, TITLE, AND PURPOSES

SECTION 1.1 - ENACTING CLAUSE

An Ordinance Adopted under authority of, and in accordance with the provisions of the Township Rural Zoning Act, as amended, 1943 PA 184, MCL 125.271 *et seq.*, to establish comprehensive zoning regulations for Summit Township Jackson County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith. The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to the Michigan Zoning Enabling Act as amended, 2006 PA 110, MCL 125.3101 *et seq.*).

SECTION 1.2 - TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Summit Township." The Zoning Map referred to herein is entitled "Zoning Map, Summit Township."

SECTION 1.3 - PURPOSES

This Ordinance has been established for the purpose of:

- A. Promoting and protecting public health, safety, and general welfare;
- B. Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- C. Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;
- D. Lessening and avoiding congestion on public highways and streets;
- E. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of other things, the general and appropriate trend and character of land, building, and population development as studied and recommended by the Planning Commission and the Township Board;
- F. Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within specified zoning districts;
- G. Conserving the taxable value of land and structures;
- H. Conserving the expenditure of funds for public improvements and services;
- I. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people; and
- J. Provide for the completion, restoration, reconstruction, extension or substitution of non-conforming uses.

ARTICLE II – GENERAL PROVISIONS

SECTION 2.1 - SCOPE

Every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

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 or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days of such effective date and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

The adoption of this Ordinance shall not limit the construction of any building or structure for which a zoning permit has been obtained prior to the effective date of adoption or amendment of this Ordinance even though such building or structure does not conform to or with the provisions of this Ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

SECTION 2.2 - APPLICATION OF REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the Planning Commission to attain the purposes of this Ordinance.

ARTICLE III – ESTABLISHMENTS OF ZONING DISTRICTS

SECTION 3.1 - ESTABLISHMENT OF ZONING DISTRICTS

The Township of Summit is hereby divided into the following zoning districts:

- AG-1 Agricultural District
- RNF-1 Rural Non-Farm Residential District
- RS-1 Suburban Residential District I
- RS-2 Suburban Residential District II
- RU-1 Urban Residential District I
- RU-2 Urban Residential District II
- RM-1 Multiple-Family Residential District I
- RM-2 Multiple-Family Residential District II
- MH-1 Mobile Home Residential District
- O-1 Office District
- C-1 Local Commercial District
- C-2 General Commercial District
- C-3 Highway Service Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- Planned Development Districts
- PR-1 Planned Residential District
- PO-1 Planned Office District
- PC-1 Planned Commercial District
- PI-2 Planned Industrial District

SECTION 3.2 - OFFICIAL ZONING MAP

The zoning districts as provided in Section 3.1 of this Ordinance are bounded and defined on a map entitled, "Official Zoning Map, Summit Township, Jackson County, Michigan," and dated, which map, with all explanatory matter thereon, is hereby adopted as part of this Ordinance.

3.2.1 Identification of Official Zoning Map:

The Official Zoning Map shall be identified by the signature of the Township Supervisor attested by the Clerk. The Official Zoning Map shall be located in the office of the Clerk and available for examination.

SECTION 3.3 - INTERPRETATION OF DISTRICT BOUNDARIES

Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroad rights-of-way lines, section lines, one-quarter section lines, one-eighth section lines, or a corporate limit line, all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map.

When the location of a district boundary is uncertain, the Board of Appeals shall interpret the exact location of the district boundary.

ARTICLE IV – ZONING DISTRICT REGULATIONS

The intent, permitted uses, conditional uses, height, area, density, and sign regulations of each district are set forth in this section. See Section 4.7.1 for the table of Permitted and Conditional Uses and Section 4.7.2 for the table of Area, yard, Height, and Bulk Regulations.

SECTION 4.1 - OPEN DISTRICTS

Open Districts are established to protect land best suited for open use from the encroachment of incompatible land uses, to preserve valuable agricultural land for agricultural uses, and to retain land suited for open space and recreation use for the future.

4.1.1 Agricultural District (AG-1):

The intent of this district is to set aside land suitable for agricultural development and agriculture-related uses. Agricultural uses must conform with the Michigan Right to Farm Act, as amended, 1981 PA 93, MCL 286.471 *et seq*, including the open space preservation provisions of the Michigan Zoning Enabling Act, as amended, 2006 PA 110, MCL 125.3101 *et seq*.

SECTION 4.2--RESIDENTIAL DISTRICTS

The Rural Non-Farm Residential District, Suburban Residential Districts, Urban Residential Districts, Multiple Family Residential Districts, Planned Residential District, and Mobile Home Residential District are designated principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life. The residential districts are designed to regulate the location of residential uses and dwellings according to a well-considered plan which reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired; potential nuisances and hazards which may cause unhealthy conditions; and the relationship of residential uses and dwellings to other areas devoted to agricultural, commercial, or industrial use and to streets. The purpose of each residential district is further stated below.

4.2.1 Rural Non-Farm Residential District (RNF-1):

This district is established to provide suitable areas for single-family dwellings at low densities to preserve a predominantly rural character in these areas fit for concentrated residential use because of the ability of the soil to absorb sewage wastes from individual septic tanks.

4.2.2 Suburban Residential Districts (RS-1) and (RS-2):

These districts are designed to provide residential areas principally for moderate suburban densities where necessary urban services and facilities, including central sewerage and water supply systems, can be feasibly provided.

4.2.3 Urban Residential District (RU-1):

This district is designed to provide areas principally for high-density, single-family residential dwellings where necessary urban services and facilities are provided, including central sanitary sewerage and central water systems.

4.2.4 Urban Residential District (RU-2):

This district is designed to provide areas principally for high-density, single-family residential dwellings where necessary urban services and facilities are provided, including central sanitary sewerage and central water supply systems.

4.2.5 Multiple-Family Residential District (RM-1):

This district is designed to permit a high density of population and a high intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and

which abut or are adjacent to such other uses or amenities, which support, complement, or serve such a density and intensity.

4.2.6 Multiple-Family Residential District (RM-2):

This district is designed to permit a moderate density of population and a moderate intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut or are adjacent to such other uses or amenities, which support, complement, or serve such a density and intensity.

4.2.7 Mobile Home Residential District (MH-1):

This district is composed of those areas of the township whose principal use is or ought to be mobile home dwellings. The regulations of this district are designed to permit a density of population and an intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut or are adjacent to such other uses, buildings, structures, or amenities which support, complement, or serve such a density and intensity. Mobile Home Parks as defined in Section 2 of the Michigan Mobile Home Commission Act, as amended, 1987 PA 96, MCL 125.2301 *et seq.*, shall meet the standards established and referenced in that Act and the Manufacturing Housing Commission General Rules, R 125.1101 *et seq.*

SECTION 4.3 - OFFICE DISTRICT

The Office District is designed principally for office use and those uses, which are customarily associated with offices.

SECTION 4.4 - COMMERCIAL DISTRICTS

The Local Commercial District, General Commercial District, Highway Service Commercial District, and Planned Commercial District are designed to limit compatible commercial enterprises at appropriate locations to encourage efficient traffic movement, parking and utility service; advance public safety; and protect surrounding property. The commercial districts are designed to regulate the location of these business uses according to a well-considered plan which determined the types of such uses and the intensity of land, street and highway use in each such district; potential nuisances and hazards which may cause unsafe conditions; and the relationship of commercial uses to each other and to other areas devoted to agricultural, residential, or industrial use and to streets and highways. The purpose of each commercial district is further stated below.

4.4.1 Local Commercial District (C-1):

This district is designed to encourage planned and integrated groupings of stores that will retail convenience goods and provide personal services to meet regular and recurring needs of the neighborhood resident population. To these ends, certain uses, which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

4.4.2 General Commercial District (C-2):

This district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments which will retail convenience and comparison goods and provide personal and professional services for the entire area and to accommodate commercial establishments which cannot be practically provided in neighborhood commercial areas.

4.4.3 Highway Service Commercial District (C-3):

This district is intended to provide for various commercial establishments offering accommodations, supplies, and services to local as well as through automobile and truck traffic. These districts should be provided at locations along major thoroughfares or adjacent to the interchange ramps of a limited access highway facility and should encourage grouping of various facilities into centers and discourage dispersion of these activities.

SECTION 4.5 - INDUSTRIAL DISTRICT

It is recognized by this Ordinance that the value to the public of designating certain areas for certain types of industrial uses is represented in the employment opportunities afforded to citizens and the resultant economic benefits conferred upon the Township of Summit. In order that this value may be maintained and this use encouraged, this Ordinance has established two zoning districts designed to regulate the location of industrial uses according to a well-considered plan which reflects the types of such use and the intensity of land, street, and highway use in each such district; potential nuisances and hazards which may cause unsafe and unhealthy conditions; and the relationship of industrial uses to each other and to other areas devoted to agricultural, residential, or commercial use and to streets, highways, and other means of transportation. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of these districts have been excluded. The purpose of each industrial district is further stated below.

4.5.1 Light Industrial District (I-1):

This district is designed to provide suitable space for light industrial uses which operate in a safe, non-objectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning districts. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter.

4.5.2 General Industrial District (I-2):

This district is designed to provide suitable space for industrial operations of all types that can comply with all provisions of this Ordinance and can assure protection of the public interest and surrounding property and persons.

SECTION 4.6 – PLANNED DEVELOPMENT DISTRICTS

Planned Development Districts are intended to provide flexible land use and design regulations for residential, office, commercial, and industrial development proposals and to permit a variety of development types, containing both individual building sites and common property which are planned and developed as a unit. This district encourages innovation in development to enable development demands to be met by a variety of types, designs, sitings and through the conservation and more efficient use of land in such developments.

When flexible design techniques are deemed appropriate through the re-zoning of land for a planned development district, the use and dimensional specifications elsewhere in this Ordinance are hereby replaced by an approval process in which an approved plan becomes a basis for continuing land use controls.

A. Objectives That All Planned Development Districts Must Achieve:

1. Promote maximum choice in the types of environment, lot sizes, and community facilities available to owners or tenants.
2. Encourage more usable tracts of land for open spaces and recreational purposes and for common use.
3. Preserve trees, outstanding natural topography and geologic features, and prevent soil erosion.
4. Encourage creative use of land, which can be planned to relate to surrounding physical development.
5. Attain more efficient use of land as a result of small networks of utilities and streets, and thereby lower costs.
6. Achieve a development pattern in harmony with the objectives of the Comprehensive Plan.
7. Provide an opportunity to locate necessary community facilities within neighborhoods.
8. Create a more desirable environment plan than would be possible through the application of strict zoning requirements applied in other sections of this Ordinance.

B. General Requirements for all Planned Development Districts:

1. **Minimum Area.** The minimum area required to qualify for a Planned Development District shall be not less than ten (10) contiguous acres of land.
2. **Ownership.** The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all the properties included (the holder of a written option to purchase land shall for purposes of such application be deemed to be an owner of such land). In the case of multiple ownerships, the approved plan shall be binding on all owners.
3. **Location of the Planned Development District.** This District shall be applicable to any area of the township where the applicant can demonstrate that the characteristics of his/her holdings will meet the objectives of the Planned Development District.
4. **Land Use and Density.** Because land is used more efficiently in the PR-1 District, improved environmental quality can often be produced with a greater number of dwelling units per net acre than usually permitted in traditionally zoned residential districts. The Township Planning Commission shall determine in each case the appropriate land use pattern and dwelling unit density for individual projects.
5. **Common Property in the Planned Development District.** Common property in the Planned Development District consists of a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the planned development. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service and parking areas, and areas for recreation and open space.
6. **Regulation after Initial Construction and Occupancy.** For the purposes of regulating land development and use of property after initial construction and occupancy, any changes other than use changes shall require approval by the Township Planning Commission. Use changes shall require Township Board approval following the recommendation of the Township Planning Commission. It shall be noted, however, that properties lying in Planned Development Districts are unique and shall be so considered by the Township Planning Commission and Township Board when evaluating these requests, and maintenance of the intent and function of the Planned Residential Unit shall be of primary importance.
7. **Financial Responsibility.** No building permits shall be issued for construction within a Planned Development District until public improvements are installed or performance bond posted in accordance with the Township Ordinance.
8. **Site Condominium Projects.** All site condominium projects shall be subject to the provisions, rules, regulations and procedures set forth in this Ordinance for a Planned Development District. The Planned Development District shall apply to any site condominium project regardless of the zoning district in which the condominium project is situated or located, provided however, that site condominium projects shall not be subject to the minimum acreage requirements of the planned development district.

This provision shall apply to all residential site projects subject to and constructed under the Condominium Act, as amended, 1978 PA 59, MCL 559.101 *et seq.*)

C. Planned Development District Application Procedure and Zoning Approval Process:

Whenever a Planned Development District is proposed, before any building permit for the erection of a permanent building on such site shall be granted, the developer or his/her authorized agent shall apply for and secure approval of such Planned Development District in accordance with the following procedures.

1. **General.** The applicant shall file a Planned Development District application form; submit required data, exhibits, and information; and deposit the required fee as established by resolution of Summit Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

2. **Staging.** If the applicant wishes to stage the development and has so indicated on the development plan, the development plan may be submitted with only those stages he/she wishes to develop at this time. Any plan which requires more than twenty-four (24) months to be completed shall be required to be staged and staging plan shall be developed.
3. **Review of the Development Plan.** The proposed Planned Unit Development must be reviewed according to the procedures and requirements outlined in Section 5.20, *procedure for evaluating development proposals and development plan requirements*.
4. **Zoning for Planned Development District.** The parcel must be rezoned to the appropriate Planned Development District before the proposal can be developed. All Planned Development Districts must be identified on the official zoning map as follows:
 - a. Planned residential district = PR-1
 - b. Planned office district = PO-1
 - c. Planned commercial district = PC-1
 - d. Planned industrial district = PI-2

4.6.1 Planned Residential District (PR-1):

A. This Planned Residential District (PR-1) is intended to permit small-to-large scale neighborhoods or portions thereof to be developed within the township that permit a variety of residential types.

B. Permitted Uses.

All uses within an area designated as PR-1 District are determined by the provisions of this section and the approved plan for the project concerned.

1. Residences may be of a variety of types, including one-family, two-family, and multiple-family, but not including mobile homes. In developing a balanced community, the use of a variety of housing types shall be deemed desirable in keeping with the objectives of this District.
2. Customary accessory or associated uses, such as private garages, storage spaces, recreational and community activities, churches and schools shall be permitted as appropriate to the Planned Residential District.
3. Essential services and structures but not including telecommunication Facilities, wastewater treatment Facilities, water treatment Facilities, Maintenance Depots or Warehouses.

4.6.2 Planned Office District (PO-1):

A. This Planned Office District (PO-1) is intended to permit a variety of office types.

B. Permitted Uses.

All uses within an area designated PO-1 District are determined by the provisions of this section and the approved plan of the project concerned. Offices may be of a variety of types and designs.

4.6.3 Planned Commercial District (PC-1):

A. This Planned Commercial District (PC-1) is intended to permit a regional commercial shopping center.

B. Permitted Uses.

All uses within an area designated PC-1 District are determined by the provisions of this section and the approved plan of the project concerned, including any use permitted in the General Commercial District.

4.6.4 Planned Industrial District (PI-2):

A. This Planned Industrial District (PI-2) is intended to permit a variety of industrial types.

B. Permitted Uses.

All uses within an area designated PI-2 District are determined by the provisions of this section and the approved plan of the project concerned. Structures may be of a variety of types and designs.

SECTION 4.7 – DISTRICT USE, AREA, YARD, HEIGHT, AND BULK REGULATIONS

4.7.1 Permitted and Conditional Uses

The following uses are permitted (P) or conditional (C) within the zoning districts. Conditional Uses require approval by the Township board according to the procedures in Section 5.5.

	Permitted and Conditional Uses	AG-1	RNF-1	RS-1	RS-2	RU-1	RU-2	RM-1	RM-2	MH-1	O-1	C-1	C-2	C-3	I-1	I-2	
1	Accessory uses or structures.	P	P	P	P	P	P	P	P	-	P	P	P	P	-	-	1
2	Adult day care and child care centers	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	2
3	Adult drive-in motion picture theater	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	3
4	Adult motion picture theater	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	4
5	Adult physical culture establishments	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	5
6	Adult supply store	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	6
7	Airports.	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7
8	Animal hospitals	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8
9	Animal parks, zoos, and aquariums. (See Sec. 5.5.7 for additional requirements)	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9
10	Antique shops	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	10
11	Any use permitted in the light industrial district	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	11
12	Arcade	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-	12
13	Artisan production shops	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	13
14	Artists studio	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	14
15	Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	15
16	Auto convenience market	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	16
17	Automatic teller machine (including stand alone)	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	17
18	Automobile repair garages	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	18
19	Automobile service stations	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	19
	Reserved – 20-22	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
23	Banks and credit unions	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	23
24	Banquet hall, reception hall, and convention center	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	24
25	Bathing establishments	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	25
26	Bed and breakfast/boarding house	-	-	C	C	-	-	-	-	-	-	P	P	P	-	-	26
27	Brew pub	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	27
28	Bulk oil storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	28
29	Business schools; including dance schools, music schools, and art schools	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	29
30	Business services including banks, loan offices, real estate offices, and insurance offices	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	30
	Reserved – 31-33	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
34	Cabaret	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	34
35	Car wash	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	35
36	Cemeteries.	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	36
37	Churches and other buildings for religious worship	C	C	C	C	C	C	C	C	-	-	C	C	C	-	-	37
38	Clubs and lodges	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	38
39	Coffee kiosk	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	39
40	Combined residential and office or business units (See Sec. 5.5.7 for additional requirements)	-	-	-	-	-	-	-	-	-	C	C	C	C	-	-	40
41	Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	41
42	Contractors yard	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	42
43	Convenience store	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	43
44	Copy shop	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	44

	Permitted and Conditional Uses	AG-1	RNF-1	RS-1	RS-2	RU-1	RU-2	RM-1	RM-2	MH-1	O-1	C-1	C-2	C-3	I-1	I-2	
45	Country clubs	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-	45
46	Currency exchange	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	46
	Reserved – 47-49	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
50	Data center	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	50
51	Day camp	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	51
52	Dinner theater	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	52
53	Dog grooming	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	53
54	Donut shops	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	54
55	Drive-in business services	-	-	-	-	-	-	-	-	-	-	-	C	P	-	-	55
56	Drive-in retail and service establishments, except drive-in theaters	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	56
57	Drive-in theaters (See Sec. 5.5.7 for additional requirements)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	57
	Reserved – 58-60	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
61	Eating and drinking establishments	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	61
62	Eating and drinking establishments, not including drive-ins.	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	62
63	Eating establishments	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	63
64	Essential service structures of a non-industrial character, but not including maintenance depots or warehouses	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	64
65	Essential service structures of a non-industrial character, but not including telecommunication facilities, maintenance depots or warehouses	-	C	C	C	C	C	-	-	-	-	-	-	-	-	-	65
66	Essential services and structures but not including telecommunication facilities, wastewater treatment facilities, water treatment facilities, maintenance depots, or warehouses.	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	66
67	Essential services and structures but not including water treatment Facilities, or wastewater treatment facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	67
68	Essential services and structures such as telecommunication facilities (see Sec. 5.5.7 for additional requirements), but not including wastewater treatment facilities, water treatment facilities, maintenance depots and warehouses.	-	-	-	-	-	-	C	C	-	C	C	C	C	-	-	68
69	Essential services such as telecommunication facilities (see Sec. 5.5.7 for additional requirements), wastewater treatment facilities and water treatment facilities, maintenance depots and warehouses	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	69
	Reserved – 70-72	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
73	Farm machinery and equipment sales and repair	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	73
74	Feedlots.	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	74
75	Fine art instructions subject to home occupations type two (see Secs. 5.14 and 5.5.7)	-	P	P	P	P	P	P	P	-	-	-	-	-	-	-	75
76	Funeral homes/establishments	-	-	-	-	-	-	C	-	-	P	-	P	P	-	-	76
	Reserved – 77-79	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
80	General and specialized farming and agricultural activities except feedlots, but including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, fur-bearing animals, and other farm animals, and plants, trees, shrubs, and nursery stock in compliance with the standards set by the Michigan Right to Farm Act.	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	80
81	General service and repair establishments including dyeing, cleaning, or laundry works and upholstery or appliance repair.	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	81
82	Generally including those light manufacturing uses similar to the permitted uses in this district which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	82
83	Golf courses, but not including golf driving ranges	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	83
84	Golf driving ranges	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	84
85	Government- or community-owned buildings	-	C	C	C	C	C	C	C	-	-	C	C	C	-	-	85

Permitted and Conditional Uses		AG-1	RNF-1	RS-1	RS-2	RU-1	RU-2	RM-1	RM-2	MH-1	O-1	C-1	C-2	C-3	I-1	I-2	
86	Group or organized camps, camping grounds, and general or specialized resorts	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	86
	Reserved – 87-89	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
90	Home occupations; type one (see Sec. 5.14).	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	90
91	Home occupations, type two (see Secs. 5.14 and 5.5.7)	C	C	C	C	C	C	C	C	-	-	-	-	-	-	-	91
92	Hospitals, convalescent/nursing homes, sanitariums, and charitable institutions for human care	C	-	-	-	-	-	C	C	-	C	-	-	-	-	-	92
93	Hotels and motels	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	93
	Reserved – 94-96	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
97	Ice cream parlors and stores	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	97
98	Indoor and outdoor commercial amusements	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	98
99	Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice-skating rinks.	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	99
100	Indoor retail sales establishments	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	100
101	Industrial office buildings	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	101
102	Industrial uses not in conflict with any enacted state or local laws, or any provisions of this ordinance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	102
	Reserved – 103-105	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
106	Junkyards (See Sec. 5.5.7 for additional requirements)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	106
	Reserved – 107-109	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
110	Kennels	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	110
	Reserved – 111-113	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
114	Laboratories, dental or medical	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	114
115	Live theater	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	115
116	Lumber yards	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	116
	Reserved – 117-119	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
120	Massage establishment	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	120
121	Massage establishment, auxiliary	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	121
122	Medical and dental clinics	-	-	-	-	-	C	C	-	P	-	-	-	-	-	-	122
123	Micro brewery	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	123
124	Mobile home parks	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	124
125	Mobile home subdivisions in accordance with the provisions of RS-2 (suburban residential district II)	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	125
126	Movie theater	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	126
127	Multiple-family dwellings	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	127
	Reserved – 128-130	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
131	Offices of an executive, administrative, professional, or similar nature	-	-	-	-	-	C	C	-	P	P	P	P	-	-	-	131
132	Off-site signs (see Sec. 5.2)	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	132
133	On-site signs (see Sec. 5.2.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	133
134	Open space development of single family dwellings as provided for in the open space preservation provisions of the Michigan Zoning Enabling Act, as amended, 2006 PA 110, MCL 125.3101 et seq, and the provisions of Section 5.6, site plan review and approval, and Sec. 5.21, open space preservation developments.	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	134
	Reserved – 135-137	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
138	Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service Laundromats; and sale and repair shops for watches, shoes, radios, televisions, tanning salons, health clubs, and spas	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	138
139	Physical fitness centers	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	139
140	PC-1 – planned-commercial districts (see Sec. 4.6)	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	140
141	PC-1 – planned Office Districts (see Sec. 4.6)	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	141
142	PI-2 – planned industrial districts (see Sec. 4.6)	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	142
143	PR-1 – planned residential districts (see Sec 4.6)	-	P	P	P	P	P	P	P	-	-	-	-	-	-	-	143

