

# TABLE OF CONTENTS

## Chapter 1 General Provisions

Section 100. Short Title .....	1-1
Section 101. Purpose .....	1-1
Section 102. Interpretation .....	1-2
Section 103. Vested Rights .....	1-2
Section 104. Severability .....	1-2
Section 105. Amendment and Supplement.....	1-2
Section 106. Repeal .....	1-3
Section 107. Effective Date .....	1-3

## Chapter 2 Definitions

Section 200. Rules Applying to the Text .....	2-1
Section 201. Definitions .....	2-1

## Chapter 3 Districts

Section 300. Division of the Township .....	3-1
Section 301. Zoning Map .....	3-1
Section 302. District Boundaries Interpreted .....	3-1
Section 303. Zoning of Vacated Areas .....	3-2
Section 304. Scope of Regulations .....	3-3

## Chapter 4 Agricultural District

Section 400. Statement of Purpose .....	4-1
Section 401. Uses Permitted by Right .....	4-1
Section 402. Uses Permitted by Special Approval .....	4-2

## Chapter 5 R-1 One Family Residential District

Section 500. Statement of Purpose .....	5-1
Section 501. Uses Permitted by Right .....	5-1
Section 502. Uses Permitted by Special Approval .....	5-1

## Chapter 6 R-2 Multiple Family Residential District

Section 600. Statement of Purpose .....	6-1
Section 601. Uses Permitted by Right .....	6-1
Section 602. Uses Permitted by Special Approval .....	6-2

## Chapter 7 B Business District

Section 700. Statement of Purpose .....	7-1
Section 701. Uses Permitted by Right .....	7-1
Section 702. Uses Permitted by Special Approval .....	7-2

**Chapter 8 IN Industrial District**

Section 800. Statement of Purpose ..... 8-1  
Section 801. Uses Permitted by Right ..... 8-1  
Section 802. Uses Permitted by Special Approval ..... 8-2

**Chapter 9 Area, Density, Bulk, Height and Yard Requirements**

Section 900. Schedule of Area, Density, Bulk, Height and Yards ..... 9-1  
Section 901. General Rules ..... 9-2  
Section 902. Area, Density and Bulk ..... 9-2  
Section 903. Height ..... 9-3  
Section 904. Yards ..... 9-3  
Section 905. Subdivision Open Space Plan ..... 9-5  
Section 906. Condominium Projects ..... 9-6

**Chapter 10 General Provisions**

Section 1000. General ..... 10-1  
Section 1001. Conflicting Regulations ..... 10-1  
Section 1002. Supplementary Parcel Regulations ..... 10-2  
Section 1003. Supplementary Dwelling Regulations ..... 10-4  
Section 1004. Supplementary Use Regulations ..... 10-8  
Section 1005. Nonconforming Uses ..... 10-13  
Section 1006. Performance Standards ..... 10-18  
Section 1007. Lighting ..... 10-19  
Section 1008. Provisions Supplementary to Other Laws ..... 10-19

**Chapter 11 Parking**

Section 1100. Statement of Purpose ..... 11-1  
Section 1101. Off Street Parking ..... 11-1  
Section 1102. Off Street Parking Requirements by Use ..... 11-3  
Section 1103. Parking Area Circulation Design Requirements ..... 11-4  
Section 1104. Loading Requirements ..... 11-8

**Chapter 12 Signs**

Section 1200. Statement of Purpose ..... 12-1  
Section 1201. Regulations Applying to All Signs ..... 12-2  
Section 1202. Sign Regulations by District ..... 12-4  
Section 1203. Signs Permitted Without Prior Approval ..... 12-7  
Section 1204. Nonconforming Signs ..... 12-8  
Section 1205. Illumination ..... 12-8  
Section 1206. Structural Requirements ..... 12-9

**Chapter 13 Administration and Enforcement**

Section 1300. Statement of Purpose ..... 13-1  
Section 1301. Site Plan Review ..... 13-2  
Section 1302. Approval Process ..... 13-4  
Section 1303. Standards for Review of Site Plan & Provisions for Special  
Conditions ..... 13-6  
Section 1304. Administration ..... 13-7  
Section 1305. Enforcement..... 13-4

**Chapter 14 Special Use Approval**

Section 1400. Planning Commission Authority..... 14-1  
Section 1401. Standards ..... 14-2  
Section 1402. Procedure..... 14-3  
Section 1403. Special Approval Use Review Standards..... 14-7  
Section 1404. Agricultural Uses ..... 14-9  
Section 1405. Residential Uses ..... 14-15  
Section 1406. Recreational Uses..... 14-24  
Section 1407. Institutional Uses..... 14-27  
Section 1408. Day Nurseries ..... 14-30  
Section 1409. Automobile Service Stations..... 14-31  
Section 1410. Miscellaneous Special Uses ..... 14-32  
Section 1411. Wireless Communication Facilities ..... 14-39

**Chapter 15 Planned Unit Development**

Section 1500. Purpose and Applicability..... 15-1  
Section 1501. General Requirements..... 15-2  
Section 1502. Permitted Uses..... 15-3  
Section 1503. Design Requirements ..... 15-4  
Section 1504. Procedure..... 15-5  
Section 1505. Standards for Approval ..... 15-8  
Section 1506. Building Permits and Zoning Compliance Certificates ..... 15-9

CHAPTER

2

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## Definitions

### SECTION 200. RULES APPLYING TO THE TEXT

For the purpose of this Ordinance, certain rules of construction apply to the Text as follows:

Words used in the present tense include the future tense; and, the singular includes the plural, unless the context clearly indicates the contrary.

The word "person" includes a corporation or firm as well as an individual.

The word "structure" includes the word "building."

The word "lot" includes the words "plot," "tract," or "parcel."

The term "shall" is always mandatory and not discretionary; the word "may" is permissive.

The words "used" or "occupied" as applied to any land or structure shall be construed to include the words "intend, arranged or designed to be used to occupied."

Any word or term not herein defined shall be used with a meaning of common standard use.

The term "he" shall be read as he she, or they.

### SECTION 201. DEFINITIONS

**ACCESSORY OCCUPATION USE.** An accessory occupation is an occupation carried on within the walls of an accessory building and not visible from outside the accessory structure. It shall also correspond to the following:

- Be secondary to the use of the property as a rural agriculture or residential activity
- Not exceed one thousand (1000) square feet of usable floor area.
- Be confined to reasonable hours of operation.
- Be limited to the following activity types:
  - o Light fabricating and assembly.
  - o Personal Services
- Not include outside display, sale, or storage of goods, inventory, and equipment.

**ACCESSORY USE.** An accessory use includes a building or structure, whether permanently attached to a foundation or not, and is clearly used incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related. This includes ponds and swimming pools, as well as portable structures including car ports, sheds, etc.

**ACTIVITY.** See "Use"

**ADJACENT.** A lot or parcel of land that shares all or part of a common lot line with another parcel of land.

**ADULT BUSINESS.** For the purpose of this Ordinance the following definitions shall apply:

**ADULT BOOKSTORE.** An establishment permitting physical access by customers to floor area or shelf space which is devoted to the display of books, magazines or other periodicals, video tapes, photo graphs, or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities." or specified Anatomical Areas" as defined by this Ordinance. This definition also includes any establishment, which indicates the availability of such material by any sign advertisement, or other device audible or visible from anywhere outside the principal building, regardless of the amount of area devoted to said materials.

**ADULTS-ONLY BUSINESS.** Any business, club, or other organization wherein one or more persons display "Specified Anatomical Areas" or engage in "Specified Sexual Activities" as defined by this Ordinance, either in person or by photograph, motion picture, television, or other type of image. Further, this definition includes the following terms as defined by this Ordinance: "Adult bookstore", "Adult Theater", "Massage Parlor", "Public Bath", and "Taxi Dance Hall".

**ADULT THEATER.** Any establishment presenting material or activity distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined by this Ordinance for Observation by patrons or customers.

**ALLEY.** Any dedicated public way other than a street, affording a secondary means of access to abutting property, and not intended for general traffic circulation.

**ALTERATION.** Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a structure, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

**ANIMAL FEEDLOT.** Any farm with a sufficient number of animals on the premises to equal or exceed a total of fifty (50) "Animal Units", as defined below. It is characterized by the confinement of livestock or poultry where the confinement area accumulated manure that must be removed, or where a sustained ground cover (crops, vegetation, forage growth or post harvest residue) cannot be maintained over the normal growing season throughout the area where animals are confined. Includes confined feeding operations.

**ANIMAL UNITS.** Measure of the relative volume of waste material produced by various types of animals. The Michigan Department of Natural Resources has defined the following standards to be equal to twenty (20) animal units: twenty (20) slaughter or feed cattle, fourteen (14) mature dairy cattle (whether milked or dry), fifty (50) swine each weighing fifty-five (55) pounds or more, ten (10) horses, two hundred (200) sheep or lambs, one thousand one hundred (1100) turkeys, two thousand (2000) laying hens or broilers in a facility having a continuous overflow watering system, six hundred (600) laying hens or broilers in a facility having a liquid manure system, or one hundred (100) ducks or geese. All other animal classes or types not listed here but contained in the Michigan Right to Farm Act or described in the Michigan Commission of Agriculture Policy shall be calculated at 1,000 pounds live weight equals one animal unit.

**APARTMENT.** A room or suite of rooms arranged and intended as a dwelling unit for a single family or a group of individuals living together as a single housekeeping unit.

**AREA.** The square footage by which a building or parcel varies from the maximum or minimum area required for its zoning District

**AUTOMOBILE CAR WASH.** An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.

**AUTOMOBILE REPAIR SHOP.** An auto repair business is an establishment engaged in the performing repairs on such vehicles, including work which requires the engine to be removed, replacement or modification of the frame, body, transmission or suspension systems, glass or upholstery replacement, or the painting or undercoating of vehicles.

**AUTOMOBILE SALES.** See Vehicle Sales.

**AUTOMOBILE SERVICE STATION.** An auto service business is any establishment engaged in the direct retail sale of gasoline or other engine fuel, motor oil or lubricants, or performing interior or exterior cleaning, sale of tires, parts or accessories, inspection, lubrication, engine tuning, or minor repair for automobiles, vans or pickup trucks.

**BANK.** See "Financial Business."

**BAR.** A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

**BASE AREA.** The area, which is the length times the width, in square feet as of the effective date of this Ordinance.

**BASEMENT.** A story having part but not more than one half (1/2) of its height above finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business of dwelling purposes.

**BUILDING.** Any structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, intended primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

**BUILDING, FRONT LINE.** The line that coincides with the face for the building nearest the front of the lot. The face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front property line and measured as a straight line between the intersecting points with the side yard.

**BUILDING, HEIGHT OF.** The vertical distance measured from the mean elevation of the finished grade line of the ground above the front of the building to the highest point on the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eave and ridges for gable hip and gambrel roofs.

**BUILDING LINE.** A line defining the minimum front, side or rear yard requirement outside of which no building of structure may be built.

**BUILDING PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which it is located.

**BULK STATION.** A place where crude petroleum, gasoline, naphtha, benzene, kerosene, or other flammable liquid is stored for wholesale purposes only, where the aggregate capacity for all storage tank is more than six thousand (6000) gallons.

**BUSINESS SERVICES.** A business service establishment provides services to other businesses as their primary clientele, and may involve some outside storage of equipment or vehicles, but not of inventory. Business services include, but are not limited to, employee training, audio or visual communication media (including broadcast antennas, sign production and installation, equipment rental or repair, building maintenance, and self service storage.

**CLINIC.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

**CLINIC, ANIMAL.** An establishment where animals are admitted for examination and treatment by veterinarians or other such similar professionals, but are not housed overnight.

**CLUB.** An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities except as required incidentally for the membership, and purpose of the club.

**COMMERCIAL RECREATION.** Commercial Recreation facilities are for-profit establishments providing recreational activities for a fee. Commercial recreational facilities include such uses as bowling alleys, roller rinks, etc.