	Permitted and Conditional Uses	AG-1	RNF-1	RS-1	RS-2	RU-1	RU-2	RM-1	RM-2	MH-1	O-1	C-1	C-2	C-3	I-1	I-2	
144	Printing establishments	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	144
145	Public and private nurseries, primary or secondary non-profit schools, and colleges and universities	C	-	-	-	-	-	C	C	-	-	-	-	-	-	-	145
146	Public and private nurseries; primary and secondary schools, and colleges	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	146
147	Public swimming pools, recreation centers, parks, playgrounds, and play fields	C	C	C	C	C	C	C	C	-	-	-	-	-	-	-	147
	Reserved – 148-150	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
151	Quarries (See Sec. 5.5.7 for additional requirements)	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	151
	Reserved – 152-154	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
155	Railroad terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	155
156	Research and testing laboratories	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	156
157	Retail sale of foods, drugs, hardware, notions, books, and similar convenience goods.	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	157
158	Riding academies and stables	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	158
159	Rooming houses and boarding houses	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	159
	Reserved – 160-162	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
163	Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	163
164	Sales of mobile homes provided that the sales operation is clearly subordinate and incidental to the use of the area for mobile home dwellings (see Sec. 5.5.7 for additional requirements)	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	164
165	Sales, rental, and service of motor vehicles, trailers, and boats	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	165
166	Sanitary landfills	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	166
167	Secondhand merchandise, retail sales	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	167
168	Single-family detached dwellings.	P	P	P	P	P	P	C	C	-	-	-	-	-	-	-	168
169	Skilled trade services including plumbing, electric, heating, printing, and painting establishments	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	169
170	Small animal clinics	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	170
171	Spas	-	-	-	-	-	-	-	-	-	-	-	P	C	-	-	171
172	State licensed group homes or centers and other state licensed homes or centers except those homes permitted as a use of right by state statute	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	172
173	Storage sheds and storage facilities for rent	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	173
174	Studios for professional work	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	174
	Reserved – 175-177	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
178	Telework center	-	-	-	-	-	-	-	-	-	C	-	P	P	-	-	178
179	Tourist home	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	179
180	Travel trailer parks	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	180
181	Trucking terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	181
182	Two-family dwellings	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	182
	Reserved – 183-185	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
186	Uses not specifically authorized as permitted uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	186
	Reserved – 187-189	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
190	Vehicle repair garages, but not including auto junk yards	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	190
	Reserved – 191-193	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
194	Wholesale merchandising or storage warehouses	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	194

4.7.2 District Area, Yard, Height and Bulk Regulations

Zoning District	Zoning Symbol	Lot Requirements			Minimum Yard Requirements			Max Bldg Height Requirements		Min Transition Strip Requirements		
		Min Lot Area	Min Lot Width	Max Lot Cov	Front	Side	Rear	Principal	Accessory			
Agricultural	AG-1	2 acres	200'	10%	60'	30' 60' *	50'	2.5 story or 35'	80'	n/a	Single-family detached dwelling units.	
		3 acres									All other uses.	
Rural Non-Farm Residential	RNF-1	1 acre	150'	20%	35'	20' 35' *	35'	2.5 story or 35'	14'	n/a	Single-family detached dwelling units.	
		2 acres									All other uses.	
Suburban Residential 1	RS-1	20,000 sf	100'	30%	35'	10' min 25' total 35' *	20'	2.5 story or 35'	14'	n/a	Single-family detached dwelling units.	
		1 acre	120'								All other uses.	
Suburban Residential 2	RS-2	10,000 sf	80'	30%	35'	10' min 25' total 35' *	20'	2.5 story or 35'	14'	n/a	Single-family detached dwelling units with central sewage and water systems.	
		15,000 sf	100'								Single-family detached dwelling units without central sewage.	
		1 acre	120'								All other uses.	
Urban Residential 1	RU-1	7,500 sf	60'	30%	25'	10'	25'	2.5 story or 35'	14'	n/a	Single-family detached dwelling units.	
		20,000 sf				25'					All other uses.	
Urban Residential 2	RU-2	7,500 sf	60'	30%	25'	10' min 25' total	25'	2.5 story or 35'	14'	n/a	Single-family detached dwelling units.	
		10,000 sf	80'								Two-family dwelling units.	
		20,000 sf	120'								All other uses.	
Multi-Family Residential	RM-1	10,000 sf	80'	25%	25'	10' min 25' total 25' *	25'	2.5 story or 35'	14'	n/a	Two-family dwelling units. 15,000 sf for first three dwellings. Units plus 2,000 sf for each additional dwelling unit.	
		15,000 sf	120'								All other uses.	
		20,000 sf	120'									
Multi-Family Residential	RM-2	10,000 sf	80'	25%	25'	10' min 25' total 25''	25'	2.5 story or 35'	14'	n/a	Two-family dwelling units. 15,000 sf for first three dwellings. Units plus 4,000 sf for each additional dwelling unit.	
		15,000 sf	120'								All other uses.	
		20,000 sf	120'									
Mobile Home Residential	MH-1	Min 10 acres	Michigan Mobile Home Commission Act, as amended, 1987 PA 96, MCL 125.2301 <i>et seq.</i> , and Sec. 4.2.7								n/a	Mobile home site within a mobile home park

Zoning District	Zoning Symbol	Lot Requirements			Minimum Yard Requirements			Max Bldg Height Requirements		Min Transition Strip Requirements	
		Min Lot Area	Min Lot Width	Max Lot Cov	Front	Side	Rear	Principal	Accessory		
Office	O-1	10,000 sf	80'	30%	25'	10' min 25' total	25'	2.5 story or 35'	25'	n/a	Uses with central sewage and water systems.
		15,000 sf	100'								Uses without central sewage.
Local Commercial	C-1	10,000 sf	75'	Revised 10/31/92 35%	35'	20' 35' *	35'	35'	n/a	15' wide and fence, wall, or hedge 4-6 ft	Uses with central sewage and water systems.
		15,000 sf	100'								Uses without central sewage.
General Commercial	C-2	10,000 sf	75'	Revised 10/31/92 35%	35'	20' 35' *	20'	35'	n/a	If abutting a residential district. 20' wide, landscaped	Uses with central sewage and water systems.
		15,000 sf	100'								Uses without central sewage.
Highway Service Commercial	C-3	15,000 sf	100'	Revised 10/31/92 35%	35'	20' 35' *	20'	35'	n/a	strip if fronting a public street.	
Light Industrial	I-1	20,000 sf	80'	Revised 10/31/92 35%	35'	20' 35' *	35'	35'	n/a	25' wide and fence > 4' but < 6' high if abutting a res. dist.	
Heavy Industrial	I-2	2 Acres	200'	Revised 10/31/92 35%	35'	20' 35' *	35'	35'	n/a	20' wide landscaped strip if fronting a public street.	

* Corner Lot

*** In Central Business District, no lot requirements, yard requirements, or transition strips are required, only side yard and rear yard when abutting Residential Districts.

4.7.3 Compliance with Regulations:

- A. No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located.
- B. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- C. No part of a yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

4.7.4 Yard Measurements:

- A. Lots, which abut on, more than one street, shall provide the required front yards along every street (except as noted in Section 4.7.2).
- B. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structure wall.

4.7.5 Lot Width

The width of a lot shall be the horizontal distance between the side lot lines measured at 90 degrees to the lot depth, provided that the line used to measure lot width shall be located as close as possible to the rear line of the required front yard, and provided further that no part of said measuring line shall not include any portion thereof in a street right-of-way or a street or drive easement. The frontage of a lot on a

street right-of-way or a street or easement shall not be less than 80 percent of the required lot width, except in the case of lots on a turning circle of a cul-de-sac street. On a cul-de-sac the front yard line shall be at the point where 80% of the required width is reached along a line-measured parallel to the tangent to the deepest protrusion of the arc describing the road right-of-way through the front of the property. In no case shall the distance between the above described tangent and front yard line be less than the required front yard setback for the zoning district in question. The above-described tangent may not be less than 30 feet in width at the road right-of-way line.

4.7.6 Height Exemptions:

Exceptions to the maximum height regulations for each district specified in this Ordinance may be permitted subject to the following provisions.

A. Height Limitations:

The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable ordinances; Parapet walls, chimneys, smokestacks, church spires, flagpoles, radio and television towers, penthouses for mechanical equipment, and water tanks.

B. Increased Height:

Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side, and rear yard depths are increased one (1) foot for each additional one (1) foot of height and provided that adequate fire protection can be demonstrated.

C. Airport Zoning Plan:

The Airport Zoning Plan (see Sec. 9.1.21) may place further limitations on the height of structures on land included in its study.

4.7.7 Accessory Structures:

- A. No detached accessory building or structure shall be located closer than ten (10) feet to any other building or structure unless the accessory building or structure shall have rated firewalls as provided by the Michigan Construction Code. Detached structures with rated firewalls may be located within three (3) feet of any other building or structure.
- B. All detached accessory structures in any residential district shall be subject to the same dimensional requirements affecting the principal structure, however, such accessory structure may be placed not less than five (5) feet from any rear lot line or the rear yard portion of any side lot line; and shall not exceed fourteen (14) feet in height and shall not be located in any portion of the front yard setback.
- C. All accessory structures in non-residential districts shall be subject to the same standards and requirements as are required for all principal structures within such districts.
- D. Packing or storage crates, parts or all of a semi-trailer, and similar converted structures shall not be used as accessory structures in any zoning district, except agricultural. Railroad cars shall not be used as accessory structures in any zoning district.

4.7.8 Distance between Grouped Buildings:

In addition to the required setback lines provided elsewhere in this Ordinance, in group dwellings (including semi-detached and multiple dwellings) the following minimum distances shall be required between each said dwelling:

- A. Where buildings are front-to-front or front to rear, three (3) times the height of the taller building, but not less than seventy (70) feet.
- B. Where buildings are side to side, one (1) times the height of the taller building but not less than twenty (20) feet.
- C. Where buildings are front to side, rear to side, or rear-to-rear, two (2) times the height of the taller building but not less than forty-five (45) feet.

4.7.9 Pets:

- A. In all residential zoning districts, dog houses, pens, kennels and run-ways shall be placed not less than five (5) feet from any rear or side lot line.

- B. The keeping of wild or undomesticated animals is prohibited in all residential zoning districts, such animals to include but not to be limited to: opossum, raccoon, bears, deer, moose, elk, snakes, wild cats such as mountain lions, tigers, leopards, panthers, ocelots, wolves, elephants, and other such wild game. The keeping of farm animals is also prohibited in all residential districts, except that horses may be kept in rural non-farm residential districts on parcels of ten (10) or more acres. Refer to Ordinance No. 29.04 for additional restrictions.

ARTICLE V – SUPPLEMENTAL REGULATIONS

SECTION 5.1 - PURPOSE

It is the purpose of this Article of this Ordinance to provide regulations and requirements that supplement the provisions contained under the respective district regulations in Article IV, and may or may not apply in all zoning districts.

SECTION 5.2 - SIGN REGULATIONS

5.2.1 Purpose:

The purpose of this Section is to regulate on-site and outdoor advertising to protect the public health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in the Township of Summit. The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. Outdoor advertising signs (billboards), which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principle use of a lot.

5.2.2 Definitions:

- A. **Abandoned Sign:** A sign which no longer advertises or identifies a business, lesser, owner or activity conducted upon or product available on the premises where such sign is displayed.
- B. **Animated Sign:** Any sign which includes action, motion, the optical illusion of action or motion or color changes of all or any part of the sign facing, requiring electrical energy or set in motion by movement of the atmosphere or a sign made up of a series of section that turn and stop to show two or more pictures or messages in the copy area, except time and temperature sign.
- C. **Billboard:** See "Outdoor Advertising Sign"
- D. **Business Center:** A group of two or more stores, offices, research or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common off-street parking and entrance facilities.
- E. **Canopy or Marquee Sign:** Any sign attached to or constructed within or on a canopy or marquee.
- F. **Changing Message Sign:** Includes Commercial Electronic Variable message signs (CEVMS)
- G. **District:** Zoning District as established by the Summit Township Zoning Ordinance.
- H. **Directional and Other Official Signs and Notices:** An official sign or notice, public utility sign, service club and religious notice, public service sign, and directional signs.
- I. **Directional Sign:** A sign containing only directional information and the identification of the activity about public places owned or operated by federal, state or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational, or religious site, deemed to be in the interest of the traveling public.
- J. **Free Standing Sign:** A sign supported by a structure independent of any other structure designed to identify to persons not on the premises, only the title of the business or profession conducted on the premises, and such information shall be supported by a structural frame independent of any other structure.
- K. **Height of Sign:** The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
- L. **Identification Sign:** A sign which carries only the name of the firm, the major enterprise, or the principal product, or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.

- M. **Off-Site Sign:** (Off-Premises Sign) A sign other than an on-site sign.
- N. **On-Site Sign:** (On-Premises Sign) A sign which advertises or identifies only goods, services, Facilities, events, or attractions on the premises where located.
- O. **Outdoor Advertising Sign:** A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes. Those signs are subject to the Highway Advertising Act of 1972, as amended, 1972 PA 106, MCL 252.301, *et seq.*
- P. **Sign:** Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:
 - 1. Signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
 - 2. Flags and insignias of any government except when displayed in connection with commercial connotations.
 - 3. Legal notices, identification, information, or directional signs erected, or required by government bodies.
 - 4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
 - 5. Signs directing and guiding traffic and parking to private property, but bearing no advertising matter. Also see Outdoor Advertising Sign and Free-Standing Identification Sign and sign provisions.
- Q. **Temporary Sign:** A sign that is intended to be displayed for a limited period of time, as specified in Section 5.2.10 herein.
- R. **Wall Sign:** A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.
- S. **Window Sign:** A sign installed on or in a window for the purposes of viewing from outside the premises. This term does not include merchandise located in a window.
- T. **Portable Sign:** Any sign not permanently attached to the ground or a building.

5.2.3 General Sign Regulations:

The following regulations shall apply to all signs in Summit Township:

A. Illuminated Signs:

- 1. Residential Districts - Only indirectly illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from a public right-of way or any adjacent residential property.
- 2. Commercial, Wholesale-Warehouse, Office, Research Development and Industrial Districts - Indirectly or internally illuminated signs are permitted provided such signs are so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.
- 3. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, or which are so constructed and operated as to create an appearance of writing or printing or a traffic signal, except that movement showing date, time, message and temperature exclusively shall be permitted. An electronic information display shall not flash or animate static information. The only movement permitted is the changing of information against the solid background. Nothing contained in this Ordinance shall be construed as preventing use of lights or decorations related to religious and patriotic festivities. Beacon lights or search lights shall not be permitted as a sign for advertising purposes except as provided in Section 5.2.10, Temporary Signs. No sign described in this subsection shall be located closer than ten (10') feet of ground level.
- 4. All illuminated signs shall comply with the applicable National Electrical Code provisions concerning signs and wiring.

- B. **Measurement of Sign Area:** The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed as measured three (3") inches in from the outside border of said geometric form or combination of forms.
- C. **Height of Sign:** No free standing sign shall exceed a height of thirty-five (35) feet.
- D. **Setback Requirements for Signs:** All signs shall be set back from the adjacent road by a distance of not less than one-half (1/2) of the setback required for a structure on said parcel as provided for in the setback requirements of this Zoning Ordinance except that in office, commercial and industrial districts where parcels adjoin a road right-of-way which is in excess of 80' the setback shall be not less than one-fourth (1/4) of the required setback for a structure on said parcel. The Planning Commission may, as part of a Site Plan Review, allow a sign in the above-mentioned exceptions to be closer to the road rights-of-way provided that no part of any sign extends beyond the subject parcel.
- E. **Business Flags:** Business flags shall be permitted in commercial, office, wholesale, and warehousing, research and development, and industrial zoning districts, subject to the following regulations:
 1. The flags shall be located on the same lot as the business building or use.
 2. Notwithstanding any other provision of this Ordinance, business flags shall meet the yard requirements for signs and the height limits for structures in the zoning district in which located.
 3. The area of each business flag shall not be included in the sign area that is permitted on a lot.
 4. Not more than one (1) business flag shall be permitted for each public road frontage of the lot on which located.
 5. All business flags shall be set back from adjacent road/street no less than one half (1/2) of the minimum setback required for a structure on said parcel as provided for in this Zoning Ordinance.
- F. **Official Signs and Notices:** A sign or notice erected and maintained by public officers or a public agency within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility and a historical marker authorized by state law and erected by state or local government agency or nonprofit historical society.

5.2.4 Permitted Signs In All Districts:

Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within the Township of Summit.

- A. Off-premise signs which bear names, information and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted. Each sign shall be not more than eight (8) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of ten (10) feet from the property line. All signs shall be consolidated within a single-frame, if more than one sign is placed at one location.
- B. Signs which direct traffic movement onto or within a property and which do not contain any advertising copy or logo, and which do not exceed eight (8) square feet in area for each sign. Horizontal directional signs, on and flush with paved areas may exceed eight (8) square feet. Directional signs shall be located on the property on which they are directing traffic and shall be located behind the front right-of-way line.
- C. One church, civic organization, public building, or school announcement bulletin, which may include an electronic messaging board, shall be permitted on any site that contains a church, civic organization, public building, or school regardless of the district in which it is located, provided said bulletin does not exceed thirty-two (32) square feet in area where the speed limit is forty-five (45) miles per hour or less, and sixty (60) square feet in area where the speed limit is forty-six (46) miles per hour or more and a height of (8) eight feet, and is set back from an adjacent road a minimum of one-half (1/2) of the setback required for a structure on said parcel as provided in this Zoning Ordinance. When a church, civic organization, public building or school has an identification sign as permitted elsewhere in this Ordinance, the combination of said signs shall not exceed an additional (8) eight square feet.

5.2.5 Prohibited Signs:

- A. **Miscellaneous Signs and Posters:** Tacking, pasting, or otherwise affixing signs or posters that are visible from a public way, and located on the walls of buildings, barns, sheds, or on trees, poles, posts, or fences shall be prohibited. Warning signs, such as "no trespassing" and "no hunting" and other postings required by law shall be exempt from this provision.
- B. **Banners:** Banners, pennants, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures shall be prohibited except as provided in Section 5.2.10 (g) - Temporary Signs.
- C. **Swinging Signs:** Signs that swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment shall be prohibited.
- D. **Moving Signs:** Except as otherwise provided in this section, any sign or any portion thereof that moves or assumes any motion constituting a non-stationary or fixed condition shall be prohibited.
- E. **Parking of Advertising Vehicles:** No person shall park any vehicle or trailer on a public right-of-way, public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the purpose of directing people to a business or activity. Currently licensed vehicles and trailers that have painted upon them in a permanent manner the name of the product, which they deliver and/or the name and address of the owner shall be excluded from this provision.
- F. **Abandoned Signs:** Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located, shall be prohibited.
- G. **Flags:** Flags other than those of any nation, state or political subdivision or business as otherwise provided in this Ordinance, shall be prohibited except as permitted under Section 5.2.10 (e).
- H. **Portable Signs:** Portable signs, except any temporary sign permitted in Section 5.2.10 herein, shall be prohibited.
- I. **Unclassified Signs:** The following signs are prohibited.
 - 1. Signs that imitate an official traffic sign or signal which contains the words stop, go slow, caution, danger, warning, or similar words except as otherwise provided in this section.
 - 2. Signs that are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.
 - 3. Signs that contain statements, words or pictures of an obscene, pornographic or immoral character.
 - 4. Signs that are painted directly on to a wall or any other part of a building.
 - 5. Signs that are painted on or attached to any fence or any wall that is not a structural part of a building except to identify a residence.
 - 6. Signs that emit audible sound, odor, or visible matter.
 - 7. Roof signs that extend above the peak of the roof.

5.2.6 Permitted Signs in Recreation-Conservation and Agricultural Districts:

- A. One sign advertising the type of farm products grown on a farm premises. Such sign shall not exceed twenty-four (24) square feet in area.
- B. One identification sign shall be permitted for each public street frontage having a curb cut for a vehicle entrance, for a school, church building or other authorized use or lawful non-conforming use except a home Occupation. Where a church has an announcement bulletin as permitted in Section 5.2.4 hereof, said identification sign shall not be permitted. Each sign shall not exceed thirty-two (32) square feet in area.
- C. One identification sign shall be permitted for a type two home occupation. The sign shall not exceed three (3) square feet in area and shall be attached flat against the front wall of the building.

5.2.7 Permitted Signs in Residential Districts:

- A. One identification sign shall be permitted for each public street frontage of subdivision, multiple-family building development, or a mobile home park. Each sign shall not exceed thirty-two (32) square feet in area. One additional sign advertising "For Rent" or "Vacancy" may be placed on each public street frontage of a rental residential development provided that such sign shall not exceed

three (3) square feet in area and is incorporated into the identification sign. Each sign shall be set back not less than five (5) feet from the right-of-way line of any public street, and shall not exceed four (4) feet in height.

- B. One identification sign shall be permitted for each public street frontage having a driveway for a school, church, public building, or other authorized use or lawful non-conforming use, except type two home occupations. Where an announcement bulletin as permitted in Section 5.2.4 (c) herein, is combined, said identification sign shall not exceed eight (8) feet in height.
- C. One identification sign shall be permitted for a type two home occupation. The sign shall not exceed three (3) square feet in area and shall be attached flat against the front wall of the building.

5.2.8 Permitted Signs in Commercial, Office and Industrial Districts:

On-site canopy or marquee signs, wall signs, and freestanding signs are permitted in all commercial, office and industrial districts subject to the following conditions:

- A. Signs permitted for single buildings on developed lots or group of lots developed as one lot, not in a business center subject to Section 5.2.8 (b):
 - 1. Area - Each developed lot shall be permitted *at least* one free-standing exterior sign *and one exterior wall sign*.
 - a. The area of free-standing exterior signs may be up to eighty (80) square feet, except where the speed limit is fifty (50) miles per hour or greater, in which case the size of the sign may be up to one hundred and twenty (120) square feet on each street frontage.
 - b. The area of exterior wall signs permitted for each lot shall be determined as two (2) square feet of sign area for each one (1) linear foot of building length which faces one (1) public street.
 - 2. Number - Each developed lot shall be permitted one (1) exterior free-standing on-site sign. For every developed lot that has frontage on two (2) collector or arterial streets, two (2) exterior on-site signs shall be permitted. Only one (1) freestanding identification sign shall be permitted on any street frontage. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign per road frontage, in addition to the number of signs allocated to the developed lot. The total area of all exterior signs shall not exceed the total sign area permitted in Section 5.2.8 (a) (1).
- B. Signs permitted for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings or industrial buildings, not subject to Section 5.2.8
 - 1. Free Standing Signs: Each business center shall be permitted one, freestanding identification sign for each frontage on a public street. Each sign shall state only the name of the business center and the major tenants located therein. The maximum permitted sign area shall be determined as one (1) square foot for each one (1) linear foot of building, which faces one public street. The maximum area for each freestanding sign shall be two hundred (200) square feet. Tenants of a business center shall not permit individual freestanding identification signs.
 - 2. Wall Signs - Each business in a business center with ground floor frontage shall be permitted one exterior wall sign. The sign area for such an exterior wall sign shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business. All businesses without ground floor frontage shall be permitted one combined exterior wall sign not more than twenty-four (24) square feet in area.
 - 3. Park Signs - A freestanding sign, identifying the primary tenants in an office park or an industrial park, may be installed at the entrance(s) to a park. Each parcel in a park will be allowed one (1) available space on a park sign. Each space shall be no larger than eight (8) inches by forty-eight (48) inches. Park signs shall be no higher than six (6) feet above the height of the public road at the point of the centerline most closely adjacent to the sign. No park sign shall be greater than eight (8) feet long. All park signs shall be located no closer to an adjacent road than one half (1/2) of the minimum setback required for a structure on said parcel as provided in this Zoning Ordinance.