**COMMERCIAL SCHOOL.** A commercial school is a private education private educational facility not operated as nonprofit entity and offering instruction in art, business, music, dance, trades, continuing professional education or other subjects.

**COMMON LAND.** A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in the planned unit development.

**CONVALESCENT OR NURSING HOME.** A building wherein infirm and incapacitated persons are furnished shelter, care, food, lodging, and needed attention for a compensation.

**CONVENIENCE STORE.** A retail operation selling a variety of items that are primarily grocery products. They include items that may be required by neighborhoods residents on a day-to-day basis. Non-grocery items frequently sold in this kind of establishment include newspapers, magazines, seasonal needs, etc.

**COVERAGE, LOT.** That percent of the plot or lot covered by the building area.

**COUNTY.** The County of Huron, Michigan.

**CUL-DE-SAC.** A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.

**DAIRY OPERATIONS.** A farming operation in which more than 50 animals weight equivalent dairy cattle are housed. This includes milking parlors and other such similar uses.

**DAY NURSERY.** A private establishment enrolling four or more children between 2 and 5 years of age and where tuition, fees, of other forms of compensation for the care of children is charge, which is licensed of approved to operate as a child care center. Includes also day care centers, nursery schools, and other such similar uses

**DEPTH.** For the purposes of use with, depth is the distance from a property line to a structure.

**DRIVE-IN.** A business establishment so developed that its retail or service character is dependent on providing a driveway approach of parking space for motor vehicles so as to serve patrons while in the motor vehicles or within a building on the same premises and devoted to the same purpose as the drive-in service. Drive-in is also interpreted to include "fast food" operations that serve food in disposable containers.

**DWELLING.** A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

**DWELLING TYPES.** For the purpose of this Ordinance, dwellings are separated into the following categories:

**SINGLE FAMILY DWELLING.** Is a detached building containing on (1) dwelling unit only and complying with the regulations of Chapter 9 and Chapter 10, Section 1003.

**TWO FAMILY DWELLING.** Is a building containing not more than (2) dwelling units and complying with the regulations of Chapter 9 and Chapter 10, Section 1003.

**MULTIPLE DWELLING.** Is a building or portion thereof containing three (3) or more dwelling units and complying with the regulations of Chapter 9 and Chapter 10, Section 1003.

**DWELLING UNIT.** One or more rooms including a single kitchen, in a dwelling designed for occupancy by one family for living and sleeping purposes.

**DEPTH.** For the purposes of this interpreting the Dimensions Table, depth is the distance from a property line to a structure.

**DRIVE-IN.** A business establishment so developed that its retail or service character is dependent on providing a driveway approach of parking space for motor vehicles so as to serve patrons while in the motor vehicles or within a building on the same premises and devoted to the same purpose as the drive-in service. Drive-in is also interpreted to include "fast food" operations that serve food in disposable containers.

**ENTERTAINMENT.** For the purposes of this ordinance "entertainment" means live performance Video machines, billiards, etc. are not considered entertainment.

**ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance of underground, surface, or overhead electrical, gas, water, and sewage transmission and collection systems and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

**EXCAVATION.** Any breaking of ground, except common household or agricultural gardening and ground care.

**FAMILY.** An individual, or two or more persons related by blood, marriage, or adoption, living together in a dwelling unit, or group of not more than four (4) persons who need not be related, living together in a single dwelling unit.

**FARM.** A tract of land which is directly devoted to agriculture purposes, provided further that farms may be considered as including establishments operated as greenhouses, nurseries, orchards, chicken hatcheries, and apiaries; but establishment keeping forbearing animals, riding or boarding stables, kennels, quarries or gravel or sand pits, shall not be considered farms hereunder, unless combined with confined farm operations on the same contiguous tract of land of not less than ten (10) acres.

**FARMING, GENERAL.** The practice of agriculture on a farm as defined above.

**FAST FOOD RESTAURANT.** See Drive-in

**FEEDLOT.** See Animal Feed Lot.

**GRADE.** The highest point of the ground contacting any portion of the base or foundation of a building.

**GREENHOUSE.** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate, out of season plants for subsequent sale or personal use.

**GROSS FLOOR AREA.** The sum of the gross horizontal areas of several floors of a building measured from the exterior face or exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces, loading spaces for motor vehicles, or any space where the floor-to-ceiling height is less than six feet. For the purpose of calculating parking and loading requirements, the gross floor area is the floor area used for service to the public. It shall not include floor area used solely for storage or processing and packaging of merchandise.

**GROUND LEVEL.** The elevation to be used for computing the height of the signs. Defined as the roadway centerline grade elevation at its intersection with the centerline of the driveway serving the parcel that is located nearest to the sign location.

**HOME OCCUPATION.** Any business carried on by one or more members of a family residing on the premises, providing it:

- is operated in its entirety within the principal dwelling;
- does not have a separate entrance from outside the building;
- does not involve alteration or construction not customarily found in dwellings;
- does not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
- does not use more than twenty-five (25) percent of the total actual floor area of the dwelling;
- does not display, or create outside the structure any external evidence of the operation of the home occupation, except for a sign in accordance with this ordinance

**HOSPITAL.** An institution for the diagnosis, treatment or care of aged, sick or injured people. The term "hospital shall include sanatorium, rest home, nursery home, and convalescent home, but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.

**HOSPITAL, ANIMAL.** An institution for the diagnosis, treatment or care of aged, sick or injured animals.

**INCARCERATION FACILITY.** Any jail, prison, holding facility, work camp or detention center of any kind.

**INCINERATOR.** An engineered apparatus used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence and combustion air, can be controlled.

**INTENSIVE LIVESTOCK OPERATION.** Includes animal feed lots, confined feeding operations, dairy operations, livestock auction yards and live stock stockyards.

**JUNK/SALVAGE YARD.** A licensed open area where waste, used or second hand materials are brought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A Junk/Salvage Yard includes automobile-wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot. Operations with characteristics of salvage yards but called recycling centers, junk yards, scrap yards, etc., shall be considered salvage yards.

**KENNEL.** A kennel is any establishment for the boarding and training of cats or dogs where more than two (2) dogs or two (2) cats over four (4) months old are kept or any building, lot, or premises where dogs or cats are kept or housed, for which remuneration is received. Such establishments may include grooming or sale of pet supplies incidental to the primary purpose. This shall not include residentially zoned premises or premises that are used for residential purposes, at which the occupant is keeping his or her own dogs or cats.

**LOADING/BERTH SPACE.** An off-street space at least ten (10) feet wide, twenty-five (25) feet long and fifteen (15) feet high, either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise, and having direct and unobstructed access to a public street or alley.

**LOT.** A parcel of land occupied or intended for occupancy by a main building and accessory buildings thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street.

**LOT AREA.** The total horizontal land area within the lot lines of the lot.

**LOT: CORNER, INTERIOR AND THROUGH**

**CORNER LOT.** A lot that has at least two contiguous sides abutting upon a street for their full length, and provided the two sides intersect at an angle of not more than one hundred thirty five (135) degrees.

**INTERIOR LOT.** A lot other than a corner lot.

**THROUGH LOT.** An Interior Lot having frontage on two streets that do not intersect at a point contiguous to such lot.

**LOT COVERAGE.** That part or percent of the lot occupied by any structure.

**LOT LINES.** The lines abutting a lot as defined herein:

**LOT LINE, FRONT.** That line separating the lot from a street right-of-way. In case of a corner lot or through lot the lines separating the lot from each street.

**LOT LINE, REAR.** Lot line that is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long, lying farthest from the front lot line and wholly within the lot.

**LOT LINE, SIDE.** Any lot line not a front lot line or not a rear lot line.

**LOT, WIDTH OF.** The width measured along the front lot line or street line.

**LOT OF RECORD.** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in a common use by County and Community officials and which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**LUMBER YARD.** A lumberyard is a business that emphasizes the sale of lumber and wood products where material may be stored or displayed in the principal building or in accessory shed-type structures.

**MANUFACTURED HOME OR MANUFACTURED HOUSING.** Includes the terms HUD-Code manufactured home and mobile home, and collectively means and refers to both.

**MANUFACTURED HOME, HUD-CODE.** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR § 3282.8(g).

**MOBILE HOME.** A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

**MOBILE HOME PARK.** A parcel of land fifteen (15) acres or more intended and designed to accommodate sixty (60) or more mobile homes for residential use, which is offered to the public for that use along with any structure, facility, gear or equipment permitted and incidental to the residential use. Referred to also as "Park."

**MOBILE HOME SPACE.** A plot or parcel of land within the Mobile Home Park designed to accommodate one (1) mobile home.

**MOBILE HOME STAND.** That part of a Mobile Home Space that has been reserved for the placement of the Mobile Home, appurtenant structures, or additions.

**MODULAR HOME.** A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation for residential use.

**MOTEL.** A building or group of buildings where individual spaces are offered for occupancy as temporary accommodations on a day-to-day basis, with separate bathroom and toilet facilities, and at least one (1) parking space for each unit.

**NONCONFORMITY.** Any use of land or a building, any parcel of land, or any building or other structure which does not comply with all of the District Regulations for the Zoning District in which it is located.

**NONCONFORMING USE.** Any use of building, structure, or land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

**OCCUPIED.** Arranged, designed, built, altered, converted to, rented, leased, intended to be occupied.

**OFFICE.** An office is a place of business in which professional services are rendered or management activities of an enterprise are carried out. All such activities take place inside a building. Office activities include, but are not limited to, law, medicine, dentistry, accounting or bookkeeping, tax preparation, insurance, securities brokerage, executive or managerial functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, all aspects of a newspaper or publishing business except actual printing, binding or distribution centers, and a base of operation for salespeople which does not include storage or display of merchandise.

**OPEN SPACE.** Any unoccupied space open to the sky on the same lot with a building.

**PARCEL.** A parcel is a continuous piece of land under uniform ownership that is occupied or intended for occupancy by principal building or use and any accessory uses or uses thereto.

**PARKING SPACE.** An off-street space of at least two hundred (200) square feet exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley. See Chapter 11 and the Table of Off Street Parking Requirements for specific parking requirements.

**PERSONAL SERVICE BUSINESS.** A personal service business primarily serves needs of individual people or families, including but not limited to hair or skin care, grooming dry cleaning, millinery or tailoring, shoe repair, and repair of small appliances, watches or jewelry.

**PLANNED UNIT DEVELOPMENT.** An area of minimum size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of non-residential uses to residential uses as shall be specified.

**PRINCIPAL BUILDING.** A building in which is conducted the principal use of the lot on which it is located.

**PRINCIPAL USE.** The main use to which the premises are devoted and the principal purpose for which the premises exist.



**PUBLIC STREET.** Any vehicular way which: (1) is an existing state, county, or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; and includes the land between the street or right-of-way lines, whether improved or unimproved. A public thoroughfare that affords the principal means of access to abutting property.

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water service.

**RELIGIOUS USES.** A church, synagogue, mosque or temple and associated uses.

**RIGHT-OF-WAY.** A street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles or utilities.

**ROADSIDE STAND.** A "roadside stand" is a structure for the display of agricultural products, with no space for customers within the structure itself.

**ROOF LINE.** This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

**RUBBISH.** A general term for solid waste, commercial establishments and institutions. Includes trash and garbage.

**SALE, GARAGE INCLUDING RUMMAGE SALE, BASEMENT SALE, YARD SALE.** A temporary sale of used personal items.

**SALES AREA.** The area open to the public of a retail or wholesale establishment used for the display or transaction of goods.

**SANITARY LANDFILL.** A tract of land developed, designed, and operated to accommodate general types of solid waste including but not limited to garbage, rubbish, soils, and concrete, but excluding hazardous waste.

**SECTIONAL HOME.** Two or more units, fabricated and transported to the building site where they are put on a permanent foundation and thereon finished as a residential unit.

**SERVICE BUSINESS.** A service business is an enterprise that deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer's place of business or residence or within the building occupied by the service business. See also "Office" and "Personal Service Business."