- C. A time and temperature sign shall be permitted in addition to the above permitted signs, provided that ownership identification or advertising copy does not exceed ten (10) percent of the total sign area and further provided that the total area of the sign does not exceed thirty (30) square feet.
- D. No canopy or marquee sign shall extend into a public right-of-way except by variance granted by the Zoning Board of Appeals. In granting such a variance the Board of Appeals shall assure that the requirements of Section 7.3 of this Ordinance are complied with; that the minimum clearance of such sign is eight (8) feet measured from the sidewalk surface to the bottom edge of the sign; that the sign does not obstruct pedestrian or vehicular view; and that the sign does not create a hazard for pedestrian or vehicular traffic.
- E. In addition to the provisions of Section 5.2.8 (a) and (b) proceeding, an automobile service station may have one additional sign for each public street frontage having a driveway, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a freestanding structure or on the structure of another permitted sign, provided that clear views of street traffic by motorists or pedestrians are not obstructed. Said sign shall not exceed eight (8) square feet in area.
- F. Service Station Signs: Notwithstanding any of the provisions of this Article, no signs shall be located on fuel pump islands, except those constituting an integral part of the pump or those required by State law or regulation. No signs shall be attached to light standards. No signs shall be attached to fuel pump canopies except those identifying self-service and full-service pumps or similar messages.

5.2.9 Outdoor Advertising Signs (Off-Site Signs):

Outdoor advertising signs shall be permitted only in accordance with the following regulations:

- A. Outdoor advertising signs shall be permitted only in agricultural districts (AG-1) on state or federal highways, C-3, I-1 and I-2 districts and shall be subject to the Highway Advertising Act of 1972, as amended, 1972 PA 106, MCL 252.301 *et seq.*
- B. Where two (2) or more outdoor advertising signs are located along the frontage of a street or highway, they shall be not less than one-thousand (1,000) feet apart. A double-face (back to back) of a V-type structure shall be considered a single sign provided the interior angle of such signs does not exceed twenty (20) degrees.
- C. The total surface area, facing in the same direction, of any outdoor advertising sign, shall not exceed three hundred (300) square feet. Signs may be single or double-faced and shall contain no more than two faces, or panels.
- D. Outdoor advertising signs shall not exceed twenty (20) feet in height from ground level. The permitted height may be increased to forty (40) feet by the Zoning Administrator if it can be shown that excessive grades, buildings, bridges, and similar conditions obstruct views of the sign.
- E. Outdoor advertising signs shall not be erected on the roof of any building nor have one sign above another.

5.2.10 Temporary Signs:

- A. In single-family and two-family districts one sign for each public street frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed sixty-four (64) square feet in area. Each sign shall be removed within two (2) years after it is erected or when seventy-five (75) percent of all lots or units within the subdivision or development are sold, whichever first occurs.
- B. In multiple-family districts one sign, not to exceed sixty-four (64) square feet in area shall be permitted on each public street frontage of a new multiple-family development for the purpose of advertising new dwelling units for rent or sale. Each sign shall be removed within sixty (60) days of the initial rental or sale of seventy (70) percent of the dwelling units within the development.
- C. One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed six (6) square feet in area, with not more than a total of three (3) such signs permitted on one site. If all building contractors, professional design firms and lending institutions join together in one, identification sign, such sign shall not exceed thirty-two (32) square feet in area, and not more than one sign shall be permitted on a site. Signs shall have a maximum height of ten (10) feet and shall be con-

fined to the site of the construction, construction shed or construction trailer and shall be removed within fourteen (14) days after the issuance of a certificate of occupancy.

- D. Temporary signs announcing any special sales, annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted on an annual basis. An annual permit will allow for up to four (4) special events a year. Each special event may last up to fifteen (15) days. A permit must be in effect for at least thirty (30) days prior to the first special event. The dates of those special events must be identified at the time of the application. Amendments allowing additional special events must be made at least thirty (30) days prior to the proposed special event. Maximum sign area shall not exceed thirty-two (32) square feet. If building mounted, signs shall be flat wall signs and shall not project above the roofline. If ground mounted, signs shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section 5.2.3 (d) of this Ordinance.
- E. Banners, pennants, search lights, balloons, or other gas filled figures are to be considered temporary signs and are therefore allowable during special events as defined in Section 5.2.10(D). Such signs shall not obstruct pedestrian or vehicular view and shall not interfere in any way with safe traffic flow.
- F. Temporary real estate direction signs, not exceeding three (3) square feet in area and four (4) in number, showing a directional arrow and placed back of the property line, shall be permitted on approach routes to an open house, only for the day of the open house. Signs shall not exceed three (3) feet in height.
- G. In residential districts one (1) temporary real estate "For Sale", "For Rent", or "For Lease" sign, located on the property and not exceeding six (6) square feet in area shall be permitted. In all other zoning districts one (1) sign of this type shall be permitted, provided it does not exceed thirty-two (32) square feet in area and is set back in accordance with Section 5.2.3 (d) of this Ordinance. If the lot has multiple frontages one additional sign not exceeding six (6) square feet in area in residential districts or thirty-two (32) square feet in area in all other districts shall be permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot. Such signs shall be removed within seven (7) days following the sale, rent, or lease. In no case shall a sign advertising the sale, rent, or lease of a building that is not located on the property on which the sign is located, be permitted.

5.2.11 Exempted Signs:

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

- A. Signs of a non-commercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- B. Political campaign signs shall be removed no later than five (5) days following the election or primary.
- C. Names of buildings, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.

5.2.12 Non conforming Signs:

Non conforming signs shall not:

- A. Be re-established after the activity, business or usage to which it relates has been discontinued for ninety (90) days or longer.
- B. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign.
- C. Be re-established after damage or destruction, if the estimated expense or reconstruction exceeds fifty (50) percent of the replacement cost as determined by the Building Inspector.

5.2.13 Permits and Fees:

- A. A permit shall be required to erect or replace a sign, or to change the copy of a sign, that is regulated by Section 5.2.4 and 5.2.6 through 5.2.10 (e) herein. The application shall be made by the

owner of the property, or authorized agent thereof, to the Township Zoning Administrator by submitting the required forms, fees, exhibits and information. Fees for sign permits shall be established by resolution of the Township Board.

- B. An application for a sign permit shall contain the following:
 - 1. The applicant's name and address in full, and a complete description of the relationship to the property owner.
 - 2. If the applicant is not the property owner, the signature of the property owner concurring in submittal of the application.
 - 3. The address of the property.
 - 4. An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
 - 5. A complete description and scale drawing of the sign, including all dimensions and the area in square feet.
- C. All signs shall be inspected by the Township Zoning Administrator for conformance to this Ordinance prior to placement on the site.
- D. 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 six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Zoning Administrator.
- E. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.
- F. Signs for which a permit is required shall be inspected periodically by the Zoning Administrator for the compliance with this Ordinance and other codes, requirements and laws of the Township of Summit, including but not limited to the National Electrical Code, State Construction Code and State Mechanical Code.
- G. The applicant is also responsible for getting any other federal, state, or locally required permission before erecting a sign. Other permissions may include, but are not limited to: proposed signs that are visible to a state highway, which require permits via the Highway Advertising Act of 1972, as amended, 1972 PA 106, MCL 252.301 *et seq.*

5.2.14 Removal of Signs:

- A. The Zoning Administrator shall order the removal of any sign erected or maintained in violation of this Ordinance except for legal non-conforming signs. Thirty (30) days notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located to remove the sign or to comply with this Ordinance. The Township may after thirty (30) days notice remove the sign. The Township shall also remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the Township shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge will be a lien on the property.
- B. A sign shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the business, which it advertises, is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Township shall remove it in accordance with the provisions stated in Section 5.2.14 (a) preceding. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this Ordinance.

SECTION 5.3 - OFF-STREET PARKING REQUIREMENTS

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures

or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

5.3.1 Plans:

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a zoning compliance permit for the erection or enlargement of a building.

5.3.2 Location of Off-Street Parking Areas:

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

5.3.3 Parking in Residential Districts:

Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed one (1) ton gross vehicle weight (GVW) shall be permitted per dwelling unit. The parking of any other type of commercial or industrial vehicle, except for those parked on school or church property, is prohibited in a residential zone.

The parking of a passenger vehicle or vehicles on a driveway located on private property shall not be prohibited in any Zoning District. All other vehicles and equipment shall be parked on a lot in accordance with the following provisions:

- A. These provision shall not apply to any vehicle or equipment stored or parked in an enclosed building.
- B. Motor vehicles, motor homes, travel trailers, campers, and similar equipment shall not be parked in the front yard setback of any residential district. Such units may be parked indefinitely in the back-yard or side yard of a parcel providing that said units are parked or stored in such a way as to conform to the rear and side line setback requirements for a dwelling in that Zoning District.
- C. Boats, recreational vehicles, snowmobiles, trailers, and similar such units or equipment shall not be parked in the front yard. Such units may be parked indefinitely in the back-yard or side yard of a parcel providing that said units are parked or stored in such a way as to conform to the rear and side line setback requirements for a dwelling in that Zoning District.
- D. Temporary vehicles or structures such as motor homes, travel trailers or campers shall not be used as living quarters or dwellings in any Zoning District, except in accordance with the provisions of Section 5.10 of this Ordinance.

5.3.4 Off-Street Parking Area Design:

- A. Each off-street parking space for automobiles shall be not less than two hundred (200) square feet in area, exclusive of access drives or aisles. The standard dimensions of a parking space shall be ten feet by twenty feet (10-ft -20 ft), but in any case parking spaces shall be of usable shape and condition.

The applicant will also be required to provide the number of accessible parking spaces, with the mandated dimensions for the parking spaces and access aisles, mandated by Michigan’s Barrier Free Code.

- B. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:
 - 1. For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
 - 2. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet.
 - 3. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 - 4. For parallel parking, the aisle shall not be less than ten (10) feet in width.

- C. There shall be provided a minimum access drive of ten (10) feet in width for one-way (1-way) traffic and twenty (20) feet in width for two-way (2-way) traffic. Where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
- D. All off-street parking spaces shall not be closer than five (5) feet to any property line including the parkway.
- E. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials, which will have a dust-free surface resistant to erosion.
- F. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
- G. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side, which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- H. 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 one or two-family dwellings.
- I. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened from the street or an adjacent residentially zoned property by a wall, fence, or compact planting not less than three (3) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.

5.3.5 Collective Parking:

Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

5.3.6 Determining Requirements:

For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

- A. **Floor Area:** In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.
- B. **Places of Assembly:** In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- C. **Fractions:** When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

5.3.7 Schedule of Off-Street Parking Spaces:

The minimum required off-street parking spaces shall be set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned the parking requirements of a similar or related use shall apply.

Use	Parking Space Requirements
Automobile or Machinery Sales and Service Garages	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees on maximum shift.
Bank, Business, and Professional Offices	One (1) space for each two hundred (200) square feet of gross floor area.

Use	Parking Space Requirements
Barber Shops and Beauty Parlors	One (1) space for each chair plus one (1) space for each employee on maximum shift.
Bowling Alleys	Seven (7) spaces for each alley.
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than schools.	One (1) space for each four (4) seats.
Dwelling Unit	Two (2) spaces for each family or dwelling unit.
Funeral Homes and Mortuaries	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle, whichever is greater.
Furniture, Appliance Stores, Household Equipment floor and Furniture Repair Shops area.	One (1) space for each four hundred (400) square feet of floor area
Hospitals	One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees on maximum shift.
Hotels, Motels, Lodging Houses, Boarding Homes	One (1) space for each living unit plus one (1) space for each two (2) employees.
Automobile, Service Stations	One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees on maximum shift.
Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories.	One (1) space for each two (2) employees on maximum shift.
Medical and Dental Clinics	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee on maximum shift
Restaurants, Beer Parlors, Taverns, and Night Clubs	One (1) space for each three (3) patrons of maximum seating capacity plus one (1) space for each two (2) employees on maximum shift.
Banquet, reception, and convention facilities where Food and beverages may be served	One (1) space for each three (3) patrons of maximum seating capacity plus one (1) space for each two (2) employees on maximum shift.
Self-service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machines.
Elementary and Junior High Schools, Private or Public	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
Senior High School and Institutions of Higher Learning, Private or Public	One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students enrolled.
Super Market, Self-service Food and Discount Stores	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees on maximum shift.
Wholesale Establishments and Warehouses	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees on maximum shift.

5.3.8 Exception:

The parking requirements for all uses proposed on a lot shall be cumulative, unless the Planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during non conflicting hours by the other contiguous land use, in which event the required parking spaces for such particular land use may be reduced by the Planning Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.

The Planning Commission may in its discretion depending on the nature of the use being proposed and the layout of the site plan reduce by no more than twenty-five (25%) percent the required parking spaces on an individual case basis. Any such reduction shall be made only if requested by the applicant, and upon a showing by the applicant that the parking spaces set forth in the Ordinance exceed the parking spaces necessary to the proposed use or to be reasonably used by persons frequenting the proposed use.

5.3.9 Off-Street Parking in Residential Areas:

Off-street parking and parking lots for office, commercial or industrial purposes shall be located only in office, commercial or industrial districts.

SECTION 5.4 - OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In connection with every building, structure, or use hereafter erected, except single- and two-family dwelling unit structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

5.4.1 Plans:

Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a zoning compliance permit.

5.4.2 Off-Street Loading Area Design:

- A. Each off-street loading and unloading space shall not be less than ten (10) feet in width and fifty-five (55), feet in length with not less than fifteen (15) feet in height clearance.
- B. Any loading-and unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on sides by a wall, fence or compact planting not less than six (6) feet in height.
- C. All off-street loading and unloading facilities that make it necessary to back out directly into a public road/street shall be prohibited.

5.4.3 Off-Street Loading Area Space Requirements:

- A. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading and unloading facilities shall be the sum of the various uses computed separately.
- B. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading and unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading and unloading space.
- C. All industrial and wholesale commercial land uses shall provide one (1) loading and unloading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading and unloading spaces.

SECTION 5.5 - CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of the Township of Summit into districts in each of which are permitted specified uses, which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses, which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the Township of Summit. Such uses, on account of their peculiar occasional need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

5.5.1 Authority to Grant Permits:

The Planning Commission as hereinafter provided, shall have the authority to recommend to the Summit Township Board to grant conditional use permits, subject to such conditions of design, operation, and safeguards as the Summit Township. Board may determine for all conditional uses specified in the various district provisions of this Ordinance.

5.5.2 Conditional Use Permit Application Procedure and Approval Process:

Whenever any Conditional Use Permit for a property is proposed, before any building permit for the erection of a permanent building on such site shall be granted, the developer or his/her authorized agent

shall apply for and secure approval of such Conditional Use Permit in accordance with the following procedures.

- A. **General.** The applicant shall file an official Conditional Use Permit application form; submit required data, exhibits, and information; and deposit the required fee as established by resolution of Summit Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.
- B. **Staging.** If the applicant wishes to stage the conditional use and has so indicated on the development plan, the development plan may be submitted with only those stages he/she wishes to develop at this time. Any plan which requires more than twenty-four (24) months to be completed shall be required to be staged and staging plan shall be developed.
- C. **Review of the Development Plan.** The proposed Conditional Use must be reviewed according to the procedures and requirements outlined in Section 5.20, *procedure for evaluating development proposals and development plan requirements*.
- D. **Public Hearing Requirements.** Public hearings held in accordance with Sec. 6.4, *public noticing requirements*, shall take place before the planning commission and township board consider approval of the Conditional Use Permit.

The Planning Commission must provide a written statement of findings and conclusions relative to the conditional land use which specifies the basis for the decision and any conditions imposed.

5.5.3 Required Standards and Findings for Making Determinations:

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets the following requirements:

- A. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public costs for public facilities and services.

5.5.4 Determination and Imposition of Conditions:

If the facts in the case do not reasonably establish that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not recommend to the Summit Township Board that said Summit Township Board should grant a conditional use permit. In recommending that a conditional use permit should be granted by the Summit Township Board, the Planning Commission shall recommend such conditions of use as it deems necessary to protect the best interest of the Township of Summit and the surrounding property, and to achieve the objectives of this Ordinance.

5.5.5 Approval of the Permit:

Upon holding a public hearing and the finding that the requirements of subsections 5.5.2 through 5.5.6 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days recommend approval or disapproval to the Summit Township Board. When the Summit Township Board gives final approval, a conditional use permit shall be issued for use only at the requested location. In all cases where conditional use permits are granted in residential districts, if the structure on the premises is also used for a dwelling unit then it shall be a requirement of the conditional use permit that the owner of the premises resides in the structure for which the conditional use permit is granted. This requirement shall not apply to conditional use permits granted for offices or clinics. The Township Board shall forward a copy of the permit to the applicant, Clerk, Zoning Administrator, and Planning

Commission. The Zoning Administrator shall not issue a zoning compliance permit until he/she has received a copy of the conditional use permit approved by the Summit Township Board.

5.5.6 Voiding of Conditional Use Permit:

Any conditional use permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within two hundred ten (210) days and completed within five hundred seventy-five (575) days of the date of issuance.

A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and ground for the Planning Commission to terminate and cancel such conditional use permit.

5.5.7 Additional Development Requirements for Certain Uses:

A conditional use permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified. The Planning Commission may impose additional conditions and safeguards when deemed necessary by that body.

A. Quarries:

The removal of soil, sand, gravel, stone, and other earth materials shall be subject to the following conditions:

1. There shall be not more than one (1) entranceway from a public road/street to said lot for each five hundred (500) feet of front lot line.
2. Such removal, processing, transportation, and activities relating to storage such as stock piling shall not take place before sunrise or after sunset.
3. On said lot, no digging or excavating shall take place closer than one hundred (100) feet to any lot line.
4. On said lot, all road/streets, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads/streets the nuisance caused by wind-borne dust.
5. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stock-piling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road/street.
6. Such removal, processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, watercourse, or body outside the lines of the lot on which such use shall be located.
7. Such removal, processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
8. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
9. There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top edge of any slope.
10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.

11. The operator shall file with the Planning Commission and the Zoning Administrator a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; proposed and final landscaping; and the location of future road/streets, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.
12. The operator shall file with the Summit Township Board a performance bond, payable to the Township of Summit and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The Summit Township Board shall fix the amount of the required bond, which will reflect the anticipated cost of restoration. The bond shall be released upon written certification of the Zoning Administrator that the restoration is complete and in compliance with the restoration plan.
13. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a re-determination by the Planning Commission and a filing of a performance bond, said re-determination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

B. Junkyards:

In addition to, and as an integral part of development, the following provisions shall apply:

1. It is recognized by this Ordinance that the location of such materials in an open area included in this Ordinance's definition of "junkyard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, unpierced fence or wall at least seven (7) feet in height, and not less than the height of the materials on the lot on which a junkyard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "junkyard" be located on the lot on which a junkyard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.
2. All traffic ingress and egress shall be on major streets, and there shall be not more than one (1) entranceway to the lot on which a junk yard shall be operated from each public road/street on which said lot abuts.
3. All roads/streets, driveways, parking lots, and loading and unloading areas within any yard of a junkyard shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads/streets the nuisance caused by wind-borne dust.

C. Drive-in Theaters:

In addition to, and as an integral part of development, the following provisions shall apply:

1. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
2. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line.
3. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance to the exit of motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

D. Combined Residential and Office or Business Units:

In addition to and as an integral part of development, the following provisions shall apply:

1. The principal use of the property must be office or commercial, and the residential use only incidental to the office or commercial use.
2. The residential use shall be restricted in the same manner and subject to the same regulations as single family residential units, excluding height and set-back requirements.
3. The residential use shall be restricted to the owner of the unit or the business located in the unit. The residential use cannot be a rental use or occupied solely by non-family members of the owner of the building or the business.
4. The residential unit must be designed and constructed as part of the office or commercial use; however, rare unattached units may be permitted, and the area of the residential unit may not exceed the area of the office or commercial use.

E. Animal Parks, Zoos and Aquariums:

An animal park, zoo or aquarium is defined as the temporary or permanent housing, or keeping for display of non-domestic birds, fish and/or animals. An animal park, zoo, or aquarium is an operation that is open to the public, whether free or for admission, and may be part of a larger park or common area used for other purposes.

The nature of animal parks, zoos and aquariums is such that each project must be reviewed individually, and certain conditions imposed on the use so as not to endanger the life of residents in the area, or adversely affect the value of properties in the area. Prior to issuing a conditional use for an animal park, zoo, or aquarium the Planning Commission shall consider the following in making its recommendation to the Township Board:

1. Whether the public roads/streets are sufficient to handle the increased traffic expected to be generated by such a project.
2. Whether the project is located so closely to surrounding residential property that the traffic and noise generated from the project will adversely impact and affect the peace and quiet of surrounding residents.
3. Whether there is adequate parking proposed by the applicant.
4. Whether the proposed fencing of the project will be adequate to prevent animals from within the project from escaping and being a danger to surrounding residents.
5. Whether the applicant has submitted a plan showing sufficient personnel to maintain the quality of life of the animals within the project, order among the visitors to the project, and crowd control within the project.
6. Whether the proposed landscaping is adequate to create an attractive appearance, and to shield the activities from surrounding residential neighborhoods.
7. Whether such applicant has received all applicable federal and state licenses. An applicant who has been denied a federal or state license shall not be approved by the Planning Commission. An applicant who violates a state or federal license, guideline, or regulation shall be deemed to violate the conditional use permit granted under this Section, and if a permit has been issued it shall be subject to revocation by the Township Board for such violation.
8. Whether such animal park, zoo or aquarium will place an undue burden on public services such as police, fire, water, sewer, or any other public service provided by the municipality.
9. Liability insurance of no less than \$1,000,000 per person and \$2,000,000 per incident to protect the public and persons using the park zoo or aquarium from monetary loss and compensate for damages to property or persons caused by the park or zoo, or such other amount as may be required by the Township Board if dangerous or exotic animals are kept on the premises.
10. Whether the nature of the operation is sufficiently removed from residences so as not to cause a nuisance by reason of odors, dust, trash, or noise.
11. In determining any application for a park, zoo or aquarium the Planning Commission shall consider the appropriateness of the applicant posting a bond to assure compliance with the conditional use permit with respect to odors, dust, trash or noise and restoration of the property if the enterprise is closed. The necessity of said bond would protect the Township by allowing the Township to use the proceeds from said bond to defray costs incurred in the event that the Township was required to remedy a nuisance on the property.

12. In considering such a conditional use the Planning Commission may make recommendations concerning lighting, hours of operation, parking, landscaping, buffer zones, and any other conditions reasonably calculated to maintain the integrity of the value of surrounding properties and the peace and tranquility of the residents in and about the proposed project.
13. That a conditional use authorized under this Section preempts any contrary provisions in the Zoning Ordinance, and in particular the prohibition against keeping exotic animals in residential areas. This Section shall take precedence over any other Section of the Zoning Ordinance.

F. Telecommunication Facilities and Towers:

A telecommunication facility shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, cellular towers, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), satellite dish facilities, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial radio service facilities, paging and similar services which are licensed and marketed to the general public, except preemption's as stated in the Federal Telecommunications Act of 1996. Not included in this definition are citizen band radio facilities, short wave receiving facilities, federally licensed amateur (ham) radio facilities, and government facilities that are subject to state or federal law or regulations which pre-empt municipal regulatory authority.