**SETBACK.** A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A Front Setback is measured from the edge of the right of way of any abutting roadway. A Rear Setback is measured from the rear property line. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.

**S.E.V.** The State Equalized Valuation of the property in question, as determined by the ownership Assessor. This is presumed to be fifty percent (50%) of the property's true cash value.

**SIGN.** A name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building.

For the purpose of this ordinance the following sign or sign-related terms are defined:

**AREA, OR SURFACE AREA, OF SIGN.** That area per face enclosed by one outline, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.

**BILLBOARD SIGN.** See OFF SITE SIGN.

**CONSTRUCTION SIGNS.** Signs that identify architects, engineers, contractors and other individuals or firms involved with a construction project, but not including advertisement of any product. These include signs announcing the character of the building enterprise or the purpose for which the building is intended.

**ELECTRIC SIGN.** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

**ELECTRONIC MESSAGE BOARD.** Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than 20 seconds. Signs displaying time and temperature only may change messages with a frequency of no less than 5 seconds.

**FREESTANDING SIGN.** A sign that is affixed to a permanent foundation, but not attached to the building proper. (Also "Ground Mounted" sign).

**ILLUMINATED SIGN.** A sign that provides artificial light directly or through any transparent or translucent material.

**INTEGRAL SIGN.** Names of buildings or farm, date of erection, monumental citation, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).

**JOINT SIGN.** A sign that gives direction and identification to a group of adjacent businesses whether or not under single management.

**LAND DEVELOPMENT PROJECT SIGNS, TEMPORARY.** Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office building, industrial park or similar land parcel.

**LOCATION.** A lot, premise, building, wall or any place whatsoever upon which a sign is located.

**MARQUEE.** An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.

**OFF SITE SIGN.** A freestanding outdoor sign which advertises something not located on the immediate premises.

**POLITICAL CAMPAIGN SIGNS.** Signs announcing candidates for public political office and other data pertinent to an upcoming election.

**PRIVATE TRAFFIC DIRECTION.** Signs directing traffic movement or giving instructions, located within a parcel.

**PROJECTION.** The distance by which a sign extends over public property or beyond the building line.

**PROJECTING SIGN.** A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

**PROPERTY RENTAL SIGNS.** Signs on the premises announcing rooms, apartment or house for rent, not to exceed 4 square feet.

**PUBLIC SIGNS.** Signs of a governmental nature and in the public interest, erected by, or on the order of, a public officer in the performance of his or her public duty.

**REAL ESTATE SIGNS.** Signs advertising the sale, rental or lease of the premises or part of the premises on which they are displayed.

**ROOF SIGN.** Any sign erected, constructed, and maintained wholly upon or over the roof of any building.

**SIZE OF SIGN.** The size of a sign is computed as the product of its height and its width expressed in square feet. A sign shall be considered to have not more than two (2) sides, i.e., a 3-sided sign equals two (2) signs.

**SPECIAL PURPOSE SIGNS.** Any other temporary signs.

**STREET BANNERS.** Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Saginaw County Road Commission.

**TEMPORARY SIGN.** A display, informational sign, banner, or other advertising device intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one located to another.

**WALL SIGN, FLAT.** One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from the surface less than twelve (12) inches at all points.

**SITE, AREA.** The total area within the property lines excluding rights-of-way, easements, etc.

**SPECIAL USE.** The term applies to a use that may be permitted by the issuance of a Special Use Permit by the Township Planning Commission. Specified procedures and requirements, as outlines in cited sections must be complied with prior to final issuance of said permit.

**STATE LICENSED RESIDENTIAL FACILITY.** A State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled or physically handicapped adults who require ongoing supervision but not continuing nursing care. Note that the licensee must be a member of the household and an occupant of the residence. Note also that none of the following may be construed to be a State Licenses Residential Facility: a nursing home, home for aged, or hospital as defined by Act 368 or 1978; a hospital for the mentally ill as defined by Act 258 of 1974; a county infirmary as defined by Act 280 of 1939; a child caring institution, children's camp, foster family home or group home as defined by Act 116 of 1983; a Veterans' facility as defined by Act 152 of 1885; an alcohol or substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home, or hotel or a rooming house; or a residential facility licensed by the State to care for four (4) or fewer minors.

**STORY, HALF.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for the use. A half-story (1/2) containing independent apartments or living quarters shall be counted as a full story.

**STORY, HEIGHT OF.** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joints.

**STREET.** A public right-of-way, other than an alley, which affords the principal means of access to abutting property.

**STREET, FUNCTIONAL, CLASSIFICATION.** Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three basic groups include: (1) Arterials primarily for mobility, (2) Collectors for both mobility and land access, and (3) Locals primarily for land access.

**PRINCIPAL ARTERIAL.** Serves the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desire.

**MINOR ARTERIAL.** Interconnects with and augments the principal arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials.

**COLLECTOR.** Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.

**LOCAL.** Serves as direct land access and access to higher systems.

**STREET LINE.** The legal line of demarcation between a street right-of-way and land for service, benefit or enjoyment.

**TAVERN.** An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

**TEMPORARY OUTDOOR USE.** A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity, or use for which the temporary structure was erected, has ceased.

**USE.** The employment or occupation of a building structure or land for service, benefit or enjoyment.

**VARIANCE.** A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause undue hardship owing to circumstances unique to the specific property on which the modification is granted by the Board of Appeals on Zoning.

**VETERINARIAN.** One qualified and authorized to treat diseases and injuries of animals.

**VEHICLE SALES.** An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises is allowed.

**VISUAL SCREEN.** A method of shielding or obscuring one abutting structure or use from another by fencing, walls, berms or densely planted vegetation.

**WHOLESALE BUSINESS.** A wholesale business is an enterprise that buys and/or repackages products for sale to retail businesses. Inventory of a wholesale business is stored within an enclosed building.

**WIDTH OF DEPTH.** The distance in feet by which the width of depth of a parcel varies from the minimum or maximum dimensions for its Zoning District.