1. **Applicant:** The applicant for a permit to erect a commercial telecommunications tower, satellite dish, cellular tower, microwave dish, paging, or otherwise wireless type of communication towers or antennas shall be the owner, tenant, lessee, or agent of one of the foregoing.
2. **Application:** The application shall be submitted to the Township forty-five (45) days prior to submission of the application to the Planning Commission for approval and shall contain, in addition to any other information requested by the Planning Commission, the following information:
 - a) A statement by the applicant describing engineering criteria which will permit co-location of additional antennas, if the tower is 60 feet or more in height.
 - b) A diagram of the proposed site.
 - c) A detailed statement as to the intended buffering of the property to minimize its visibility to surrounding uses. Such buffering shall include but not be limited to the planting of evergreen trees, a fence no less than six (6) feet tall, and the material out of which said fence shall be erected. See additional requirements in Section 3 (e).
 - d) The proposed height of the telecommunication facility.
 - e) The location and size of all accessory buildings.
 - f) The type of construction of telecommunication facility.
 - g) Each application shall be accompanied by a report prepared by a Michigan licensed professional engineer describing the telecommunication facility height and design, including a cross-section of the structure; the report shall demonstrate the tower's compliance with applicable sub-structural standards and describe the tower's load design.
 - h) The applicant in the application must demonstrate that the proposed site is the most appropriate site within the immediate area for the location of the telecommunication facility. Such demonstration shall be evidenced by a study comparing other potential host sites. Reasons for excluding a site for consideration include but are not limited to:
 - 1) Unwillingness of the owner to entertain a telecommunication facility proposal.
 - 2) Topographical limitations of the site.
 - 3) Adjacent impediments that would obstruct adequate telecommunication transmission.
 - 4) Physical site constraints that would preclude this construction of a telecommunication facility.
 - 5) Technical limitations of the telecommunication system.
 - 6) A legal description of the property.

- 7) The application shall be accompanied by a statement from a Michigan licensed professional engineer certifying that the tower is in compliance with all applicable federal, state and local laws, codes, regulations and ordinances.
- 8) The base of the telecommunication tower shall be determined by the setback requirements of the Ordinance. In no case shall the base of the tower intrude into the minimum setback requirements.
- 9) Minimum spacing between telecommunication facility locations shall be one (1) mile in order to prevent a concentration of towers in one area.
- 10) All applications for the construction of commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging, and other wireless types of communication towers or antennas shall be subject to the provisions of the site plan review process set forth in this Ordinance. Each such application shall undergo a full and thorough site plan review together with meeting all of the requirements of Section 5.5.7 (f).

3. Minimum Standards:

- a) Commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and other wireless types of communication towers or antennas shall be separated from residential dwellings by a distance of no less than two hundred (200) feet or the height of the tower plus ten (10%) per cent, whichever is greater. The setback distance shall be measured from the base of the tower to the lot line.
- b) All communication towers shall be inspected annually by a competent or licensed inspector to insure the structural integrity of the tower, appurtenances added to the tower, equipment added to the tower, and fixtures added to the tower. A report of the results of the inspection shall be provided to the Township Building Inspector on or before August 1st of each year.
- c) All telecommunication facilities shall be sited to have the least possible practical visual effect on the surrounding neighborhood.
- d) Telecommunication facilities shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.
- e) There shall be vegetative screening through the use of evergreen shrubs or trees capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting, and a row of trees at least eight (8) feet in height at the time of placement with ten (10) foot centers and a minimum mature height of thirty-five (35) feet.
- f) Minimum property line setbacks shall be thirty (30) feet plus the height of the telecommunication facility plus ten (10%) per cent of the height of the tower, or one hundred (100) feet, whichever is greater. Notwithstanding the foregoing language, no tower shall be located closer than two hundred (200) feet from the property line when the property is being used for residential purposes. Providing further, that where a proposed tower will be located on a parcel of land surrounded on all four sides by commercially, agriculturally and/or industrial zoned property the Planning Commission may in its discretion reduce the minimum sideline setback requirements of this Ordinance upon evidence that a satisfactory fall zone for the tower will be less than the required setback in this Ordinance, but in no event shall the setback be less than that required for structures erected in the Zoning District in which the tower is located. The setback distance shall be measured from the base of the tower to the lot line.
- g) The telecommunication facility shall conform to the ANSI standards for radio frequency (RF) exposure. The telecommunication shall be upgraded to meet any change in the ANSI standards. The owner or applicant shall provide proof of compliance with the ANSI standards.
- h) The total square footage of accessory buildings shall not exceed four hundred (400) square feet per user of the tower. Accessory structures shall blend in with the surrounding area by considering color, texture and materials, topography and scale of buildings.
- i) Fuel tanks shall be buried or screened with landscaping, fencing or berms. Trash areas must be screened. Alternative fuel supplies shall meet applicable state law.
- j) The noise impacts of cooling and other types of equipment shall be minimized through location and screening. Noise may not exceed State or local noise standards, and shall conform to recommended decibels standards adopted by the appropriate federal agency.

- k) Metal towers shall be constructed of or treated with corrosive resistant material.
 - l) Antenna and metal towers shall be grounded for protection against direct strike by lightning and shall comply as to the electrical wiring and connections with all applicable local statutes, regulations, standards and codes.
 - m) There shall not be displayed any advertising or identification of any kind intended to be visible from the ground or other structure on any tower, except such identification as may be required for emergency purposes.
 - n) All parking and drive areas must be paved.
4. **Abandonment:** In the event the use of any telecommunication facility has been discontinued for a period of one hundred eighty (180) days the telecommunication facility shall be deemed to be abandoned. Upon abandonment the owner/operator of the telecommunication facility shall have an additional one hundred eighty (180) days within which to re-activate the telecommunication facility or dismantle and remove the telecommunication facility.
 5. **Federal, State and Local Rules, Etc.:** The owner or applicant of the commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging, and other wireless types of communication towers or antennas shall be required to adhere to all federal, state and local rules, regulations, statutes and ordinances. A violation of any of the foregoing shall constitute reasonable grounds for the municipality to revoke the telecommunication permit.
 6. **Tower Space and Tower Rights:** The applicant shall provide to Summit Township tower space and tower rights for public safety communications and other municipal communications at no cost to the municipality if space is requested prior to construction of the tower or space is available at the time of the request by the Township.
 7. Telecommunication facilities shall be subject to the provisions of Section 5.5.7 (F) regardless of whether such facilities are designated as a conditional or a permitted use in any zoning district. Such conditions are necessary to preserve the safety, health and welfare of the residents because of the nature of the activity.
 8. **Bonds:** The owner of a telecommunication facility or tower shall post a bond with the Township in an amount to cover the reasonably estimated costs and expenses of dismantling and removing the telecommunication facility or tower in the event that the same is abandoned, and the owner fails to dismantle and/or remove the same within one hundred eighty (180) days. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Township Board, and may be adjusted from time to time on an annual basis to reflect changing costs and expenses of dismantling and moving the telecommunication tower.
 9. **Transfer of Ownership:** These regulations and standards shall apply to successor owner(s) of the telecommunication facilities if title or ownership of the telecommunication facility is transferred to another person, partnership, corporation or any other entity.
 10. Any applicant who makes a false statement on an application shall be guilty of a civil infraction, which is detailed in Township Ordinance #119.
 11. The application shall include the name back haul provider, if applicable.
 12. The Planning Commission may require camouflage or innovative design for a telecommunication facility providing that the same is not cost prohibitive and/or does not create an undue hardship on the applicant. Such design requirements may include, but not be limited to, camouflaging the facility, requiring a specific paint color and/or paint scheme, or requiring the facility be so designed as to blend into the existing environs and background to the facility.
 13. The towers shall meet all regulations of the local airport zoning ordinance (if applicable) and the Federal Communications Commission.
 14. **Commercial Wireless Telecommunication Towers:** All commercial wireless telecommunication towers erected, constructed, or located within the Township shall also comply with the following requirements.
 - a) A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the Township Board finds that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building

within a one mile search radius of the proposed tower due to one or more of the following reasons:

- 1) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed Michigan professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - 2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed Michigan professional engineer and the interference cannot be prevented at a reasonable cost.
 - 3) Existing or approved towers or buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Michigan professional engineer.
 - 4) Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- b) Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for a minimum of two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow future rearrangement of antennas upon the tower to accept antennas mounted at varying heights.

G. Sales of mobile home

Sales of mobile homes provided that the sales operation is clearly subordinate and incidental to the use of the area for mobile home dwellings. The following conditions shall also apply:

1. No more than one (1) sales area for mobile homes shall be located in the Mobile Home Park or subdivision and the sales area shall be a Mobile Home Residential (MH-1) zone, single separated designated section within.
2. No more than one (1) mobile home for sale purposes per ten (10) mobile homes located in the Mobile Home Park or subdivision for residential purposes shall be permitted. The total number of mobile homes for sale shall not exceed ten (10).
3. Sales shall be limited to mobile homes.
4. The sales operation shall have frontage on a dedicated street or road and have access to such street or road.
5. The minimum yard requirements for the Mobile Home Residential (MH-1) zone shall also apply to the portion of the Mobile Home Park or Subdivision utilized for sales purposes.
6. Parking space shall be provided in the designated sales area in accordance with the requirements for the residential area of the Mobile Home Residential (MH-1) zone.

H. New and Used Vehicle Dealers

1. The premises must contain a permanently enclosed building or structure either owned, leased, or rented by a dealer, which is not a residence, tent, temporary stand, or any temporary quarters;
2. The building or structure is required to be continuously occupied for the purpose of selling, buying, trading, leasing, or otherwise dealing in motor vehicles;
3. All books, records, and files necessary to conduct the business of a class (a) or class (b) dealer must be maintained in the building or structure;
4. A building or structure housing an office of at least 150 square feet in size, equipped with standard office furniture, working utilities, a working restroom, and a working telephone listed in the name of the business on the dealer's license;
5. Land space of no less than 1,300 square feet to accommodate the display of a minimum of 10 vehicles of the kind and type that the dealer is licensed to sell and an additional 650 square feet

for customer parking. The display and customer parking areas must be adequately surfaced and well lit during business hours;

6. An exterior sign displaying the name of the dealership that is permanently affixed to the building or land with letters clearly visible from a highway identifies the premises;
7. Conspicuous posting of the dealer's regular hours of operation. The posted hours must be not less than 30 hours per week;
8. The premises must contain a registered repair facility on site for the repair and servicing of motor vehicles of a type sold at the established place of business, unless the dealer has entered into a written servicing agreement with a registered repair facility at a location not to exceed 10 miles' distance from the established place of business. If repairs are conducted pursuant to a servicing agreement, the servicing agreement must be conspicuously posted in the office.

I. Type Two Home Occupations

Requests for type two home occupations, as defined by Section 10.1.134B, shall be processed by the Planning Commission under the provisions of this Ordinance.

1. **Location:** The home occupation shall be carried on within the dwelling or within a building accessory thereto.
2. **Employees and Volunteers:** No more than one (1) person (employee or volunteer) may be employed who is not a resident of the premises. Off street parking shall be provided for said employee or volunteer on the premises to which the home occupation is conducted.
3. **Impact on Commercial Districts:** In addition to meeting the Conditional Use standards for approval, it shall be demonstrated that the home business will not be detrimental to the commercial viability of the Township's commercially zoned districts.
4. **Hours of Operation:** As set by the Conditional Use Permit.
5. **Clients or Customers:** No more than two (2) clients or customers shall be received at any one time.
6. **Sign:** One (1) non-illuminated sign, not to exceed three (3) square feet, may be erected. Said sign shall be attached to the residence or may be placed in a window.
7. **Noise:** The home occupation shall not generate noise, which is audible beyond the property lines of the dwelling.
8. **Equipment or Process:** No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal human senses beyond the property lines of the dwelling in which the home occupation is conducted.
9. **Exterior Alterations:** There shall be no exterior alteration in the residential character of the premises in connection with such home occupation and no more than thirty percent (30%) of the living area of the dwelling shall be devoted to such home occupation.
10. **Display of Merchandise:** No merchandise or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the dwelling and no sign or device relative to the sale of such merchandise shall be displayed on the premises.
11. **Storage:** All articles or materials used in connection with such home occupation shall be stored in the main and permitted accessory buildings. No outside storage is permitted. The storage of materials and merchandise shall not represent a safety hazard to the dwelling, dwelling occupants, or adjoining properties and occupants, nor shall said storage result in a change to the fire rating of the dwelling and accessory building in which said storage may be conducted.
12. **Traffic and Parking:** Customers shall not generate excessive traffic or monopolize on-street parking. There shall be no more than two (2) deliveries per week to the residence by suppliers, except that delivery of mail and small packages by the United States Postal Service or by alternative private delivery services shall not be included as supplier deliveries.
13. **Sale of Products:** There shall be no sale of products or services except as are produced on the premises by such home occupation, except that products not produced on the premises that are incidental to services being performed as a part of the home occupation may be sold in limited quantities.

14. Exemptions from Home Occupations:

- a. Garage sales and the sale of produce grown on the premises are not classified as home occupations. These uses are exempt from the provisions of this section. However, said uses are subject to other applicable sections of this Ordinance. Garage and yard sales are also regulated under Ordinance No. 26.00.
- b. Home Occupations Prohibited in All Residential Districts

The following shall not be classified as a home occupation:

- 1) Outdoor Automobile, Truck, and Heavy Equipment repair.
- 2) Auto Bodywork.
- 3) Auto Body Painting.
- 4) Parking and Storage of Heavy Equipment.

SECTION 5.6 - SITE PLAN REVIEW AND APPROVAL

It is the purpose of this Article to require site plan approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, and adjacent parcels and land uses, and on the character of future development. It is further the purpose of this Article to achieve, through site plan review, safe and convenient traffic movement, both within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources. It is further the intent of this Article to delegate certain aspects of site plan review authority to the Township Planning Commission, within the standards and requirements set forth in this Article.

5.6.1 Uses Requiring Site Plan Review and Approval:

A. The following buildings, structures and uses require site plan approval:

- 1. A multiple-family building.
- 2. More than one multiple-family building on a lot or parcel of land, or on a combination of lots under one ownership.
- 3. A mobile home park. As provided for by The State of Michigan Mobile Home Park Regulations.
- 4. Any building or structure in a commercial, office or industrial district.
- 5. Any addition to an existing building or structure in a commercial, office, or industrial district, except as provided in Section 5.6.9 of this Ordinance.
- 6. More than one building or structure, except a sign, on a lot or parcel, or combination of lots under one ownership, in any commercial, office, or industrial district.
- 7. A use permitted in any commercial and industrial district which does not involve a building, such as, but not limited to, outdoor sales, outdoor displays, or storage of wrecked vehicles.
- 8. Any principal non-residential building or structure permitted in residential districts and any principal building or structure, except farm buildings permitted in recreation-conservation and agriculture district.
- 9. Public utility buildings and structures, including poles, towers, and telephone repeater buildings.
- 10. Any project undertaken under the authority of the Michigan Condominium Act, being Act No. 59, P.A. 1978, as amended.
- 11. Commercial telecommunication facilities and associated structures (providing further, that site plan review of such projects may not be waived by the Township Building Inspector or Zoning Administrator).
- 12. Open space developments in AG-1, RNF-1, and RS-1 under PA 177 of 2001.

B. **Major Projects:**

Major projects include:

- 1. All developments greater than 25,000 square feet of structure or larger than two (2) acres of size.
- 2. Open Space Developments.

The Zoning Administrator shall not issue a Zoning Compliance Permit for construction of, or an addition to, any of the above listed buildings or developments, until a final site plan has been reviewed by the Township Planning Commission and approved by the Township Board.

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

5.6.2 Procedures for Submission and Review of Site Plans:

Whenever any Site Plan Approval for a property is requested, before any building permit for the erection of a permanent building on such site shall be granted, the developer or his/her authorized agent shall apply for and secure approval of such Site Plan in accordance with the following procedures.

- A. **General.** The applicant shall file an official Site Plan Approval application form; submit required data, exhibits, and information; and deposit the required fee as established by resolution of Summit Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.
- B. **Staging.** If the applicant wishes to stage the site plan and has so indicated on the development plan, the development plan may be submitted with only those stages he/she wishes to develop at this time. Any plan which requires more than twenty-four (24) months to be completed shall be required to be staged and staging plan shall be developed.
- C. **Review of the Development Plan.** The proposed Site Plan must be reviewed according to the procedures and requirements outlined in Section 5.20, *procedure for evaluating development proposals and development plan requirements*.

5.6.3 Criteria of Site Plan Review:

Plans submitted for site plan review shall be approved upon a finding that the following criteria are met:

- A. The proposed use will not be injurious to the general health, safety and welfare of the Township and surrounding neighborhood.
- B. The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
- C. The design of storm sewers, storm water facilities, roads/streets, parking lots, driveways, water mains, sanitary sewers and other site improvements meets the design and construction standards of the Township and other appropriate agencies.
- D. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.
- E. Site Planning and design of specified improvements will accomplish, to the extent reasonably feasible, the preservation and protection of existing natural resources and features such as lakes, ponds, streams, wetlands, flood plains, steep slopes, ground water, trees and wooded areas.
- F. Waste water treatment systems, including on-site septic systems will be located to minimize any potential degradation of surface water or ground water quality.
- G. Sites which include storage of hazardous materials waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the air or to the ground, ground water or nearby water bodies, with a specific plan to achieve such objectives being incorporated as part of the site plan.
- H. The location of buildings, parking, drives, landscaping and other improvements on the site is appropriate and consistent with good design standards for the lot size, shape and general location.
- I. Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.
- J. The means of ingress and egress to and from the site shall be planned with the objective of achieving recognized planning, engineering and safety standards, and shall not result in an unreasonable

risk of danger to persons and/or property on the site and/or off the site. In general, this standard shall be met based upon the design of ingress and egress in terms of the number, location and design of access points, and utilization of acceleration, deceleration and passing lanes and approaches. The Planning Commission shall review the ingress and egress proposed for the purpose of promoting and protecting traffic safety, and shall require improvements accordingly.

K. The site plan complies with all Township Ordinances.

The Planning Commission may include conditions along with a recommendation for approval that will further compliance with the criteria listed above.

5.6.4 Administrative Review:

In the following cases, the Township has designated the Zoning Administrator to approve, based on policy, a site plan without submission to the Planning Commission, but subject to all of the above criteria, requirements and standards.

- A. Accessory uses incidental to a conforming existing use where said use does not require any variance or further site modification.
- B. Provision for additional loading and unloading spaces and landscape improvements as required by Ordinance.
- C. The Zoning Administrator, in his discretion, shall decide whether a site plan review is necessary to carry out the spirit and intent of this Zoning Ordinance, providing, however, that such plan must be approved as if it were submitted for a building permit.

5.6.5 Utilities:

Utility plans for a particular site which involves Township provided sewer or water shall be submitted to the Township Department of Public Works for review and approval. Proposed utilities shall conform to Township approved standards.

5.6.6 Amendment of Approved Site Plan:

- A. A site plan may be amended upon application and in accordance with provisions and the procedures provided in Section 5.6.3, herein for a final site plan. Site plans amended in order to be brought into compliance with the requirements of governmental agencies of authority, other than Summit Township, are subject to the provisions of this Ordinance. The Township Zoning Administrator shall have the authority to determine if a proposed change is substantive and therefore requires an amendment to the approved site plan.
- B. Minor changes of an approved final site plan may be incorporated without amendment to the approved preliminary site plan at the discretion of the Planning Commission.
- C. No deed recorded pursuant to an approved site plan may be changed, altered or amended, nor shall any document recorded pursuant to an approved site plan deviate from the site plan submitted to the Planning Commission by the alteration or changing of the area, size, dimensions or lot lines of any lot or unit. All such changes must be re-submitted to the Planning Commission upon application and in accordance with the provisions and the procedures provided in Section 5.6.3 for site plan review, and subject to the costs provided in subsection (C).

5.6.7 Exempt Buildings, Structures, and Uses:

Except as provided herein, Section 5.6 shall not apply to the replacement, repair of, the adding of an addition which does not exceed ten thousand (10,000) square feet or fifty (50) percent of original structure, whichever is less, or the alteration of buildings, structures or parking lots on commercial, industrial or office structures and uses where the proposed improvement meets all of the requirements of this Zoning Ordinance, the Summit Township Building Code, the Summit Township Electrical Code, and the Summit Township Plumbing Code, and where the existing use is not materially changed in nature or character.

In such cases the Zoning Administrator may authorize a Zoning Compliance Permit for the construction of the improvement without a site plan review. In the event that the proposed improvement requires additional property, a conditional use, a variance, or substantially and materially changes the existing use, then the Zoning Administrator shall refer the proposed improvement to the Planning Commission for a

site plan review subject to all of the criteria set forth in Section 5.6. The Zoning Administrator at his discretion shall decide whether a site plan review is necessary to carry out the spirit and intent of this Zoning Ordinance, providing however, that such plan must be approved as if it were submitted for a building permit. (There is no exemption, however from the Site Plan Checklist, the State and County Environmental Check List or the Administrative Review set forth in Section 5.6.4.)

5.6.8 Modification during Construction:

All improvements shall conform to the approved final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, he/she shall do so at his/her own risk, without any assurance that the Township Planning Commission will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Planning Commission of any such changes. The Zoning Administrator or the Planning Commission may require the applicant to correct the changes so as to conform to the approved final site plan.

5.6.9 Phasing of Development:

An applicant may divide a proposed development into two or more phases with the approval of the Planning Commission and the Township Board. Such phasing shall be in conformance with Section 5.63 (F). Future development beyond approved phases shall not appear on the approved final site plan. A phase development shall not be developed in phases exceeding a total of five (5) years for all of the phases.

5.6.10 Inspection:

All sub-grade improvements such as utilities; sub-base and base installations for drives and parking lots, and similar improvements shall be inspected by the Township and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Township Board, the Building Administrator and the Planning Commission, in writing, when a development for which a final site plan was approved has passed inspection with respect to the approved final site plan. The Zoning Administrator shall notify the Building Inspector, the Township Board, and the Planning Commission, in writing, of any development for which a final site plan was approved which does not pass inspection with respect to the approved final site plan, and shall advise the Board and Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Township Board and Planning Commission of progress towards compliance with the approved final site plan, and when compliance is achieved. An Occupancy Permit may be issued by the Zoning Administrator prior to completion of the site improvement SUBJECT TO such conditions and bond as may be imposed by the Township Board.

5.6.11 Fees:

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

5.6.12 Violations:

The approved final site plan shall become part of the record of approval and subsequent action relating to the site in question shall be consistent with the approved final site plan unless the Planning Commission approves changes as provided in the Article. Any violation of this Article, including any improvement not in conformance with an approved Final site plan, shall be deemed a violation of this Ordinance as provided in Article VI, and shall be subjected to the penalties therein.

SECTION 5.7 - NONCONFORMITIES

Where within the districts established by this Ordinance, or by amendments, there exists lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated, or restricted under the terms of this Ordinance, or future amendment; it is the intent of this Ordinance to permit these nonconformities to continue until they are discontinued, damaged, or removed but not to encourage their survival. These nonconformities are declared by this Ordinance to be incompatible with the lots, structures, and uses permitted by this Ordinance in cer-

tain districts. It is further the intent of this Ordinance that such nonconformity's shall not be enlarged, expanded, or extended except as provided herein; nor be used as ground for adding other lots, structures, or uses prohibited elsewhere in the same district.