**YARD.** An open space on the same lot with a building, which may not be occupied by buildings, structures or parking areas, except as otherwise provided. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

**YARD, FRONT.** A yard between the front lot line and the nearest point of the main building.

**YARD, REAR.** A yard between the rear lot line and the nearest point of the main building.

**YARD, SIDE.** The yard between the nearest point of the main building and any sideline.

**ZONING DISTRICT.** Zoning Districts are those areas of the community within which similar land use activities are permitted and for which the regulations contained within this Ordinance are the same. Zoning Districts are identified by Section 300. Their purposes are outlined in each of the respective zoning district chapters.

CHAPTER

3

## Districts

### SECTION 300. DIVISION OF THE TOWNSHIP

For the purposes of this Ordinance, all land within Verona Township, excepting streets and alleys, is divided into the following Zoning Districts.

- AG Agricultural district
- R-1 One family residential district
- R-2 Multiple family residential district
- B Business district
- IN Industrial district

### SECTION 301. ZONING MAP

The boundaries of these districts are hereby defined and established as shown on a map entitled "Township Zone District Map," which accompanies this Ordinance and which map with all explanatory matter thereon is hereby made a part of this Ordinance. The official zoning map shall be kept and maintained by the Township Clerk.

The location and boundaries of the zoning districts established in the Township shall be shown on the Zoning Map and said map, and any section, or portion thereof, together with all notations, dimensions and other data shown thereon, are thereby made a part of this Ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.

The Zoning Map may be amended from time to time to reflect changes in districts and the rezoning of a lot or lots shown thereon in the same manner as amendments may be made to the text of this Ordinance. Such changes shall be recorded to scale on duplicated copies of the Zoning Map and shall be accomplished by written legal descriptions in appropriate amendatory ordinances.



**SECTION 302. DISTRICT BOUNDARIES INTERPRETED**

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

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be constructed as following such lot lines.
- C. Boundaries indicated as following railroad lines shall be construed to be the midline between the main tracks.
- D. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- F. Where physical or natural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by subsections A through E above, the Zoning Board of Appeals shall interpret the district boundaries.
- G. Insofar as some or all of the various districts may be indicated on the Zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

**SECTION 303. Zoning of Vacated Areas**

If all or any portion of any public street, alley, right-of-way, easement or land shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of the regulations which apply within the district where located, or within the most restrictive of the immediately adjacent districts, if there be more than one.

## SECTION 304. SCOPE OF REGULATIONS

No building or structure, or part thereof, shall hereafter be erected, moved, constructed, or altered, and no new use or change in use shall be made unless in conformity with the provisions of this Ordinance and with the regulations specified for the district in which it is located.

- A. **DISTRICT REQUIREMENTS.** In addition to any other requirement, all structures and/or uses shall also be subject to the provisions of Chapter 9 Area, Density, Bulk, Height and Yard Requirements and Chapter 10 General Provisions. More restrictive and/or specific requirements applicable to a specific land, structure, and/or use however shall supersede these general requirements.

The regulations applying to such district include specific limitations on the use of land and structure, height and bulk of structures, density of population, lot area, yard dimensions, and area of lot that can be covered by each structure.

- B. **SPECIAL LAND USES.** Uses permitted by special approval shall not be allowed until the specific applicable conditions and limitations have been complied with and in addition until approval has been obtained from the Planning Commission in accordance with Chapter 14 Site Plan and/or Special Approval Use Review.
- C. **USES NOT SPECIFIED.** The Board of Appeals shall have the power to classify a use that is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district.

CHAPTER

**4**

**AG – Agricultural District**

**SECTION 400. STATEMENT OF PURPOSE**

To preserve agriculture land within the Township while balancing the needs of the existing agricultural areas and the rural character of the Township with the necessity to permit growth and expansion of certain uses. To provide a specialized district for traditional agricultural uses, along with more intensive agricultural uses under specific conditions and standards.

**SECTION 401. USES PERMITTED BY RIGHT**

The following structures and/or uses shall be permitted by right:

- A. One family detached dwelling unit located on a farm and occupied by persons working on that farm.
- B. General Farming and Forestry including field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries and similar agricultural enterprises. No farm shall be operated for the commercial disposal of garbage, sewage, rubbish, offal or rendering plant or for the slaughtering of animals except to serve only those persons residing on the premises.
- C. Specialized farming including low impact livestock raising or poultry raising.
- D. Roadside Stands selling products grown by the owner of the property upon which the stand is located PROVIDED that the contiguous space for the parking of customer's vehicles is furnished off the public right-of-way at the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area.

- E. Institutions for Human Care that are hospitals, assisted living, nursing or convalescent homes, clinics, day care or senior day care and excluding incarceration facilities and facilities for the treatment of drug and alcohol abuse.
- F. Public Parks, Public Playgrounds, Public Recreational Grounds, and Grounds for Games and Sports, except those carried on as a business.
- G. Cemetery, public or private subject to standards in Chapter 14.
- H. Religious uses, subject to standards in Chapter 14.
- I. Schools, public or private, subject to standards in Chapter 14.
- J. Airport, landing field or platform; provided the land under the approaches shall not be put to any use which might later serve as a basis for a reason that the space above should not be used for aircraft; and provided plans given tentative approval by the Civil Aeronautics Administration are submitted with the request for a permit.
- K. Private club, fraternity or lodge except one in which the principal activity of which is a service customarily carried on as a business.
- L. Golf course, not including a miniature golf course or par-3 course subject to the conditions in Chapter 14.
- M. Public or private stable, riding academy or kennel.
- N. Veterinary hospital or clinic subject to standards in Chapter 14.
- O. Home occupation.
- P. Accessory building or use.

#### **SECTION 402. USES PERMITTED BY SPECIAL APPROVAL**

The following structures and/or uses shall be permitted in the A-1 district, but only by special approval granted by the Planning Commission

## VERONA TOWNSHIP ZONING ORDINANCE

and only after all the procedural requirements specified in Chapter 13 and all the special use provisions in Chapter 14 are met.