5.7.1 Non-conforming Uses of Land:

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

- A. No such non-conforming use of land shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance; and no accessory use or structure shall be established therewith.
- B. No such non-conforming use of land shall be moved in whole or in part to any other portion of such land not occupied on the effective date or adoption of amendment of this Ordinance.
- C. If such non-conforming use of land ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such land shall conform to the regulations and provisions set by this Ordinance for the district in which such land is located.

5.7.2 Non-conforming Structures:

Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations of this Ordinance by reason of restrictions upon lot area, lot width, lot coverage, height, open spaces, or other characteristics of such structure or its location upon a lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such structure shall be enlarged, expanded, extended, or altered in a way which increases its non-conformance.
- B. Should any structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. This subsection shall not apply to any structure used as a dwelling unit in an office district (O-1), local commercial district (C-1), general commercial district (C-2), or high-way service commercial district (C-3), and such structures may be reconstructed for use as dwelling units in these zoning districts.
- C. Should any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

5.7.3 Non-conforming Uses of Structures:

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

- A. No non-conforming use of a structure shall be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
- B. When a non-conforming use of a structure is discontinued or abandoned for more than one hundred and eighty (180) consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- C. Any structure devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not to exceed ten (10) per cent of the then current replacement value of the structure, provided that the volume of such structure or the number of families housed therein as it existed on the date of adoption or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening of the part thereof declared to be unsafe by an official charged with protecting the public safety upon order of such official.

- D. Should any structure containing a non-conforming use be moved, for any reason, any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- E. Should any structure devoted in whole or in part to any non-conforming use be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located. This subsection shall not apply to any structure used as a dwelling unit in an office district (O-1), local commercial district (C-1), general commercial district (C-2), or highway service commercial district (C-3) and such structures may be reconstructed for use as dwelling units in these zoning districts.

5.7.4 Change of Tenancy or Ownership:

There may be a change of tenancy, ownership, or management of an existing non-conforming use, building, or structure; provided there is no change in the nature or character of such non-conforming use, building, or structure.

5.7.5 Non-conforming Lot of Record:

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, provided that yard dimensions and other requirements, not involving area width, of the lot shall conform to the regulations for the district in which such lot is located. Any variance of yard requirements from the above provisions shall be obtained only through action of the Zoning Board of Appeals.

SECTION 5.8 - PERFORMANCE STANDARDS

5.8.1 Requirements:

No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Uses in all districts, where permitted, shall comply with the following performance requirements, excepting those uses exempted by the Michigan Right to Farm Act:

- A. **Noise:** Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no production of sound discernible at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement (See Township Ordinance #23).
- B. **Vibration:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- C. **Smoke:** Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten (10) minutes duration of one (1) per hour when a density of not more than No. 2 is permitted.
- D. **Odor:** No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.
- E. **Air Pollution:** No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soil-ing.
- F. **Glare:** No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.
- G. **Erosion:** No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams.

5.8.2 Plans:

The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a description of the machinery, process, and products; and specifications for the mechanisms and techniques to be used in meeting the performance standards.

5.8.3 Enforcement:

The Zoning Administrator may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards. The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the Summit Township Board.

SECTION 5.9 - STORAGE OF MATERIALS

The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

- A. On any lot in any agricultural district, residential district, or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building.
- B. On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.
- C. Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on a driveway located on private property shall not be prohibited.

SECTION 5.10 - MOBILE HOME AND TRAVEL TRAILERS

- A. A mobile home shall not be used or occupied other than as a single-family dwelling.
- B. A travel trailer or motor home shall not be used or occupied as a dwelling except in a duly licensed travel trailer or motor home park. The Zoning Administrator is authorized to issue a permit for the use and occupancy of a travel trailer or motor home as a temporary dwelling for a period not to exceed two (2) weeks, provided that such travel trailer or motor home is situated on a parcel of land which has access to water and sanitary facilities.

SECTION 5.11 - VISIBILITY AT INTERSECTIONS

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of two (2) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line.

SECTION 5.12 - ACCESS TO PUBLIC STREETS

- A. In any residential district, (except Rural Non-Farm (RNF-1), District 1), commercial district, and industrial district, every use, building, or structure established after effective date of this Ordinance shall be on lot or parcel which adjoins a public street.
- B. In any agricultural (AG-1) and Rural Non-Farm (RNF-1) district, every use, building or structure established after the effective date of this Ordinance shall be on lot or parcel, which adjoins a public or private easement of access to a public street.
- C. In any district where a private road/street, right -of-way or easement serves as access to a public street/road and serves more than one (1) and less than five (5) one (1) and/or two (2) family dwelling units whether or not separately held, such street/road shall meet the requirements of Summit Township Ordinance Number 117 as to composition, width, and other applicable requirements.
- D. In any district where a private road/street, right -of-way or easement serves as access to a public street/road and serves more than one (1) commercial or industrial use, business, activity or more than four (4) one (1) and/or two (2) family dwellings whether or not separately held, such street/road, easement, or right-of-way shall meet the Jackson County Road Commission standard for a public street/road as to composition, width, and other applicable requirements.

- E. Summit Township Ordinance Number 117 and or the Jackson County Road Commission Standards for a Public Street shall not apply to accessory structures in an Agricultural (AG-1) District.

SECTION 5.13 - FLOOD PLAINS

Structures built on land subject to periodic flooding shall be subject to applicable State and Federal regulations and laws governing construction in flood plains and Summit Township Flood Plain Ordinance, No. 24. Prior to the issuance of a building permit by the Township the owner or his agent of the flood plain property shall submit to the Township Building Coordinator evidence of receipt of any necessary approval or permit issued by the Michigan Department of Environmental Quality. The building of such structures shall be subject to the provisions of the State Construction Code as adopted and enforced by the Township of Summit in addition to any State and Federal rules, regulations or statutes. The rules and regulations established by the State Construction Code shall be deemed to be minimum standards subject to more stringent standards that may be established by the State or Federal Government. The location and boundaries of property subject to periodic flooding shall be determined by reference the U. S. Soil Conservation Service, the U. S. Army Corp. of Engineers or other authority having jurisdiction to establish the location and boundaries of land subject to periodic flooding.

SECTION 5.14 - HOME OCCUPATION (TYPES ONE AND TWO)

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.

5.14.1 Type one home occupation

A Type One Home Occupation, as defined by Section 10.1.134A, must meet the following criteria in order to ensure that there will be no evidence that a business is being conducted from the premises.

- A. **Location and Employees:** The home occupation shall be conducted solely within the dwelling unit by the resident of that unit.
- B. **Equipment or Process:** No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal human senses beyond the exterior walls of the dwelling unit in which the home occupation is conducted.
- C. **Noise:** The home occupation shall not generate noise that is audible beyond the exterior walls of the dwelling.
- D. **Exterior Alterations:** There shall be no exterior alteration in the residential character of the premises in connection with the home occupation and no more than twenty-five (25%) percent of the living area will be devoted to the home occupation. No signs shall be displayed identifying the home occupation.
- E. **Display of Merchandise:** No merchandise or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the dwelling and no sign or device relative to the sale of such merchandise shall be displayed on the premises.
- F. **Storage:** All articles or materials used in connection with such home occupation shall be stored in the main and permitted accessory buildings. No outside storage is permitted.
The storage of materials and merchandise shall not represent a safety hazard to the dwelling, dwelling occupants, or adjoining properties and occupants, nor shall said storage result in a change to the fire rating of the dwelling and accessory building in which said storage may be conducted.
- G. **Traffic and Parking:** No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. The home occupation shall not require any on or off street parking other than normally required for a residence.
There shall be no more than one (1) delivery per week to the residence by suppliers, except that delivery of mail and small packages by the United States Postal Service or by alternative private delivery services shall not be included as supplier deliveries. In no instance shall a delivery of any kind be made via a vehicle larger than a step-type van.
- H. **Sale of Products:** There shall be no sale of products or services except as are produced on the premises by such home occupation, except that products not produced on the premises that are in-

cidental to services being performed as a part of the home occupation may be sold in limited quantities.

5.14.2 Type two home occupation

A type two home occupation, as defined by Section 10.1.134B, requires a conditional use permit including additional development requirements for certain uses listed in Section 5.5.7J.

SECTION 5.15 - FENCES

5.15.1 Fence Heights:

- A. **Residential Districts:** Fences in all residential districts, whether or not the same fully enclose a property, shall not exceed 6' in height as measured from ground level in side yards and backyards. Fencing in front yards shall not exceed 4' in height, as measured from ground level. Front yards, for the discussion of fencing, are defined as the property located between the street/road right-of-way and the front façade of the building. Yards bordering any street right-of-way shall be considered front yards. In all cases, ground level does not include berms, but would include any terracing needed to make a yard usable.
- B. **Other Districts:** Fences in all other districts shall not exceed 6' in height, except as otherwise required by this ordinance or the Planning Commission in the site plan review process. Fences in commercial, office and industrial districts may be required to exceed 6' in height where the same abut office or residential districts.

5.15.2 Fencing Material requirements:

In no case shall barbed wire be used in any residential, office, or commercial district and razor wire will only be used in those districts to secure essential services. Application can be made to the zoning board of appeals for deviating from these requirements in the Rural Non-Farm District. In all cases, the fronts of fences shall face street rights-of-way and adjoining properties.

5.15.3 Fence Permit Requirements:

A fencing permit is required for the erection of all fences. A site plan with the location of the proposed fencing and its position in regards to street/road rights-of-way and the main structure on the site shall be submitted to the Township using the building application. The fee for the permit shall be established by the Township Board.

SECTION 5.16 - TEMPORARY USE

Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the Board of Appeals based upon finding that the location of such an activity will not adversely affect public health, safety, morals, and the general welfare.

SECTION 5.17 - CURB CUTS AND DRIVEWAYS

Curb cuts and driveways may be located only upon approval by the Building Inspector and such other county and state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards.

SECTION 5.18 - SWIMMING POOLS

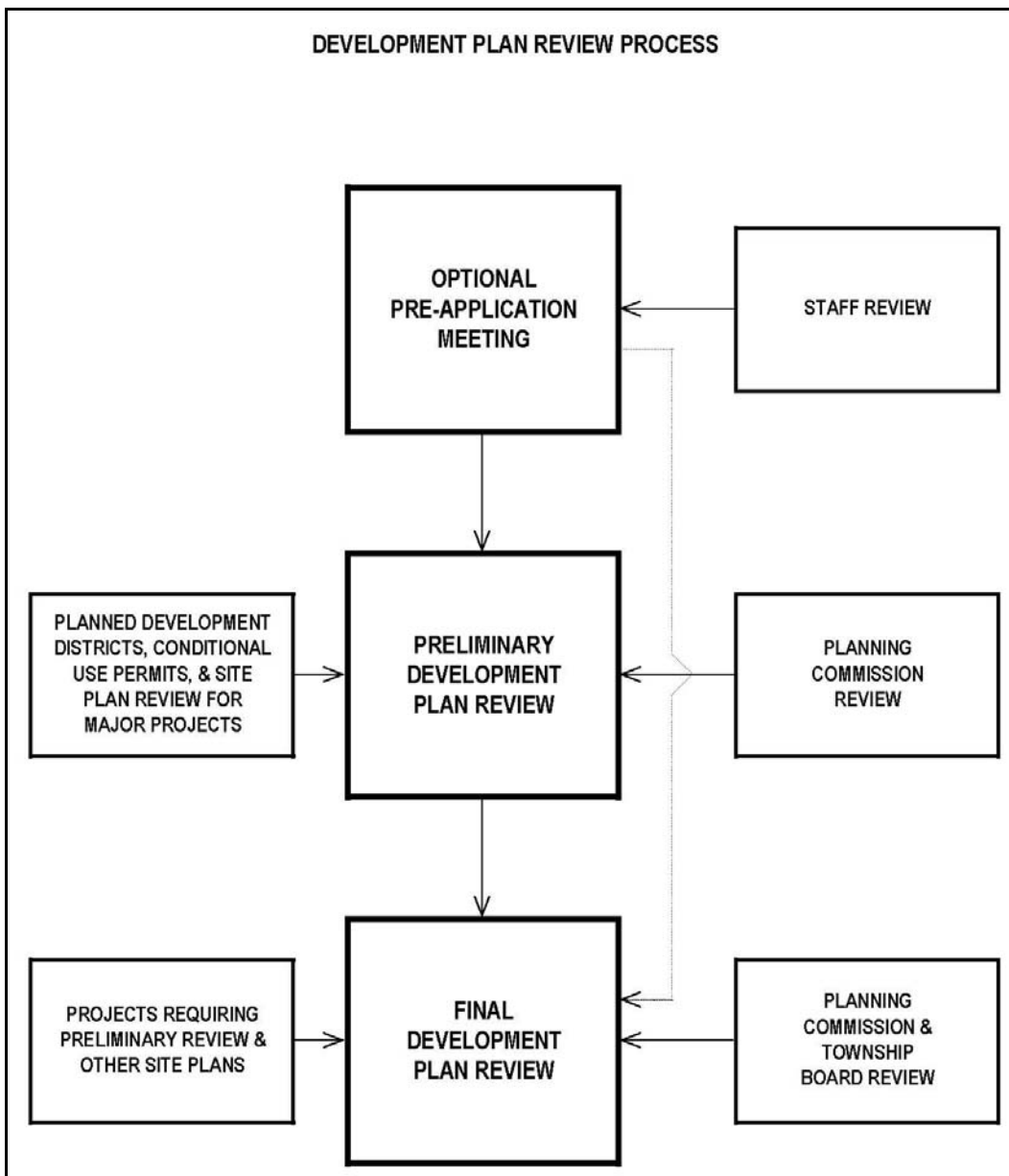
Swimming pools in all districts are subject to the following conditions:

- A. Swimming pools shall conform to the side yard and rear yard requirements of the district in which they are located, and shall not be located within any portion of a prescribed front yard.
- B. Swimming pools shall be subject to the provisions of the State Construction Code.

SECTION 5.19 - POLES

Poles used for interior lighting, security, public address systems or other similar purposes on a parcel of land which is located in an office, commercial or industrial district which pole or poles are not part of a public utility as defined in Section 2.2.89 of this Ordinance shall be subject to the height requirements for a principal structure in each district and a setback from all front, side and rear lot lines of five (5) feet. Additionally, provision of Section 5.8 - Performance Standards shall be observed. The Planning Commission may, as part of a Site Plan Review, allow a pole for the above mentioned purposes to be located closer to a front, side or rear lot line than otherwise provided in this Ordinance providing that no part of any such pole shall extend beyond the property line of the parcel.

SECTION 5.20 - PROCEDURE FOR EVALUATING DEVELOPMENT PROPOSALS AND DEVELOPMENT PLAN REQUIREMENTS



5.20.1 Procedure for Submission and Review of a Development Proposal Application:

Projects requiring Site Plan Review or a Conditional Use Permit and proposed Planned Development Districts must undergo the following procedure. Development plans will be reviewed using the information provided on them (as required by Sec. 5.20.2) as well as the criteria established for the type of development plan under consideration (please see Sec. 4.6 for Planned Development Districts, Sec. 5.5 for Conditional Use Permits, or Sec. 5.6 for Site Plan Review).

A. Pre-Application Meeting:

Prior to formally applying, the applicant may request a review of its Preliminary Development Plan (developed to the requirements of Sec. 5.20.2) at a meeting with the Township's Public Works Director, Assessor, Zoning Administrator, Building Inspector, Fire Chief, and such other Inspectors and Officials as are desired by the Township, to determine whether it meets all of the requirements of the Township Zoning Ordinance. The applicant must submit a completed application form and copies of the Preliminary Development Plan at least five (5) business days prior to the meeting. The applicant may be represented at such meeting, and may bring (if not previously provided) any other exhibits, plans or documentation that may help to establish that the proposal meets the requirements of the Township Zoning Ordinance.

The pre-application reviewers shall review the Preliminary Plan and its related documents, and shall present the following to the applicant:

1. Provide any concerns they may have with the proposal.
2. Indicate where more detail is needed on the proposal.
3. Supply a general consensus on the viability of the proposal.

B. Review of Preliminary Development Plans:

Major projects (as defined by Sec. 5.6.1(B)) requiring Site Plan Approval, Conditional Use Permit requests and Planned Development District requests must undergo a formal review of the Preliminary Plan (developed to the requirements of Sec. 5.20.2). The purpose of such preliminary review is to confirm compliance with Township standards, policies and relationship to the Land Use Plan, as well as to suggest changes necessary, if any, for the final plan approval.

The Planning Commission is the reviewer of Preliminary Development Plan and its related documents. The Commission must render either a favorable or unfavorable recommendation.

1. A favorable recommendation shall include a report to the applicant that he/she may precede with initiation of the rezoning request. It shall be based on the following findings which shall be included as part of the recommendation.
 - a. The proposal conforms to the Comprehensive Plan.
 - b. The proposal meets the intent, objectives, and general requirements expressed in the Ordinance.
 - c. The proposal is conceptually sound in that it meets a community need and conforms to accepted design principals in the proposed functional roadway system, land use configuration, open space system, and drainage system.
 - d. There are adequate services and utilities available or proposed to be made available in the construction of the development.
2. An unfavorable recommendation shall state clearly the reasons therefore and, if appropriate, indicate to the applicant what might be necessary in order to receive a favorable recommendation. Within ten (10) days after receiving an unfavorable recommendation, the applicant may, if he/she wishes, initiate a Final Development Plan review, which would be accompanied by an unfavorable recommendation from the Township Planning Commission.
3. The Zoning Administrator shall certify when all of the necessary application material has been presented, and the Zoning Administrator shall submit its report to the applicant within thirty (30) days of such certification. If no report has been rendered after thirty (30) days, the applicant may proceed as if a favorable report was given.

C. Review of Final Development Plans:

The Planning Commission and the Township Board review Final Development Plans.

1. Planning Commission Action.

All Final Development Plans shall be considered within sixty (60) days of placement on the first available Planning Commission agenda. The Planning Commission shall review the Final Development Plan and its related documents, and shall render one of the following recommendations to the Township Board:

- a. **Approval.** Upon finding that the application and final development plan meet the criteria in the appropriate ordinance section, the Planning Commission shall recommend approval:
 - 1) Sec. 4.6 for Planned Development Districts
 - 2) Sec. 5.5.3 and possibly 5.5.7 for Conditional Uses
 - 3) Sec. 5.6.3 for Site Plan Review
- b. **Approval with Minor Revisions.** Upon finding the application and final development plan meet the criteria in the appropriate ordinance section, except for minor revisions, the Planning Commission may recommend approval conditioned upon said revisions being made by the applicant and reviewed by appropriate Township staff and/or consultants.
- c. **Tabling.** Upon finding that the application and final development plan do not, but could, meet the criteria in the appropriate ordinance section, upon making the revisions, the Planning Commission may table its recommendation for a specified period of time not to exceed ninety (90) days, until the revised plan is resubmitted to the Planning Commission
- d. **Denial.** Upon finding that the application and final development plan do not meet one or more of the criteria in the appropriate ordinance section, and those revisions necessary to meet said criteria are so extensive as to require the preparation of a new site plan, the Planning Commission shall recommend denial.

2. Township Board Action.

All final development plans shall be considered after action is taken by the Planning Commission and within sixty (60) days of placement on the first available Township Board agenda. The Township Board shall review the Final Development Plan and its related documents, and shall render one of the following decisions:

- a. **Approval.** Upon finding that the application and final development plan meet the criteria in the appropriate ordinance section, the Township Board shall approve the site plan.
- b. **Approval with Minor Revisions.** Upon finding that the application and final development plan meet the criteria in the appropriate ordinance section, except for minor revisions, the Township Board may approve the final development plan conditioned upon said revisions being made by the applicant and reviewed by appropriate Township staff and/or consultants.
- c. **Tabling.** Upon finding that the application and final development plan do not, but could, meet the criteria in the appropriate ordinance section, upon the making of revisions, the Township Board may table action until the revised Plan is re-submitted.
- d. **Denial.** Upon finding that the application and final development plan do not meet one or more of the criteria in the appropriate ordinance section, and those revisions necessary to meet said criteria are so extensive as to require the preparation of a new site plan, the Township Board shall deny the site plan.

Notwithstanding any language contained in subparagraph (1) hereof, no final development plan approval for a site condominium project shall be final until such time as the applicant records a master deed for the project with the Jackson County Register of Deeds Office and a copy of the recorded deed and a legible 24 inch by 36 inch (24" x 36") map with the Township Assessing Department.

5.20.2 Information Required for Development Plans:

A development plan submitted for review and approval shall contain all of the following data prior to its submission to the Township. Development plans shall consist of an overall plan for the entire development drawn to a scale of not less than one inch equals fifty feet (1" = 50') for property less than three acres in size or one inch equals two hundred feet (1" = 200') for property three or more acres in size. The applicant shall submit three (3) copies of the overall plan for the entire development on paper sized twenty-four inches by thirty-six inches (24" x 36"). The applicant shall also submit sixteen (16) eleven inch by seventeen inch (11"x 17") copies and an electronic copy, in PDF format, of the development plan. Included on the development plan shall be all dimensions and the following:

A. Preliminary Development Plans

The preliminary development plan shall clearly show the following information:

1. Boundaries of the property.
2. The location of the various uses and their areas in acres.
3. The location and height of all buildings and parking facilities.
4. The interior roadway system and all existing rights-of-way and easements, whether public or private.
5. Delineation of the various areas and approximate percentage allocation by unit type.
6. The interior open space system.
7. The overall drainage system.
8. If grades exceed three percent (3%), or portions of the site have a moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than two (2) feet of elevation shall be provided along with an overlay outlining the above susceptible soil.
9. Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal.
10. General description of the provision of other community facilities, such as schools, recreational facilities, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
11. A location map showing uses and ownership of abutting lands.
12. Evidence that the proposal is compatible with the objectives of the official Comprehensive Plan.
13. General statement as to how common open space is to be owned and maintained.
14. If the development is to be staged, a general indication of how the staging is to proceed.
Whether or not the development is to be staged, the Preliminary Development Plan of this section shall show the intended total project.

B. Final Development Plans:

The final development plan shall clearly show the following information:

1. General Information

- a. Proprietors', applicants', and owners' names, addresses and telephone numbers as well as a letter of authority from the owners if the applicant is not owner.
- b. Date (month, day, year), including revisions.
- c. A stake survey of the property by a registered surveyor (if required by the Zoning Administrator).
- d. A detailed drawing of the site together with adjacent structures (if required by the Zoning Administrator).
- e. A detailed drawing setting forth the size, location and type of construction of any signs to be placed on the parcel (if required by the Zoning Administrator).
- f. Location map drawn at a scale of one inch equals two thousand feet (1" = 2,000') with north point indicated (if required by the Zoning Administrator).
- g. Architect, engineer, surveyor, landscape architect, or planner's seal.
- h. Existing lot lines, building lines, structures, parking areas, etc., on the parcel and within one hundred feet (100') of the site.

- i. Proposed lot lines, property lines and all structures, parking areas, etc., on the parcel and within one hundred feet (100') of the site.
- j. Centerline and existing proposed right-of-way lines of any street.
- k. Zoning classification of petitioner's parcel and all abutting parcels.
- l. Gross acreage figure and percentage of parcel coverage.
- m. Proximity to major thoroughfares and section corners.
- n. Pictures from all sides of the property.

2. Physical Features

- a. Acceleration, deceleration and passing lanes and approaches.
- b. Proposed locations of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing and areas for public use.
- c. Location of existing and proposed service facilities above and below ground, including:
 - 1) Well sites.
 - 2) Septic systems and other waste water treatment systems. The location of the septic tank and the drain field (soil absorption system) should be clearly distinguished.
 - 3) Chemical and fuel storage tanks and containers.
 - 4) Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
 - 5) Water mains, hydrants, pump houses, standpipes, and building services and sizes.
 - 6) Sanitary sewers and pumping stations.
 - 7) Storm water control facilities and structures including storm sewers, swales, retention and detention basins, drainage ways and other facilities, including calculations for sizes.
 - 8) Location of all easements.
 - 9) All structures with dimensioned floor plans, setback and yard dimensions, and typical elevation views.
- d. Parking space calculations and dimensions, drives, and the proposed method of surfacing.
- e. Exterior lighting locations and illumination patterns.
- f. Location and description of all existing and proposed landscaping berms, fencing, and walls.
- g. Trash receptacle pad location and method of screening.
- h. Transformer pad location and method of screening.
- i. Dedicated road/street or service drive locations.
- j. Entrance details including sign locations and size.
- k. Designation of fire lanes.
- l. A report from the Jackson County Road Commission as to the traffic capacity of the public roads/streets adjacent to the site together with a statement from the Road Commission indicating current traffic volume on said road/street.
- m. Any other pertinent physical features.

Please note that proposed public road right-of-ways shall meet Jackson County Commission standards and public road construction shall equal Road Commission specifications. Private roads/streets shall comply with Township Ordinance #117.

3. Natural Features

- a. On parcels of more than one acre, existing topography with a maximum contour interval of two feet. Topography on the site and beyond the site for a distance of one hundred feet (100') in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of two feet (2') correlated with existing contours so as to clearly indicate required cutting, filling and grading.
- b. Location of existing drainage courses and associated bodies of water, on and off site, and their elevations.
- c. Location of existing wetlands.

- d. Location of natural resource features, including woodlands and areas with slopes greater than ten percent (10%): one foot (1') of vertical elevation for every ten feet (10') of horizontal distance.
- e. A wetlands permit from the Michigan Department of Environmental Quality if one is required by the State.
- f. A storm water management system and facility approved by the Jackson County Drain Commissioner that will not substantially reduce or increase the natural retention or storage capacity of any water body, or cause alterations that could increase flooding or water pollution on or off the site.
- g. The owner shall present the plan and be accompanied by an engineer, architect, or contractor to fully explain the plan unless the requirement for one of the professionals is waived by the Zoning Administrator.

4. Additional Requirements:

a. Multiple-Family Developments

- 1) Density calculations by type of unit by bedroom counts.
- 2) Designation of units by type and number of units in each building.
- 3) Carport locations and details where proposed.
- 4) Specific amount and location of recreation spaces.
- 5) Type of recreation facilities to be provided in recreation space.
- 6) Details of community building and fencing of swimming pool if proposed.

b. Commercial and Industrial Developments

- 1) Presentation of the Site Plan must be by an owner with an architect, engineer or contractor present unless waived by Zoning Administrator.
- 2) Loading and unloading areas.
- 3) Total and usable floor area.
- 4) Number of employees in peak usage.

SECTION 5.21 – OPEN SPACE PRESERVATION DEVELOPMENTS

Notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of the Ordinance, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and the open space preservation provisions of the Michigan Zoning Enabling Act, as amended, 2006 PA 110, MCL 125.3101, *et seq*, as it applies to single family residential development, on not more that 50% of the land, if all of the following apply:

- A. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
- B. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
- C. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.
- D. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.
- E. The development of land under this section is subject to all other applicable ordinances, laws, and rules including but not limited to:
- F. The provisions of the Zoning Ordinance that are not in conflict with and preempted by the open space preservation provisions of the Michigan Zoning Enabling Act, as amended, 2006 PA 110, MCL 125.3101 *et seq*.
 - 1. The Land Division Act (formerly the Subdivision Control Act), as amended, 1967 PA 288, MCL 560.101 *et.seq*.

2. Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
3. Rules relating to suitability of groundwater for on site water supply for land not served by public water.
4. Rules relating to suitability of soils for on-site water supply for land not served by public water.
5. Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
6. A developer may develop the same number of units that would be allowed under existing zoning. The developer must submit two preliminary development plans. The first plan should be a viable plan under the existing ordinance, which would then establish the number of units that could be developed in the open space preservation plan under the Site Plan and Planned Residential 1 (PR-1) rules, subject to the provisions of Sec. 5.6.

All residential projects shall be subject to the provisions, rules, regulation and procedures set forth in this Ordinance for Agricultural AG-1), Rural Non-Farm (RNF-1), and Suburban Residential 1 (RS-1). The Planned Residential Development District shall apply to any residential projects of the zoning district in which the project is situated or located. Provided the development projects shall be subject to the requirements of Section 5.6 Site Plan Review and Application.

SECTION 5.22 – LANDSCAPING REQUIREMENTS

The intent of this provision is to provide for the comfort, privacy, and well-being of adjacent homeowners or business personnel. Landscaping must be provided to eliminate obtrusive light and sound from carrying to the adjoining property as part of the site plan for the proposed facilities that will adjoin existing facilities. Such screening shall be of sufficient size and foliage character that it will accomplish the intent of this provision within one year of completion. Unhealthy, dead, or otherwise objectionable trees and/or shrubs must be replaced in a timely manner. Screening shrubbery should be of the variety and size compatible with the surroundings and selected by a qualified landscaping professional.

ARTICLE VI – ADMINISTRATION OF THE ORDINANCE

SECTION 6.1 - PURPOSE

is the purpose of this Article to provide the procedures for the administration of this Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 6.2 - ADMINISTRATION

Except when herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Administrator or by such deputies of his/her department as the Township Board may designate to enforce the provisions of this Ordinance.

SECTION 6.3 - DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he/she has inspected such plans in detail and found them to conform to this Ordinance, nor shall the Zoning Administrator vary or change any terms of this Ordinance.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of any lot or structures; removal of illegal structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

The Zoning Administrator, as maybe required, shall submit to the Planning Commission and the Township Board report(s) explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of non-conforming uses, building, and structures. The Building Department shall maintain a record of all zoning compliance permits and certificates of occupancy.

SECTION 6.4 – PUBLIC NOTICING REQUIREMENTS

6.4.1 Public Notification

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, as amended, 2006 PA 110, MCL 125.3101 *et seq*, and the other provisions of this Section with regard to public notification.

- A. **Responsibility:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Summit Township and mailed or delivered as provided in this Section.
- B. **Content:** All mail, personal and newspaper notices for public hearings shall:
 1. **Nature of the request:** Identify whether the request is for a rezoning, text amendment, conditional use permit, planned development, variance, appeal, ordinance interpretation, or other purpose.
 2. **Location:** Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject 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 such as a tax identification number, identifying the nearest cross street, or including a map showing the location of the property. No

street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

3. **When and where:** Indicate the date, time, and place of the public hearings at which the request will be considered.
4. **Written comments:** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. **Handicap access:** Provide information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

C. Personal and Mailed Notice:

1. **General:** When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of property for which approval is being considered, and the applicant, if different that the owner(s) of the property.
 - b. All occupants of and persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Summit Township, except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more that one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more that four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure whom shall be requested to post the notice at the primary entrance to the structure.
 - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 6.4.2, Registration to Receive Notice by Mail.
 - d. Other governmental units or infrastructure agencies within one (1) mile of the property involved in the application.
2. **Notice by mail/affidavit:** Notice shall be deemed mailed by its deposit in the United States mail, first class, property addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

- D. Timing of notice:** Unless otherwise provided in the Michigan Zoning Enabling Act, as amended, 2006 PA 110, MCL 125.3101 et seq, or this Ordinance where applicable, notice of public hearing shall be provided not less than fifteen (15) days before the date the application will be considered for approval for a public hearing on an application for a rezoning, text amendment, conditional use, planned unit development, variance, appeal, or ordinance interpretation. This means it must be published in a newspaper of general circulation and for those receiving personal notice, received by mail or personal notice, not less than fifteen (15) days before the hearing.

6.4.2 Registration to Receive Notice by Mail

- A. General:** Any neighborhood organization, public utility company, railroad, or any other person may register with Zoning Administrator to receive written notice of all applications for development approval pursuant to Section 6.4.1C.1.c., Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for provision of this notice, as established by the legislative body.

- B. **Requirements:** The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must register bi-annually to continue to receive notification pursuant to this Section.

SECTION 6.5 - ZONING COMPLIANCE PERMITS

6.5.1 Issuance of Zoning Compliance Permits:

No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a zoning compliance permit having been obtained from the Zoning Administrator for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Zoning Administrator.

The Zoning Administrator shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information as incorporated in the Township Building Permit Application:

- A. The actual dimensions and shape of the lot to be built upon; and,
- B. The exact size and location of existing structures on the lot, if any; and
- C. The location and dimensions of the proposed structure or alteration.

A copy of the issued building permit shall be proof of approval or disapproved, and attested to same by the Zoning Administrator's signature on the building permit application. The approved minutes of the Zoning Board of Appeals, Planning Commission, or Township Board shall be the compliance permit.

6.5.2 Voiding of Zoning Compliance Permit:

Any zoning compliance permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use completed within five hundred forty-five (545) days of the date of issuance. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

SECTION 6.6 - CERTIFICATE OF OCCUPANCY, FINAL INSPECTION

6.6.1 Issuance of Certificate of Occupancy:

No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until a certificate of occupancy shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the Zoning Administrator immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.

A certificate of occupancy shall be issued by the Township's Building Department, in concurrence with the Zoning Administrator, within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

6.6.2 Voiding of Certificate of Occupancy:

Any certificate of occupancy granted under this Ordinance shall become null and void if such use, buildings, or structure for which said certificate was issued are found by the Zoning Administrator to be in violation of this Ordinance. The Zoning Administrator upon finding such violation shall immediately notify the Township Board of said violation and void the certificate of occupancy.

SECTION 6.7 - FEES, CHARGES, AND EXPENSES

The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for zoning compliance permits, certificates of occupancy, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Township Board. No permit, certificate, conditional use approval, or

variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 6.8 - VIOLATIONS AND PENALTIES: NUISANCE PER SE: ABATEMENT

- A. **Notice of Violation** - The Zoning Administrator shall serve a notice of violation or order the person responsible for the erection, construction, alteration, extension, repair, use or occupancy of a structure or lot in violation of this Ordinance, or in violation of a certificate of zoning compliance issued hereunder. Such order shall direct the discontinuance of the illegal action or condition, and abatement of the violation.
- B. **Stop Work Order** - Upon notice from the Zoning Administrator that work on any structure or premises is being performed contrary to other provisions of this Ordinance, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which the work may be resumed. Any person who shall continue any work in or about the structure or premises after having been served with a stop work order, except such work as such person is directed by the Zoning Administrator to perform in order to remove violations or unsafe conditions, shall be liable for the penalties set forth in paragraph C below.
- C. **Violations, Penalties** - Any person who shall violate any provision of this Ordinance or shall fail to comply with any of its requirements, or who shall erect, construct, alter or repair a structure in violation of an approved plan or directive of the Zoning Administrator, or of a certificate or permit issued under this Ordinance, shall be guilty of A civil infraction, which is detailed in Township Ordinance #119. Each day a violation occurs shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
- D. **Nuisance Per Se** - Any structure which is erected, altered or converted, or any use of any structure or lot which is commenced or changes after the effective date of this Ordinance, in violation of any of the provisions herein, is declared to be a nuisance per se, and may be abated by order of any Court of competent jurisdiction providing further, that any use of land or dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of any provision of this Ordinance is hereby declared to be a nuisance per se. The Court shall order such nuisance abated and the owners and/or agent in charge of such dwelling, structure; tent, trailer coach or land shall be adjudged guilty of maintaining a nuisance per se.

ARTICLE VII – ZONING BOARD OF APPEALS

SECTION 7.1 – ZONING BOARD OF APPEALS ESTABLISHED

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, as amended, 2006 PA 110, MCL 125.3101 et seq, in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured, and substantial justice done.

7.1.1 Regular Members

The Zoning Board of Appeals shall be composed of seven (7) regular members appointed by the Township Board. A member of the Township Board and a member of the Planning Commission shall also serve as regular members of the Zoning Board of Appeals, although the Township Board member cannot serve as the Chair of the Zoning Board of Appeals. The Township Board will appoint the remaining regular members from the electors of Summit Township. A vacancy on the Zoning Board of Appeals must be filled within one month of the resignation or removal of a member of the Board.

7.1.2 Alternate Members

The Township Board may also appoint two (2) alternate members to the Zoning Board of Appeals from the electors of Summit Township. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals if a regular member is unable to attend one (1) or more meetings or must abstain for reasons of a conflict of interest. The alternate member must serve on the case until it is decided.

SECTION 7.2 - DUTIES OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall hear and decide only such matters as the Zoning Board of Appeals is specifically authorized to pass on as provided in this Ordinance. The Zoning Board of Appeals shall not have the power to alter or change the zoning districts classification of any property (i.e., use variances); nor to make any changes in the terms of this Ordinance; but does have the power to authorize a nonuse (i.e., dimensional) variance as defined in this Ordinance, to act on those matters where this Ordinance may require an interpretation, and to issue a temporary use permit when authorized by this Ordinance.

SECTION 7.3 - VARIANCE

The Zoning Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to the owner of such property. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the zoning ordinance, the board of appeals in passing upon appeals may vary or modify any of its rules or provisions so that the spirit of the ordinance is observed, public safety secured, and substantial justice done. The Board of Appeals may impose conditions with an affirmative decision pursuant to Section 604(7) of the Michigan Zoning Enabling Act, as amended, 2006 PA 110, MCL 125.3604(7). No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required.

No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating that the special conditions and circumstances do not result from the actions of the applicant, and one or more of the following:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. That the special conditions and circumstances do not result from the actions of the applicant.
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- B. The Zoning Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Zoning Board of Appeals shall determine, by consideration of competent material, and substantial evidence, set forth in the application and on the record as a whole, and the granting of the variance is justified, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- D. The Zoning Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- E. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- F. Each variance granted under the provisions of this Ordinance shall become null and void unless:
1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
 2. The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.
- G. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.
- H. Filing - An application for a variance shall be filed at the Township office by the record owner of the property in question or by a person(s) authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the information required. The Township shall transmit copies of the application and information to the Zoning Administrator within seven (7) days of the filing date. The Zoning Administrator shall transmit a copy of the application to each member of the Zoning Board of Appeals no less than seven (7) days prior to the hearing set in said matter.
- I. The following information shall be required:
1. The applicant's name, address, and telephone number.
 2. The names and addresses of all known owners of record and known owners and proof of ownership.
 3. The applicant's interest in the property, and if the applicant is not the fee-simple owner, the owner's signed authorization for the application.
 4. Recorded legal description, address, and tax parcel number of the property.
 5. An accurate, scaled drawing of the property, showing all property lines, dimensions, and bearings or angles correlated with the legal description; all existing and proposed structures and uses on the property; and dimensions of structures and their dimensioned locations; lot area and all calculations necessary to show compliance and/or noncompliance with the regulations of this Ordinance. A drawing prepared by a registered surveyor or registered engineer and the staking of the property are not required unless deemed necessary by the Zoning Administrator to determine the lot lines or to accurately describe the nature of the variance being requested by the applicant.

6. A detailed description of the proposed use. The proposed variance shall be physically marked on the site so that the Board of Appeals may make an on-site review of the proposed variance.
- J. The fee shall be paid to the Township at the time of filing and shall be deposited in the Township's general fund.

SECTION 7.4 - INTERPRETATION OF ZONING ORDINANCE

The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.

SECTION 7.5 - APPEALS TO THE ZONING BOARD OF APPEALS

7.5.1 Appeals, How Taken:

All questions concerning administrative decisions under this Ordinance shall first be presented to the applicable Township official or agency. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decision of the applicable Township official or agency. Appeals may be taken from any administrative zoning decision, except conditional uses and planned developments, expansions of non-conforming buildings and structures, but including questions concerning the interpretation of any provision of this Ordinance, decisions regarding certificates of zoning compliance, and decisions concerning the validity of a purported grandfathered use.

Appeals shall be filed within sixty (60) days of the decision in question at the Township office. The Clerk shall transmit a copy of the appeal and relate the information to the Zoning Administrator within seven (7) days of the filing date. The Appellant shall submit a clear description of the order, requirement, decision, or determination from which the appeal is made and the grounds of the appeal. The Appellant may be required to submit additional information to clarify the appeal. The Zoning Administrator shall transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed was taken seven (7) days prior to the next Zoning Board of Appeals meeting.

7.5.2 Who May Appeal:

Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, Village, City, County, or State.

7.5.3 Fee for Appeal:

A fee prescribed by the Township Board shall be paid to the Zoning Board of Appeals at the time of filing the notice of appeal which the Zoning Board of Appeals shall pay over, within thirty (30) days after deciding any appeal, to the General Fund of the Township Board.

7.5.4 Effect of Appeal - Restraining Order:

An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, of notice to the officer from whom the appeal is taken and on due cause shown.

7.5.5 Notice of Hearing:

When a request for an appeal has been filed in proper form with the Zoning Board of Appeals, the Zoning Administrator or Summit Township Clerk shall immediately place the said request for appeal upon the calendar for hearing, which shall be at least 30 days prior to the next meeting as determined by the annually published hearing dates, and in accordance with Section 6.4 of this Ordinance.

7.5.6 Representation of Hearing:

Upon the hearing, any party or parties may appear in person or by agent or by attorney.

7.5.7 Decisions of the Board of Appeals and Appeals to the Circuit Court:

The Zoning Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or Township Board from whom the appeal is taken. The Zoning Board of Appeals' decision of such appeals shall be in the form of a resolution, shall be committed, albeit effective upon passage and shall contain a full record of the findings and determination of the Zoning Board of Appeals in each particular case. Any person or party aggrieved by such resolution shall have the right to appeal to the Circuit Court within thirty (30) days of the decision or question of law and fact.

ARTICLE VIII – AMENDMENT PROCEDURES

SECTION 8.1 - INITIATING AMENDMENTS AND FEE

The Township Board may, from time to time, on recommendation from the Planning Commission on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board or the Planning Commission, the petitioner requesting an amendment shall at the time of application pay the fee established by resolution of the Township Board, no part of which shall be returnable to the petitioner.

SECTION 8.2 - AMENDMENT PROCEDURES

Amendments or supplements to the zoning ordinance shall be made in the manner described in the following subsections:

8.2.1 Public Hearing and Notice

Before submitting its recommendations for a proposed zoning ordinance amendment to the Township Board, the Planning Commission shall hold at least 1 public hearing. Notice of the time and place of the public hearing shall be given in the same manner as required under Section 6.4 for any rezonings or text amendments.

8.2.2 Criteria for Considering Rezoning Requests

In reviewing an application for the rezoning of land, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:

- A. Is the proposed rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan?
- B. Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?
- C. Will any public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?
- D. Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning of the land?

SECTION 8.3 – CONDITIONAL REZONINGS

8.3.1 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 boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, as amended, 2006, PA 110, MCL 125.3405, 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.

8.3.2 Application and Offer of Conditions:

- A. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- B. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
- C. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

- D. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- E. 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.
- F. 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.
- G. 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 provisions of this Ordinance.
- H. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw 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 to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

8.3.3 Planning Commission Review:

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 8.2 of this Ordinance, 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.

8.3.4 Township Board Review:

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 8.2.2 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 308 of the Michigan Zoning Enabling Act, as amended, 2006 PA 110, MCL 125.3308, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

8.3.5 Approval:

- A. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered 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 rezoning.
- B. The Statement of Conditions shall:
 1. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 2. Contain a legal description of the land to which it pertains.
 3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 4. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Con-

ditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
 6. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- C. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 - D. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have 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 such a document would be of no material benefit to the Township or to any subsequent owner of the land.
 - E. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

8.3.6 Compliance with Conditions:

- A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be actionable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

8.3.7 Performance Bond Requirement:

Before a building permit is issued, the Applicant shall furnish a performance bond, irrevocable letter of credit, or a cash bond deposited with the Township. The amount and terms of the performance bond, irrevocable letter of credit, or cash bond shall be established and approved by the Township Board or its designee. The purpose of the requirements set forth in this subparagraph is to permit the property to be restored to its original state in the event of a default on the part of the Applicant in completing the project according to the terms of the site plan, the contract agreement, and this ordinance. The requirements set forth in this subparagraph shall become effective upon the issuance of a building permit with respect to each and every one of the development phases which are part of an approved site plan, or amended site plan. Such requirements will not extend beyond a period of five years from the date on which a Site Plan, or amended site plan, is approved by the Township Board. The requirements set forth herein shall cease and terminate upon the first of the following to occur:

- A. The expiration of the five-year period mentioned above; or
- B. Upon a final-occupancy permit having been signed and issued by all departments required to sign such permit with respect to each and every phase of the development.

8.3.8 Time Period for Establishing Development or Use:

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to

completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

8.3.9 Reversion of Zoning:

If the approved development and/or use of the rezoned land does not occur within the time frame specified under Section 8.3.8 above, then the land shall revert to its former zoning classification as set forth in Sec. 405 of the Michigan Zoning Enabling Act, as amended, 2006 PA 110, MCL 125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

8.3.10 Subsequent Rezoning of Land:

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 8.3.9 above 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 Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

8.3.11 Amendment of Conditions:

- A. During the time period for commencement of an approved development or use specified pursuant to Section 8.3.8 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 rezoning and Statement of Conditions.

8.3.12 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, as amended, 2006 PA 110, MCL 125.3101 *et seq.*

8.3.13. 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 8.4 - CONFORMANCE TO COURT DECREE

An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under the Michigan Zoning Enabling Act as amended, 2006 PA 110, MCL 125.3101 *et seq.*

SECTION 8.5 - RE-APPLICATION PROCEDURES

No petition to amend the Zoning Ordinance or effect a zoning change shall be considered by the Planning Commission on a property for a period of three hundred sixty-five (365) days from an earlier final action by the Township Board, except in a case where significant new evidence or proof of substantially changed conditions is found to exist by the Planning Commission.

ARTICLE IX – DEFINITIONS

SECTION 9.1 - DEFINITIONS

For the purpose of this Ordinance certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future; words used in the singular number include the plural number. The word "shall" is always mandatory and not merely permissive. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or "occupied."