- A. One-family detached dwelling unit where not located on a farm and occupied by persons working that farm.
- B. Multiple dwelling unit, including apartment building, town house, and condo-minimum, but excluding hotel and motel.
- C. Manufactured home or pre-manufactured home or mobile home modular not located in a manufactured housing development, subject to the standards listed in Sec. 1003, Supplementary Dwelling Regulations. General Requirements.
- D. Manufactured housing development, together with accessory buildings and uses, including a residence for the manufactured housing development owner or operator and his family, recreational buildings and facilities, laundry facilities, maintenance and storage facilities, but excluding any retail sales of manufactured homes unless the same are located upon a developed manufactured home site.
- E. One model dwelling unit for each project or subdivision, designed as temporary use as an office/showroom, for eventual use as a permanent dwelling.
- F. Animal feed lot/Intensive Livestock Operations.
- G. Drive-in theater, racetrack, golf driving range, or miniature golf course.
- H. Grain or seed elevator or sales; cold storage for cooperative or wholesale agricultural products; or similar enterprise which is directly related to agriculture.
- I. Environmental area.
- J. Essential services.
- K. Private park, gun club or hunting preserve.
- L. Incinerator or sanitary landfill.
- M. Junkyard.

**VERONA TOWNSHIP ZONING ORDINANCE**

- N. A kennel for the raising of fur bearing animals, provided said use shall be located on a continuous parcel five (5) acres or more in area.
- O. Livestock auction or stockyard.
- P. Seasonal labor housing when it is provided as temporary housing for workers and their families during the season in which they are employed in the planting, harvesting or processing of crops or other essential, but temporary agriculturally related, employment; and provided further that it is accessory to the farm on which said worker is employed.
- Q. Sewage treatment or disposal installation.
- R. Commercial slaughtery in a completely enclosed building, when conducted as part of the principal use, and when the physical structure in which the slaughtering is conducted is adjacent to or an extension of an existing accessory farm building.
- S. Accessory building or use.
- T. Wireless Communication Facilities.
- U. Any structure or use that, in the opinion of the Planning Commission, is similar to a structure or use permitted by right or by special approval of the Planning Commission in this zoning district.

CHAPTER

5

## **R-1 One Family Residential District**

### **SECTION 500. STATEMENT OF PURPOSE**

To encourage and preserve attractive residential environments consisting of Single Family Dwellings on individual lots and compatible uses. To create residential areas that will maintain their quality of life for future inhabitants.

### **SECTION 501. USES PERMITTED BY RIGHT**

The following structures and/or uses shall be permitted by right:

- A. One-family detached dwelling unit, subject to all standards in Section 1003, Supplementary Dwelling Regulations.
- B. Religious Uses, subject to standards in Chapter 14.
- C. Publicly owned and operated library, park, playground, or parkway.
- D. Public, parochial, or private elementary school offering courses in general education, and not operated for profit.
- E. Accessory building or use as long as not involving the conduct of business.
- F. Home Occupation.
- G. One model dwelling unit for each project or subdivision, designed as temporary use as an office/showroom, for eventual use as a permanent dwelling.

- H. Manufactured home or a manufactured home or modular home not located in a manufactured housing development, subject to the standards listed in Section 1003, Supplementary Dwelling Regulations; General Requirements.

## **SECTION 502. USES PERMITTED BY SPECIAL APPROVAL**

The following structures and/or uses shall be permitted in the R-1 district, but only by special approval granted by the Planning Commission and only after all the requirements of this chapter, the procedural requirements specified in Chapter 13 and all the special use provisions in Chapter 14 are met.

- A. Multiple dwelling unit, including apartment building, town house, and condominium but excluding hotel and motel.
- B. Boarding and lodging house containing not more than six (6) separate units.
- C. Cemetery, public or private, subject to the standards in Chapter 14.
- D. Schools, public or private excluding commercial schools, subject to standards in Chapter 14.
- E. Essential services.
- F. Golf course, not including a miniature golf course or par-3 course.
- G. Institutions for Human Care that are hospitals, assisted living, nursing or convalescent homes, clinics, day care or senior day care and excluding incarceration facilities and facilities for the treatment of drug and alcohol abuse.
- H. Nursery school, day nursery, or childcare center (not including a dormitory).
- I. Private office for a doctor or dentist, or similar profession, provided such office is part of a dwelling unit occupied by such doctor or dentist, or similar profession, and not more than one such doctor or dentist, or similar professional practices in any such office.



**VERONA TOWNSHIP ZONING ORDINANCE**

- J. Public or private noncommercial recreational area and/or facility; institutional or community recreation center; nonprofit swimming pool club.
  
- K. Roadside Stands selling products grown by the owner of the property upon which the stand is located PROVIDED that the contiguous space for the parking of customer's vehicles is furnished off the public right-of-way at the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area.
  
- L. Accessory building or use.
  
- M. Any structure or use that, in the opinion of the Planning Commission, is similar to a structure or use permitted by right or by special approval of the Planning Commission in this zoning district.

CHAPTER

6

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## **R-2 Multiple Family Residential District**

### **SECTION 600. STATEMENT OF PURPOSE**

To permit development of moderate density residential areas and provide space for multiple family residential uses together with certain institutional and other compatible uses under specified conditions.

### **SECTION 601. USES PERMITTED BY RIGHT**

The following structures and/or uses shall be permitted by right:

- A. Multiple dwelling unit, including apartment building and town house and condominium, but excluding hotel and motel.
- B. One-family detached dwelling unit, subject to Section 1003, Supplementary Dwelling Requirements.
- C. Boarding or lodging house containing not more than six (6) separate units.
- D. Cemetery, public, or private, subject to standards in Chapter 14.
- E. Religious Uses, subject to standards in Chapter 14.
- F. College, university or other institution of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit subject to standards in Chapter 14.
- G. Institutions for Human Care that are hospitals, assisted living, nursing or convalescent homes, clinics, day care or senior day care and excluding incarceration facilities and facilities for the treatment of drug and alcohol abuse subject to standards in Chapter 14.