- 9.1.1 Access:** A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.
- 9.1.2 Access Connection:** Any driveway, street, road turnout or other means of providing for the movement of vehicles to or from the public road system or between abutting sites.
- 9.1.3 Access Management:** The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.
- 9.1.4 Access Management Plan:** A plan establishing the preferred location and design of access for properties along a roadway or the roadways in a community. It may be a freestanding document, or a part of a community master or comprehensive plan, or a part of a corridor management plan.
- 9.1.5 Access Point:** Points of access such as:
- A. The connection of a driveway at the right-of-way line to a road.
 - B. A new road, driveway, shared access or service drive.
- 9.1.6 Accessory Use, Building or Structure:** A detached structure, building, or use on the same lot, and of a nature customarily incidental and subordinate to the principal structures, building or use. No accessory building or structure shall be placed on a lot or parcel of land unless there is an existing principal structure or building on said lot or parcel. No accessory use shall be carried on or conducted on any lot or parcel of land unless a principal use exists on such lot or parcel of land.
- 9.1.7 Adult Entertainment - Adult Drive-in Motion Picture Theater:** An open space, area or premises from which persons may view motion picture films, videos or performances which are characterized by an emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas."
- 9.1.8 Adult Entertainment - Adult Entertainment Establishment:** A structure, building or premise in which persons may view people and/or performances and/or dancing characterized by an emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas."
- 9.1.9 Adult Entertainment - Adult Physical Culture Establishment:** Any establishment, club or business by whatever name designated, which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths or other similar treatment by any person. The following uses shall not be included with the definition of an adult physical culture establishment.
- A. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 - B. Electrolysis treatment by a licensed operator of electrolysis equipment;
 - C. Continuing instruction in material or performing arts or in organized athletic activities;
 - D. Hospitals, nursing homes, medical clinics or medical offices; and
 - E. Barbershops or beauty parlors and/or salons, which offer, massage to the scalp, the face, the neck or shoulders only.
- 9.1.10 Adult Entertainment - Adult Motion Picture Theater:** An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or

characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

- 9.1.11 Adult Entertainment - Adult Supply Store:** Premises used for the sale, distribution, display or storage of books, magazines, periodicals, advertisements, devices, objects, toys, paraphernalia or similar materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas."
- 9.1.12 Adult Entertainment - Specified Sexual Activities:** Activities defined as:
- A. Human genitals in a state of sexual stimulation or arousal;
 - B. Acts of human masturbation, sexual intercourse or sodomy;
 - C. The fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.
- 9.1.13 Adult Entertainment - Specified Anatomical Areas:** Defined as less than completely and opaquely covered:
- A. Human genitals, pubic regions,
 - B. Buttock
 - C. Female breasts below a point immediately above top of the areola.
 - D. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- 9.1.14 Aesthetic:** A standard of exterior architectural appeal and/or neighborhood harmony.
- 9.1.15 Agricultural Land:** Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.
- 9.1.16 Airport:** A tract of level land where aircraft can take off and land, licensed by the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of the Aeronautics Code of the State of Michigan, as amended, 1945 PA 327, MCL 259.86.. Usually equipped with a hard surfaced landing strip and may include appurtenances used or acquired for airport buildings or other airport facilities, and all other appurtenant rights of way or other existing or future interests.
- 9.1.17 Airport Approach Plan and Airport Layout Plan:** A plan, or an amendment to a plan, filed with the township under Section 151 of the Aeronautics Code of the State of Michigan, as amended, 1945 PA 327, MCL 259.151.
- 9.1.18 Airport Hazard:** Any structure or tree within the airport hazard area, which exceeds the height limitations, established by this Ordinance, or any use of land or appurtenances within the airport hazard area, which interferes with the safe use of the airport by aircraft.
- 9.1.19 Airport Manager:** That term as defined in section 10 of the Aeronautics Code of the State of Michigan, as amended, 1945 PA 327, MCL 259.10.
- 9.1.20 Airport Zoning Act:** The term "Airport Zoning Act" refers to Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session).
- 9.1.21 Airport Zoning Plans:** Graphical drawings, which depict height limitations and land, use guidelines within the airport hazard area.
- 9.1.22 Airport Zoning Regulations:** Airport zoning regulation under the Airport Zoning Act, as amended, 1950 (Ex Sess) PA 23, MCL 259.431 *et seq*, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act.
- 9.1.23 Airspace:** Space within the air above the land and water of the state, above the minimum altitudes of flight prescribed by laws of the State and Federal aviation regulations.
- 9.1.24 AGL:** Denotes the Above Ground Level of a structure or tree based upon an overall height of a structure or tree measured from ground level to the top point of the structure or tree
- 9.1.25 Alley:** Public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to abutting property.

- 9.1.26 Alter:** Any structural change in the supporting or load-bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.
- 9.1.27 Antique Shop:** Any premises used for the sale or trading of articles, which are considered antiques. Antique shop does not include "secondhand store".
- 9.1.28 Apartment:** A dwelling unit in an apartment house arranged, designed, or occupied as a residence by a single family, individual or group of individuals.
- 9.1.29 Arcade:** Any place, premises, establishment or room within a structure within which are located ten or more amusement devices. For purposes of this Section, amusement devices shall mean any device, machine or apparatus operated by a patron and which plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term does not include vending machines used to dispense foodstuffs, toys or other products for use and consumption, kiddie rides, juke boxes, bowling alleys, or pool tables.
- 9.1.30 Artisan Production Shop:** A building or portion thereof used for the creation of original handmade works or art or craft items by more than three but less than six artisans, as either a principal or accessory use.
- 9.1.31 Artist Studio:** A building or portion thereof used for the creation of original handmade works or art or craft items by no more than three artists or artisans, either as a principal or accessory use.
- 9.1.32 Auto Convenience Market:** A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket.
- 9.1.33 Automatic Teller Machine:** An automated device that performs banking or financial functions at a location remote from the controlling financial institutions.
- 9.1.34 Automobile Service Station:** A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services, such as: polishing, washing, cleaning, greasing, and minor repairs, but not including major repairs, or bumping, grinding, or refinishing of motor vehicles.
- 9.1.35 Automobile Wrecking:** The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.
- 9.1.36 – 9.1.38 Reserved:**
- 9.1.39 Banquet Hall/ Reception Hall / Convention Center:** A facility or group of facilities where a formal assembly or members, representatives, or delegations or a group, such as a political party, fraternal society, or service club, and including but not limited to wedding receptions, proms, graduations, birthday, and other specialized events where food and beverages, including alcohol, may be served and where such facilities are not open to the general public or have regular operating hours.
- 9.1.40 Basement:** That portion of a building, which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor, is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
- 9.1.41 Bathing Establishment:** Any building, room, place, or establishment other than regularly established and licensed hospital or dispensary wherein are given baths, vapor baths, electric cabinet baths, electric light baths, electric tub baths, sponge baths, shower baths, sun baths, tub baths, and mud baths, mineral baths, Finish, Russian, Swedish, or Turkish baths, slat glows, massage, fomentation, electric or magnetic treatments, alcohol rubs, and rubs or massages with or without any other ingredients.
- 9.1.42 Billboard:** See Outdoor Advertising Sign.
- 9.1.43 Block:** A "block" is comprised of a parcel of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-ways, bulkhead lines or shorelines, or the corporate boundary lines of any village, city or township.

- 9.1.44 Boarding House/Bed and Breakfast:** A dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with meals. A Bed and Breakfast establishment shall not contain more than five (5)-sleeping rooms for hire.
- 9.1.45 Brew Pub:** An establishment, which contains a full service standard restaurant and alcoholic beverages. This establishment also contains a mini-brewery, as accessory uses provided that sale of the mini-brewery products are less than 50 percent of total sales. This mini-brewery shall be for the brewing of handcrafted, natural beer intended for retail consumption on the premises and on any premises that has a license as a standard full-service restaurant owned and operated in its entirety by the same corporate ownership and management as the brewpub.
- 9.1.46 Brewery, Micro:** A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.
- 9.1.47 Building:** An enclosed structure having a roof supported by columns, walls, arches or other devices and used for the housing, shelter or enclosure of persons, animals or chattels.
- 9.1.48 Building Area:** See Floor Area.
- 9.1.49 Building Height:** The vertical distance measured from grade to the highest point of the roof for flat roof's, to the average deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip or gambrel roofs.
- 9.1.50 Bulk:** "Bulk" is the term used to indicate the size and setback of a building or structure and the location of it with respect to another building or structure or to a lot line and includes the following:
- A. The size and height of a building or structure.
 - B. The location of the exterior wall of a building in relation to a lot line, street or other building.
 - C. The floor area of a building in relation to the area of the lot on which it is located.
 - D. The open spaces allocated to and surrounding a building.
 - E. The amount of lot area per dwelling unit.
- 9.1.51 Building Setback Line:** The minimum distance which any building must be located from a street right-of-way or high water line.
- 9.1.52 Business Center:** Two or more buildings containing stores or two or more buildings containing a combination of stores and offices usually on separate lots, and sharing a common drive or street and/or off-street parking facilities, and/or identified by a name for the center.
- 9.1.53 – 9.1.55 Reserved:**
- 9.1.56 Cabaret:** A cabaret is an establishment where live entertainment is provided, presented, permitted or performed, including but not limited to dance, comedy, theatrical, or musical performances, but not including performances which are distinguished or characterized by an emphasis on, or related to, "specified anatomical areas" (as heretofore defined) for observation by persons or patrons therein.
- 9.1.57 Capital Improvements Plan:** Priority listing of new or reconditioned facilities-buildings, roadways, bridges, treatment plants, water supply, sewerage, or storm water pipes, solid waste disposal site, etc. needed by the community over a six year period with proposed methods of financing.
- 9.1.58 Central Sanitary Sewerage System:** Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant, but not including septic tanks.
- 9.1.59 Central Water System:** Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state or municipal regulations to the public a central water system from a central location or plant.
- 9.1.60 Coffee Kiosk:** A retail food business in a free-standing building that sells coffee, or other beverages, and ready made bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

- 9.1.61 Commons:** Those land areas or facilities to which persons have access and right of use because of ownership or contract; usually refers to areas or facilities in a housing project owned jointly under condominium law or accessible to renters in the project.
- 9.1.62 Community Facilities:** Buildings or grounds used for publicly provided functions such as schools, libraries, government centers, etc.
- 9.1.63 Conditional Use:** A use which is subject to conditional approval by the Planning Commission. A conditional use may be granted only when there is a specific provision in this Ordinance. A conditional use is not considered to be a non-conforming use.
- 9.1.64 Condominium:** A form of property ownership in which living units or other forms of units in a structure are owned individually but the associated land is owned in common or jointly with owners of other structures on the site.
- 9.1.65 Condominium Act:** Act 59, Public Acts of 1978, as amended.
- 9.1.66 Condominium Development:** Any development undertaken under the provisions of the Michigan Condominium Act, Act 59 of Public Acts of 1978, as amended, or any other act of the legislature of the State of Michigan providing for development of property under joint or concurrent ownership.
- 9.1.67 Condominium Documents:** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or by-laws, which affects the rights and obligations of a co-owner in the condominium.
- 9.1.68 Condominium Lots:** The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
- 9.1.69 Condominium Subdivision Plan:** The drawings and information prepared in accordance with Section 66 of the Condominium Act.
- 9.1.70 Condominium Unit:** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- 9.1.71 Conservation Easement:** That term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, as amended, 1994 PA 451, MCL 324.2140
- 9.1.72 Consolidating Master Deed:** The final amended master for a contractible or expandable condominium project or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- 9.1.73 Contractible Condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this Ordinance and the Condominium Act.
- 9.1.74 Convenience Store:** Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Convenience stores may include fuel pumps or the selling of fuel for motor vehicles.
- 9.1.75 Conversion Condominium:** A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act.
- 9.1.76 Coordinating Zoning Committee:** The coordinating zoning committee for Jackson County, as described under Section 307 of the Michigan Zoning Enabling Act, as amended, 2006 PA 110, MCL 125.3307.
- 9.1.77 Copy Shop:** A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.
- 9.1.78 Court (Open Space):** An open space on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. A court shall be unoccupied.

- 9.1.79 Cross Street:** The adjacent intersecting street or road.
- 9.1.80 Currency Exchange:** Means any person who engages in the business of cashing checks for a fee. Check cashing businesses do not include a supervised financial organization; a licensee under the Money Transmitter Act or persons who are primarily engaged in the business of selling tangible personal property or services at retail and do not derive more than five percent of their income from check checking.
- 9.1.81 Cutoff:** The point at which all light rays emitted by a lamp, light source, or luminaries are completely eliminated (cut off) at a specific angle above the ground.
- 9.1.82 Cutoff Angle:** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.
- 9.1.83 Cutoff Type Luminaries:** A unit of illumination with elements such as shield, reflectors, or refractor panels that direct and cut off the light at a cutoff angle less than 90 degrees.
- 9.1.84 – 9.1.86 Reserved:**
- 9.1.87 Day Camp:** Children’s camp, residential, day, troop, nature or travel camp conducted in a natural environment for more than 4 school age children apart from their parents, relatives, or legal guardians for 5 or more days in a 14 day period. *A children’s camp provides care and supervision for the same group of children for usually not more than 12 weeks. Child Care Organizations, as amended, 1973 PA 116, MCL 722.111 et seq, Rule 400.11106 effective January 1, 2001*
- 9.1.88 Data Center:** A data center shall mean a location housing one or many large computer systems and related equipment concerned with building, maintaining or processing data and providing other data processing services.
- 9.1.89 Deceleration Lane:** A speed-change lane, including taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or to execute a slow speed turn.
- 9.1.90 Development Rights:** The rights to develop land to the maximum intensity of development authorized by law.
- 9.1.91 Development Rights Ordinance:** An ordinance, which may comprise part of a zoning ordinance, adopted under Section 308 of the Michigan Zoning Enabling Act, as amended, 2006 PA 110, MCL 125.3308.
- 9.1.92 District:** A portion of the Township of Summit within which certain uniform regulations and requirements apply under the provisions of this Ordinance.
- 9.1.93 Dog Kennel:** See Kennel.
- 9.1.94 Drive-In:** A business establishment so developed that its retail or service character is primarily dependent on providing a drive-way approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building or structure.
- 9.1.95 Dwelling Area:** The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining room, den, studio, bathrooms, and family and living rooms or similar such rooms.
- 9.1.96 Dwelling, - Mobile Homes:** See Mobile Home or Trailer Coach.
- 9.1.97 Dwelling - Single Family:** A detached building containing not more than one (1) dwelling unit designed for one (1) family residential use, which shall comply with the following standards:
- A. Minimum living area of seven hundred fifty (750) feet for one or two bedroom dwelling; one hundred fifty (150) square feet of additional living area for each additional bedroom; and minimum floor to ceiling height of seven and one-half (7.5) feet.
 - B. Minimum exterior widths of twenty (20) feet along side elevations exclusive of porches not a part of the main living room. Minimum roof pitch to be not less than 4/12.

- C. The dwelling shall be attached to a permanent foundation constructed on the site, which shall be co-extensive with the perimeter of the structure in compliance with the Township Building Code.
 - D. No exposed wheels, towing mechanisms, under carriage or chassis shall be permitted.
 - E. The dwelling shall be connected to a public sewer and water supply or to private sewer and water supply facilities approved by the Jackson County Health Department before issuance of a Certificate of Occupancy.
 - F. The dwelling shall contain storage areas in the basement, attic, closets, or in an area designed for the storage of personal property, exclusive of an attached or detached garage designed for the storage of automobiles and exclusive of the crawl space of a dwelling not possessing a basement. Such storage areas within the dwelling unit, shall, in the aggregate be equal to at least fifteen (15) percent of the minimum square foot dwelling area requirements of this Ordinance.
 - G. The dwelling shall in all respects comply with the Township Building Code and all applicable Federal and State laws, regulations, standards and codes, including but not limited to electrical, plumbing, energy, fire and safety laws, regulations, standards and codes.
 - H. In addition to the foregoing requirements, mobile homes shall in all respects comply with the standards for mobile home construction and safety as contained in the United States Department of Housing and Urban Development (HUD) regulations then in effect as adopted pursuant to the provisions of Public Law 93-383, as amended.
 - I. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or mobile home subdivision except to the extent required by State or Federal laws and regulations.
- 9.1.98 Dwelling - Two-Family:** A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 2.2.42, for each of the dwelling units.
- 9.1.99 Dwelling – Multiple-Family:** A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 2.2.42, for each of the dwelling units.
- 9.1.100 Dwelling - Row:** A row of three (3) to six (6) attached one-family dwellings not more than two and one-half (2 1/2) stories in height nor more than two rooms deep, with separate housekeeping and cooking facilities for each.
- 9.1.101 – 9.1.103 Reserved:**
- 9.1.104 Easement:** Any private or dedicated public way other than a street, providing a secondary means of access to a property having a right-of-way not less than twenty (20) feet, may include a utility access.
- 9.1.105 Egress** The exit of vehicular traffic from abutting properties to a street or road.
- 9.1.106 Entrance Ramp:** A roadway connecting a feeder road/street with a limited access highway and used for access onto such limited access highway.
- 9.1.107 Essential Services:** The term "essential services" shall mean the erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, or by other government agencies of underground, surface, or overhead gas, electric, steam, or water transmission or distribution systems, collection, communication, supply or disposal system, dams, weirs, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, or signs and fire hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or other government agencies, or for the public health, safety or general welfare, but not including buildings other than those buildings which are primarily enclosures or shelters, for the installed central services equipment, but including buildings or structures owned or leased by Summit Township.
- 9.1.108 Excavation of Gravel, Sand, Topsoil or Earth:** Premises from which any rock, gravel, sand, topsoil or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

9.1.109 Expandable Condominium: A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.

9.1.110 – 9.1.112 Reserved:

9.1.113 FAA: The Federal Aviation Administration

9.1.114 Family: An individual or a group of two (2) or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than three (3) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

9.1.115 Family and Group Day-Care Homes: Those terms as defined in Section 1 of Child Care Organizations, as amended, 1973 PA 116, MCL 722.111, and only apply to the bona fide private residence of the operator of the family or group day-care home.

A family day-care home licensed or registered under Child Care Organizations, as amended, 1973 PA 116, MCL 722.111 *et seq*, shall be considered a residential use of property for the purpose of zoning and a permitted use in all residential zones, including those zoned for single family dwellings, and shall not be subject to a special use or conditional use permit or procedure different from those required for other dwellings or similar density in the same home.

A group day-care home licensed or registered under Child Care Organizations, as amended, 1973 PA 116, MCL 722.111 *et seq*, shall be issued a special use permit, conditional use permit, or similar permit if the group day-care home meets the following standards:

- A. Is located not closer than 1,500 feet to any of the following:
 - 1. Another licensed group-day care home
 - 2. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, as amended, 1979 PA. 218, MCL 400.701 *et seq*
 - 3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6, Substance Abuse, of the Public Health Code, as amended, 1978 PA 368, MCL 333.6101 *et seq*.
 - 4. A community correction center, resident home, halfway home, or other similar facility which houses an inmate population under the jurisdiction of the department of correction
- B. Has appropriate fencing for the safety of the children in the group day-care home as determined by the township.
- C. Maintains the property consistent with the visible characteristics for the neighborhood.
- D. Does not exceed 16 hours of operation during a 24-hour period. The township may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
- E. Meets regulations, if any, governing signs used by a group day-care home to identify itself.
- F. Meets regulations, if any, requiring a group day-care home operator to provide off street parking accommodation for his/her employees.

A licensed or registered family or group day-care home that has operated prior to the effective date of the amendatory act that added this section is not required to comply with the requirements of this section.

This section shall not prevent an inspection of a family or group day-care home for the home's compliance with the township's ordinance and enforcing the ordinance; if the ordinance is not more restrictive for the home than Child Care Organizations, as amended, 1973 PA 116, MCL 722.111 *et seq*, within 1,500 feet of the licensed or registered group day-care home will not affect any subsequent special use permit to a licensed or registered group day-care home that does not meet the standards listed.

The distances specified shall be measured along a road, street, or place maintained by this state or a political subdivision of this state and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.

9.1.116 Farmland Preservation Act: Part 361, Farmland and Open Space Preservation, of the Natural Resources and Environmental Preservation Act, as amended, 1994 PA 451, MCL 324.36101 permits certain property owners to contract with state government to retain land in agriculture or open space in ex-

change for tax advantages and immunity to special assessments not of benefit to the property under current use conditions.

9.1.117 Freeway: A divided highway of not less than two lanes in each direction to which owners or occupants of abutting property or the public have no right of ingress or egress to, from or across the highway, except at points determined by or as otherwise provided by the authorities responsible therefore (Act 106 of the Public Acts of 1972).

9.1.118 Floor Area: The sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior face of the exterior walls, plus that area, similarly measured of all other stories that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage area, recreational rooms, boiler rooms, and other areas within or contiguous to the structure; and the measurement shall include the floor space of all accessory buildings measured similarly.

9.1.119 Floor Area Ratio: The ratio of the floor area of a building to the area of the lot on which it is located calculated by dividing the floor area by the lot area and expressing it as a percentage. For example, a floor area ratio of 80 percent is specified and the lot area is 10,000 square feet, the maximum permitted floor area on the lot is 8,000 square feet. The number of stories being optional, the building area may be 4,000 square feet for each of two (2) stories, 2,000 square feet for each of four (4) stories, or 1,000 square feet for each of eight (8) stories.

9.1.120 Footcandle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

9.1.121 Frontage Road or Front Service Drive: A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

9.1.122 – 9.1.124 Reserved:

9.1.125 Garage - Commercial: Any building available to the public operated from gain and which is used from storage, rental, greasing, washing, servicing, repairing, and or adjusting of automobiles or other motor vehicles.

9.1.126 Garage - Private: An accessory building or structure used principally for storage of automobiles and for other incidental storage purpose only.

9.2.127 Garage and Yard Sales: An occasional sale of household goods and personal property. Signs advertising sales shall not be posted for more than three (3) consecutive days either on the property where the sale is occurring or on any other property. See Township Ordinance #26.00 for additional requirements.

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

9.1.129 Grade: The degree of rise or inclination (slope, fall, etc.) compared with level.

9.1.130 Governing Body: The official group vested with the power to adopt an ordinance.

9.1.131 Greenway: A contiguous or linear open space; including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

9.1.132 – 9.1.134 Reserved:

9.1.135 Home Occupation: An occupation that is carried on in the home by resident members of the family or living unit, being clearly incidental and secondary to the principal residential use. For the purpose of this ordinance, there are two types of home occupations:

A. Type one home occupation: A type one home occupation is a profession or occupation that is clearly a customary, incidental, and secondary use of a residential dwelling unit, and which does not

negatively impact the residential character of the neighborhood in which the home occupation is located. Type one home occupations must meet the criteria established in Section 5.14.1 in order to ensure that no evidence is exhibited that a business is being conducted from the premises.

B. Type two home occupation: A type two occupation is a profession or occupation that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not negatively impact the residential character of the neighborhood in which the home occupation is located, but which displays evidence that a business is being conducted from the premises. Type two home occupations require a conditional use permit including additional development requirements for certain uses located in Section 5.5.7J.

9.1.136 Hotel/Motel: A building or structure or part thereof, occupied as the more or less temporary abiding place of individuals, in which the rooms are usually occupied singly for hire and in which rooms no provisions for cooking are made, and in which building there may be a general kitchen and/or public dining room (s) for the accommodation of the occupants.

9.1.137 – 9.1.139 Reserved:

9.1.140 Improvements: Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

9.1.141 Industrial Park: A group of two or more buildings, usually on separate lots, for industrial, research, or warehousing uses, with a common street or driveway system, developed according to an overall plan for the park, and identified by a name for the park.

9.1.142 Infrastructure: General reference is to the network of physical systems such as streets, water supply, sewerage, and storm drains that are essential in urban areas.

9.1.143 Ingress: Used to refer to traffic outlets from public roadways to private property or entrances to buildings or other facilities.

9.1.144 Intensity of Development: The height, bulk, area, density, setback, use, and other similar characteristics of development.

9.1.145 Intersection: The location where two or more roadways cross at grade without a bridge.

9.1.146 Intersection Sight Distance: The sight distance provided at intersections to allow the drivers of stopped vehicles a sufficient view of the intersection roadways to decide when to enter the intersection roadway or to cross it. The time required is the sum of the perception reaction time plus the time to accelerate and cross or enter the major roadway traffic stream.

9.1.147 Interstate Highway: A highway officially designated as a part of the national system of interstate and defense highways by the Department of Transportation and approved by the appropriate authority of the Federal government (Highway Advertising Act, as amended, 1972 PA 106, MCL 252.301 *et seq*).

9.1.148 – 9.1.150 Reserved:

9.1.151 Junkyard: A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage of salvaged machinery and for the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

9.1.152 Junk Vehicles, Repair of: The following definitions shall apply in the interpretation and enforcement of this code.

A. Costs mean the expense of removing, storing or selling a junked vehicle.

- B. Hobby means the repairing, reconditioning or rebuilding of all vehicles, which is done for personal enjoyment or entertainment only, with no profits or compensation or reimbursements of any kind involved.
- C. Junk vehicle means any self propelled vehicle designed for highway travel under its own power which is not capable of such travel in its existing mechanical condition, or any dismantled, partially dismantled, discarded, wrecked, demolished or partially demolished vehicle; or any vehicle designed for highway travel not bearing a current license plate or license certificate.
- D. Vehicle means a machine propelled by power other than human power designed to travel along the ground, in the air or through water by use of wheels, treads, runners, slides, wings or hulls and to transport persons or property or pull non self propelled vehicles or machinery and includes, without limitation, automobile, airplane, boat, truck, trailer, motorcycle, motor scooter, moped tractor, buggy and wagon.
- E. Fully enclosed structure means any commercial or residential garage and any other man made or natural barrier, which effectively prevents viewing of the area, screened and its contents from adjacent walkways, roadways or alleys.

9.1.153 – 9.1.155 Reserved:

9.1.156 Kennel: Any lot or premises on which three (3) or more dogs six (6) months of age or older are kept either permanently or temporarily for boarding as a primary use and not incidental to another primary use such as a veterinarian clinic or dog groomer. Providing that no more than two (2) dogs six (6) months of age or older shall be kept permanently or temporarily on any lot or premises located in a residential district.

9.1.157 – 9.1.159 Reserved:

9.1.160 Land Use Guidance Zone: An area or zone in which certain types of land uses are recommended due to noise, vibrations, fumes, dust, fuel particles and other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating as an airport.

9.1.161 Land Splits / Divisions: Actions that divide a parcel into additional smaller parcels. When acreage is involved the reference is usually to part of the larger parcel for a building site; in subdivisions it refers to the division of a lot with parts attached to adjacent lots. Land Division Act, as amended, 1996 PA 591, MCL 506.101, and Township Ordinances #28 and #28.01

9.1.162 Legislative Body: The county board of commissioners of a county, the board of trustees of a township, the council of a city or village, or other similar duly elected representative body of a county, township, city, or village.

9.1.163 Light Fixtures, Spacing and Height: Spacing of standards shall be equal to approximately four times the height of the standard. The maximum height of standards shall not exceed the maximum building height permitted, or 25 feet, whichever is less. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to residents.

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

9.1.165 Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled.

Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

9.1.166 Local Unit of Government: A county, township, city, or village.

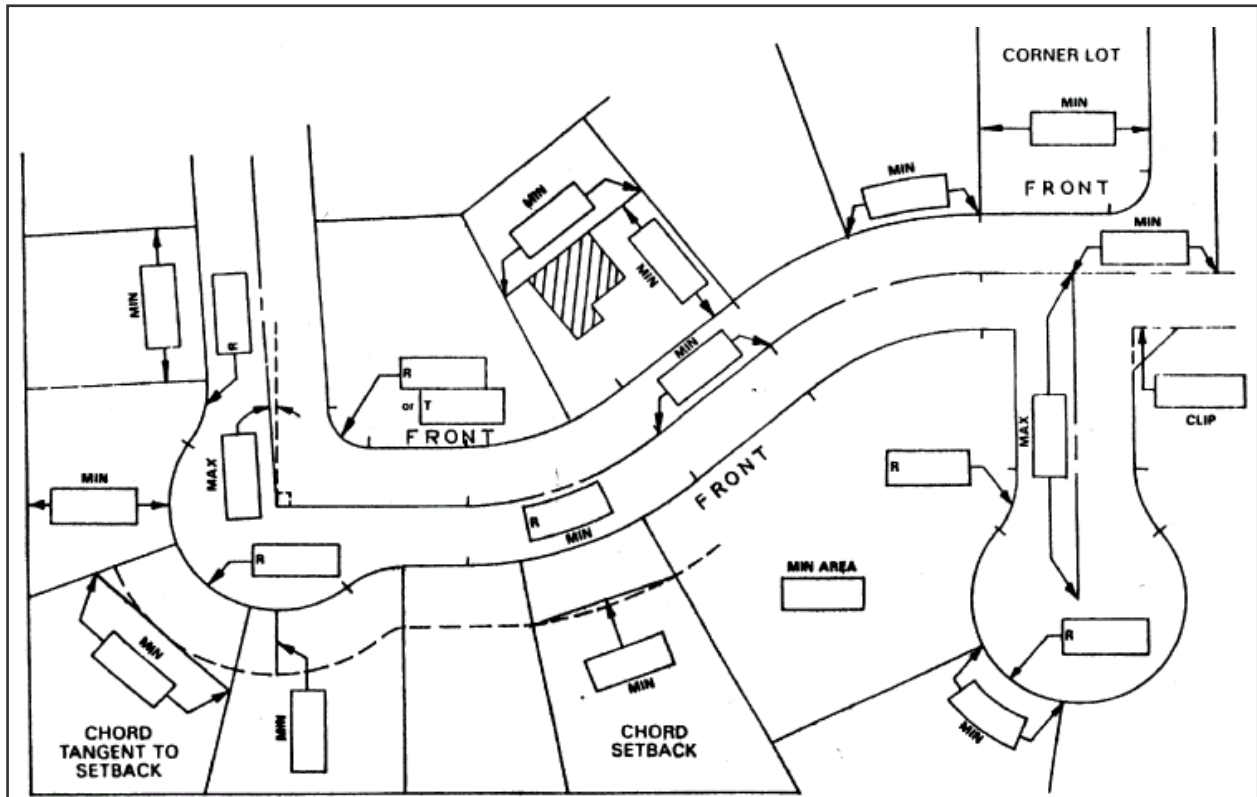
9.1.167 Lot: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as here in required. Such lot may consist of a single lot of record; a portion of a lot of record; a combination of contiguous lots of record, or contiguous portions of lots of record; or a parcel of land described by metes and bounds, a lot or portion thereof and a parcel described by metes and bounds, or two or more parcels described by metes and

bounds which are combined into a single legal description and taxable entity. Provided further, that where a lot is made up of more than one lot, parcels, or combinations of lots and parcels no portion of said lot shall thereafter be sold or conveyed or any interest created therein if the remaining parcel is of insufficient size to meet the minimum zoning requirements for use, coverage and area.

9.1.168 Lot Area: That area within the lot lines, but excluding that portion in a road or street right-of-way.

9.1.169 Lot Corner: A parcel of land at the junction of and fronting or abutting on two or more intersecting streets.

9.1.170 Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.



9.1.171 Lot Depth: The depth of a lot shall be considered to be the distance between the midpoints of straight lines in front and the rearmost points of the side lot lines in the rear.

9.1.172 Lot Width: The width of a lot shall be the horizontal distance between the side lot lines measured at 90 degrees to the lot depth, provided that the line used to measure lot width shall be located as close as possible to the rear line of the required front yard, and provided further that no part of said measuring line shall not include any portion thereof in a street right-of-way or a street or drive easement. The frontage of a lot on a street right-of-way or a street or easement shall not be less than 80 percent of the required lot width, except in the case of lots on a turning circle of a cul-de-sac street. On a cul-de-sac the front yard line shall be at the point where 80% of the required width is reached along a line measured parallel to the tangent to the deepest protrusion of the arc describing the road/street right-of-way through the front of the property. In no case shall the distance between the above described tangent and front yard line be less than the required front yard setback for the zoning district in question. The above described tangent may not be less than 30 feet in width at the road/street right-of-way line.

9.1.173 Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For purposes of front yard setback requirements for corner and through lots the front yards shall be determined by reference to the street faced by the structure on the lot or that portion of the lot abutting the legal address of the lot, and once said front yard is determined it shall remain the same thereafter. For the purpose of de-

termining minimum lot width the frontage of only one street shall be used. A lot abutting a lake, stream, river, or public body of water may at the election of the owner be considered to front on the water, and such election shall thereafter be binding on the owner and his/her heirs, successors and assigns for purposes of determining setback requirements and lot frontage.

- 9.1.174 Lot of Record:** A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Jackson County, or a lot described by metes and bounds, the deed to which has been recorded in said office.
- 9.1.175 Lot, Through or Double Frontage:** An interior lot having frontage on two parallel or approximately parallel streets.
- 9.1.176 Luminaire:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.
- 9.1.177 – 9.1.179 Reserved:**
- 9.1.180 Massage Establishment:** Any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices and shall also include any bathing establishment.
- 9.1.181 Massage Establishment, Auxiliary:** Any building or tenant space in which any person, firm, association, or corporation, or any person employed by such person, firm, association, or corporation, engages or is permitted to engage in the practice of massage as an accessory use customary and clearly incidental to a principal business and use, including but not limited to services offered by a hotel, health club or spa, or beauty salon.
- 9.1.182 Manufacturing:** The process of making products by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.
- 9.1.183 Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the by-laws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act.
- 9.1.184 Marginal Access Road:** A service roadway parallel to a feeder road/street; and which provides access to abutting properties and protection from through traffic.
- 9.1.185 Mezzanine:** An intermediate floor in any story occupying not to exceed one-third of the floor area of such story.
- 9.1.186 Mixed Use:** A land use where more than one classification of land use (residential, commercial, and recreational) permitted within a zoning district is combined on a lot or within a structure.
- 9.1.187 Mobile Home or Trailer Coach:** A detached portable single-family dwelling prefabricated on its own chassis and intended for long-term occupancy. The unit contains sleeping accommodations, flush toilet, tub or shower, eating and living quarters. It is designed to be transported on its own wheels or flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and connected to existing utilities.
- 9.1.188 Mobile Home Park:** Referred to also as "park" in this Ordinance. Any parcel of land intended and designed to accommodate more than one mobile home for living use which is offered to the public for that purpose; and any structure, facility, area or equipment used or intended for use incidental to the living use.
- 9.1.189 Mobile Home Site:** A plot of ground within a mobile home park designed for accommodation of a mobile home.

9.1.190 Mobile Home Stand: That part of a mobile home site designed for the placement of a mobile home, appurtenant structures, or additions, including expandable rooms, enclosed patios, garages or structural additions.

9.1.191 Mobile Home Subdivision: A legally platted residential subdivision accommodating mobile homes.

9.1.192 – 9.1.194 Reserved:

9.1.195 Non conforming Building, Structure: A structure or building lawfully constructed that does not conform to the requirements of the district in which it is situated.

9.1.196 Nonconforming Use: A structure or use that is not permitted in the zoning district in which it is located, but which is permitted to continue with restrictions because the structure or use predates the designation of the zone.

9.1.197 Notice of Proposed Action: The notice required by Section 71 of the Condominium Act, to be filed with Summit Township and other agencies.

9.1.198 Nuisance: Anything that interferes with the use or enjoyment of property, or endangers personal health or safety. Zoning is generally intended to separate uses that constitute a nuisance to adjoining properties, but zoning law cannot be invoked to abate all nuisances.

9.1.199 – 9.1.201 Reserved:

9.1.202 Offices: Workplace for occupations of an executive, administrative, professional, or similar nature. Those occupations include, but are not limited to, architects, engineers, surveyors, lawyers, accountants, insurance providers, and real estate brokers.

9.1.203 Office Park: Groups of two or more buildings, on individual or one undivided parcel, with a common street or driveway system, developed according to an overall plan for the park, and identified by a name for the park.

9.1.204 Off-Street Parking Area: A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

9.1.205 Open Space: Land area that has not been developed. Usually refers to land in the countryside but may be used to include parks, undeveloped areas in Planned Developments or other large projects.

9.1.206 Other Eligible Land: Land that has a common property line with agricultural land from which development rights have been purchased and is not divided from that agricultural land by a state or federal limited access highway.

9.1.207 – 9.1.209 Reserved:

9.1.210 Parkway: The area between the street or road right-of-way (ROW) and the pavement edge is called the parkway. Public sidewalks, where they exist, are located in this area.

9.1.211 Parcel: A "parcel" is a piece or tract of land in single ownership.

9.1.212 Parking Space: A unit of a parking area provided for the parking of one automobile. This space shall have an area of not less than two hundred (200) square feet, and shall be exclusive of curves, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

9.1.213 PDR Rights: A program under Section 507 of the Michigan Zoning Enabling Act, as amended, 2006 PA 110, MCL 125.3507, for the purchase of development rights by a township.

9.1.214 Performance Standard: A regulation that admits or denies a particular use in a zoning district on the basis of the proposed use's capability to meet noise, air pollution, vibration, heat, visual impact, or other standards, reference Section 5.8.

9.1.215 Person: The term "person" means any individual, firm, partnership, corporation, company, association, joint stock association, Municipal Corporation or other body politic, including any trustee, receiver, assignee or other similar representative.

9.1.216 Planned Development: A self-contained development, usually with a mixture of housing types, in which subdivision and zoning regulations apply to the entire project rather than to separate lots. A Planned Development may also include mixed uses and can apply to commercial, office, or industrial developments.

9.1.217 Pool or Billiard Hall: An establishment wherein the substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

9.1.218 Population: The population according to the most recent federal decennial census or according to a special census conducted pursuant to Section 7 of the Glenn Steill State Revenue Sharing Act of 1971, as amended, 1971 PA 140, MCL 141.907, whichever is the more recent.

9.1.219 Primary Highway: A highway, other than an Interstate Highway or freeway, officially designated as a part of the federal aid primary system as defined in Section 103 of Title 23 of the United States Code, as amended by the Department of Transportation approved by the appropriate authority of the Federal government (Highway Advertising Act, as amended, 1972 PA 106, MCL 252.301 *et seq.*)

9.1.220 Private Street / Road: As defined by Township Ordinance # 117 and or the Jackson County Road Commission Standards for a Public Street.

9.1.221 Public Utility: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state or municipal regulations, to the public: electricity, gas, steam, communications, telegraph, transportation, water, or sanitary or storm sewage facilities. Providing further that telecommunication facilities shall not be considered a public utility under this Ordinance.

For the purposes of this Zoning Ordinance, telecommunication facilities shall not be considered a public utility, or essential service, and telecommunication towers, antennas or monopolies shall be subject to all of the rules, regulations and provisions of Section 5.5.7 (g) of this Ordinance.

9.1.222 – 9.1.224 Reserved:

9.1.225 Quarry: A "quarry" shall mean any pit, excavation, or mining operation for the purpose of searching for or removing for commercial use, any earth, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of fifty (50) cubic yards in any calendar year, but shall not include an oil well or excavation preparatory to the construction of a building or structure, see Section 5.5.7.

9.1.226 – 9.1.228 Reserved:

9.1.229 Religious Land Use and Institutionalized Persons Act of 2000: General Rule: No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly or institution.

A. Is in furtherance of a compelling governmental interest.

B. Is the least restrictive means of furthering that compelling governmental interest.

Scope of Application: Applies in any case which:

C. The substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability

D. The substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability.

E. The substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

9.1.230 Resort: A resort shall mean a place providing recreation and entertainment, especially to vacationers and tourists, which may include lodging facilities.

- 9.1.231 Restaurant, Commercial/Recreation:** Any establishment, which provides as a principal use the combination of family-oriented recreation and on-premises dining, is clearly accessory or incidental to the operation of the other. For the purpose of this definition, recreation may include but is not limited to; television and motion pictures; sound and sight systems; mechanical and/or electronic operated games; animated mechanical devices and/or rides, and live entertainment.
- 9.1.232 Riding Academy:** Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.
- 9.1.233 Right to Farm Act:** A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation conforms to generally accepted agricultural and management practices and if the farm or farm operation existed before a change in the land use or occupancy of land within one mile of the boundaries of the farm land (Michigan Right to Farm Act, as amended, 1981 PA 93; MCL 286.471 *et seq*).
- 9.1.234 Right-of-Way:** A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.
- 9.1.235 Roadside Stand:** A temporary building or structure operated for the purpose of selling only produce raised or produced on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.
- 9.1.236 Rooming House:** A dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire without meals.
- 9.1.237 – 9.1.239 Reserved:**
- 9.1.240 Screen:** A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be a non-structure consisting of shrubs, or other growing materials.
- 9.1.241 Secondhand Merchandise, Retail Sales:** Means retail sales of previously used merchandise, such as clothing, household furnishings or appliances, and sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories, see Township Ordinance #111.
- 9.1.242 Setback:** The minimum distances that a building must be back from a lot line or right of way.
- 9.1.243 Shopping Center:** A group of commercial establishments, primarily retail uses, that are compatible with each other and are mutually supportive, in one or more buildings, on a site that is planned, developed, and managed as one operating unit, with common drive-ways, parking areas, identification signs and other common facilities and services. See sign definitions Section 5.2.2.
- 9.1.244 Site Built:** A structure constructed at the site but may include some pre-assembled parts.
- 9.1.245 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.
- 9.1.246 Site Plan:** The documents and drawings required by the zoning ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.
- 9.1.247 Site Plan Review:** A review by the Zoning Board and the Township Board of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage, see Section 5.6.
- 9.1.248 Spas/Tanning Salons:** Facility offering indoor tanning and/or physical fitness.
- 9.1.249 Specially Designated Distributor's Establishment:** A specially designated distributor's establishment is a retail establishment, consisting of less than fifteen thousand (15,000) gross square feet of usable retail space, or any retail establishment where more than ten (10) percent of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the State Liquor Control Commission to dis-

tribute alcoholic liquor, other than wine under twenty (20) percent alcohol by volume, and beer, in the original package for consumption off the premises.

9.1.250 Specially Designated Merchant's Establishment: A specially designated merchant's establishment is a retail establishment consisting of less than fifteen thousand (15,000) gross square feet of usable retail space, or any retail establishment where more than ten (10) percent of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the State Liquor Control Commission to sell beer and/or wine for consumption off the premises.

9.1.251 Special Use: Use of a parcel approved by the designated municipal body (planning commission or legislative body) in a manner that conforms to specific standards for that use in the zoning district in which the parcel is located.

9.1.252 State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, as amended, 1979 PA 218, MCL 400.701 *et seq* or Child Care Organizations, as amended, 1973 PA 116, MCL 722.111 *et seq*, and provides residential services for 6 or fewer persons under 24-hour supervision or care.

9.1.253 Story: That portion of a building including between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between any floor and the ceiling next above it.

9.1.254 Story, One-Half: A story under the gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such story and the floor area shall not exceed two-thirds (2/3) of the area of the floor below.

9.1.255 Street / Road: A public thoroughfare, which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width and meeting the standards set forth by the Jackson County Road Commission.

9.1.256 Street Line: The dividing line between the street right-of-way and the lot. When such right-of-way is not definable, a line shall be defined as thirty-three (33) feet on either side of the center of the street.

9.1.257 Strip Center: An attached row of stores or service outlets managed as a coherent retail entity, with on-site parking usually located in front of the stores. Open canopies may connect the storefronts, but a strip center does not have enclosed walkways linking the stores. A strip center may be configured in a straight line, or have an "L" or "U" shape.

9.1.258 Structure: Anything artificially constructed, erected or placed with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground, or constructed or placed below the surface of the ground, except fences, drives, paving, parking lots, and/or paved ramps.

9.1.259 – 9.1.261 Reserved:

9.1.262 Telecommunication Facilities and Towers: A telecommunication facility shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, communication services, (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), satellite dish facilities, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial radio service facilities, paging and similar services, which are licensed and marked to the general public, except preemption's as stated in the Federal Telecommunication Act of 1996. Not included in this definition are citizen band radio facilities, short wave receiving facilities, federally licensed amateur (ham) radio facilities, and government facilities that are subject to state or federal law or regulations which pre-empt municipal regulatory authority.

Notwithstanding any language contained in this Zoning Ordinance to the contrary, and in particular the definition of essential services, telecommunication facilities shall not be deemed essential services and shall be subject to and governed by the provisions of Section 5.5.7 (F). No facility may hereafter be constructed or erected without satisfying the requirements of Section 5.5.7 (F).

9.1.263 Telephone Service Provider: A telephone service provider shall include wireless, non-wireless, digital, and analog services where a customer or subscriber's lines are joined or connected to switching equipment of connecting customers or subscribers to each other.

9.1.264 Telework Center: Satellite work facility incorporating sufficient technology to permit employees to reduce their commute trip or to work closer to home. The goal of such centers is to reduce the distance traveled in a commute trip by at least half the distance.

9.1.265 Tourist Homes: Considered or construed to be multiple dwelling, motel, hotel, boarding or rooming house.

9.1.266 Travel Trailer: A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being towed by a passenger automobile.

9.1.267 – 9.1.269 Reserved:

9.1.270 USGS: Denotes the United States Geological Survey, which is responsible for mapping and re-mapping of the continental United States and its territories.

9.1.271 Undeveloped State: A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreation trail, picnic area; children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

9.1.272 – 9.1.274 Reserved:

9.1.275 Variance: A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area and size of yards and open spaces and parking space; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning division or district or adjoining zoning division or districts.

9.1.276 Vehicle Repair - Minor: Engine tune-ups; electrical systems, suspension systems, brakes, exhaust systems, cooling systems and heating and air conditioning systems repair; rust proofing; tire replacement; wheel balancing and alignment and diagnostic services.

9.1.277 Vehicle Repair - Major: Engine overhauling or rebuilding, valve and piston repair, transmission repair, axle and universal joint repair, body repair, painting and refinishing.

9.1.278 – 9.1.280 Reserved:

9.1.281 Yard, Front: An open, unoccupied space extending the full width of the lot and situated between the street line and the front line of the building.

9.1.282 Yard, Rear: An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building.

9.1.283 Yard, Side: An open, unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.

9.1.284 – 9.1.286 Reserved:

9.1.287 Zoning Board of Appeals (ZBA): The body required to consider appeals from administrative zoning decisions and other zoning actions. The ZBA is authorized to make adjustments in how zoning standards are applied.

9.1.288 Zoning Classification: The name given to types of zones such as single family residential, rural residential, agricultural, regional shopping, neighborhood shopping, office, industrial, etc.

9.1.289 Zoning jurisdiction: The area encompassed by the legal boundaries of a city or village or to the area encompassed by the legal boundaries of a county or township outside the limits of incorporated cities and villages. The zoning jurisdiction of a county does not include the areas subject to township zoning by a township that has adopted a zoning ordinance under this act.

9.1.290 – 9.1.292 Reserved:

SECTION 9.2 - UNDEFINED TERMS

Any term not defined herein shall have the meaning of common or standard use.

ARTICLE X – LEGAL STATUS

SECTION 10.1 - CONFLICT WITH OTHER LAWS

Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

SECTION 10.2 - VALIDITY AND SEVERABILITY CLAUSE

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

SECTION 10.3 - PERIOD OF EFFECTIVENESS

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 10.4 - REPEAL OF ORDINANCE

The "Zoning Ordinance of the Township of Summit of Jackson County, Michigan" adopted or amended on _____, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

SECTION 10.5 -- EFFECTIVE DATE

This Ordinance was adopted by the Board of Summit Township, Jackson County, Michigan, at a meeting held on _____, and notice ordered published in _____, a newspaper having general circulation in said Summit Township.

DATE: _____

Supervisor

DATE: _____

Clerk