- H. Publicly owned and operated library, park, playground or parkway.
- I. One model dwelling unit for each project or subdivision, designed as temporary use as an office/showroom, for eventual use as a permanent dwelling.
- J. Nursery school, day nursery, or childcare center (not including a dormitory).
- K. Private office for a doctor or dentist, or similar profession, provided such office is part of a dwelling unit occupied by such doctor or dentist, or similar profession, and not more than one such doctor or dentist, or similar professional, practices in any such office.
- L. Public or private noncommercial recreational area and/or facility, institutional or community recreation center, nonprofit swimming pool club.
- M. Public, parochial, or private elementary school offering courses in general education, and not operated for profit.
- N. Public, parochial, or private intermediate and/or secondary school offering courses in general education, not operated for profit.
- O. Home Occupation.
- P. Accessory building or use.
- Q. Manufactured home, pre-manufactured home, or mobile home module not located in a mobile home park, subject to the standards listed in Sec. 1003, Supplementary Dwelling Regulations.

**SECTION 602. USES PERMITTED BY SPECIAL APPROVAL**

The following structures and/or uses shall be permitted in the R-2 district, but only by special approval granted by the Planning Commission and only after all the requirements of this chapter, the procedural requirements specified in Chapter 13 and all the special use provisions in Chapter 14 are met.

- A. Private club, fraternity, or lodge except one the chief activity of which is a service customarily carried on as a business.

- B. Essential services.
- C. Golf course, not including a miniature golf course or par-3 course, which may or may not be operated for profit.
- D. Mobile home park, together with accessory buildings and uses, including a residence for the mobile home park owner or operator and his family, recreational buildings and facilities, laundry facilities, maintenance and storage facilities but excluding any retail sales of mobile homes unless the same are located upon a developed mobile home site; subject to the standards contained in Chapter 14.
- E. Roadside Stands selling products grown by the owner of the property upon which the stand is located PROVIDED that the contiguous space for the parking of customer's vehicles is furnished off the public right-of-way at the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area.
- F. Any structure or use that, in the opinion of the Planning Commission is similar to a structure or use permitted by right or by special approval of the Planning commission in this zoning district.

CHAPTER

7

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## **B - Business District**

### **SECTION 700. STATEMENT OF PURPOSE**

This district classification is designed to provide sales and commercial service uses dealing directly with consumers and general business and industrial customers.

### **SECTION 701. USES PERMITTED BY RIGHT**

The following uses are permitted by right within the B-Business District. All the uses must be performed within a fully enclosed building. Only similar principal uses may be allowed on a single lot. Where more than one principal permitted use is proposed for a Lot, the zoning Administrator shall determine if the uses are similar enough to be compatible with each other and in harmony with the character of the existing and adjacent principal uses.

- A. Boarding or lodging house containing not more than six (6) separate units.
- B. Cemetery, public, or private., subject to standards in Chapter 14.
- C. Religious Uses, subject to standards in Chapter 14.
- D. College, university or other institution of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit subject to standards in Chapter 14.
- E. Institutions for Human Care that are hospitals, assisted living, nursing or convalescent homes, clinics, day care or senior day care and excluding incarceration facilities and facilities for the treatment of drug and alcohol abuse subject to standards in Chapter 14.

**VERONA TOWNSHIP ZONING ORDINANCE**

- F. Publicly owned and operated library, park, playground or parkway, or building for public assembly or use.
- G. Nursery school, day nursery, or childcare center (not including a dormitory).
- H. Public or private noncommercial recreational area and/or facility, institutional or community recreation center, nonprofit swimming pool club.
- I. Public, parochial, or private elementary, intermediate and/or secondary school offering courses in general education, not operated for profit.
- J. Offices or professional, administrative and executive uses.
- K. Any retail business whose principal activity is the sale of merchandise in an enclosed building including outdoor seasonal sales for a period of ninety (90) days.
- L. Personal service establishments which perform services on the premises, such as, but not limited to: repair shop (watches, radio, television, shoe, upholstery, and etc.), tailor shop, dressmaker, beauty parlor or barber shop, photographic studio, interior decorator, or self-service laundry or dry cleaner.
- M. Service establishments including printing, publishing, reproduction, financial services; including drive-in facilities as an accessory use only.
- Q. Off-street parking lot or facility.
- R. Assembly buildings, including auditoriums, social clubs and fraternal organizations.
- S. Restaurant or other place serving food or beverage, including drive-through restaurants.
- T. Mortuary or funeral home.
- U. Indoor commercial recreation such as a bowling alley, theater or similar use, provided all activities are conducted within a totally enclosed main building and provided further that all buildings are set back at least one hundred (100) feet from any adjacent residential lot.

- V. Gasoline service station.
- W. Radio or television station.
- X. Wholesale Business.
- Y. Warehousing.
- Z. Accessory building or use.

**SECTION 702. USES PERMITTED BY SPECIAL APPROVAL**

The following structures and/or uses shall be permitted, but only by special approval granted by the Planning Commission and subject to the standards in Chapter 7 and Chapter 14.

- A. One-family detached dwelling unit, subject to Section 1003. Supplementary Dwelling Requirements.
- B. Multiple dwelling unit, including apartment building, town house, and condominium, but excluding hotel and motel.
- C. Manufactured Housing Development together with accessory buildings and uses, including a residence for the mobile home park owner or operator and his family, recreational buildings and facilities, laundry facilities, maintenance and storage facilities, but excluding any retail sales of mobile homes unless the same are located upon a developed manufactured home site; subject to Section 1003.
- D. One model dwelling unit for each project or subdivision, designed as temporary use as an office/showroom, for eventual use as a permanent dwelling.
- E. Gasoline Service Station.
- F. Auto repair station.
- G. Bus, train, or air passenger station or terminal.

**VERONA TOWNSHIP ZONING ORDINANCE**

- H. Bulk storage of gasoline, oil and other products or material that is accessory to a permitted use; provided such storage is screened per the Planning Commission's recommendations.
- I. Car wash.
- J. Drive-in theater.
- K. Grain or seed elevator or sales; cold storage for cooperative or wholesale agricultural products; or similar enterprise which is directly related to agriculture.
- L. Essential services.
- M. Greenhouse or nursery.
- N. Hotel.
- O. Home occupation.
- P. New or used vehicle sales or rental, including the sale of manufactured housing.
- Q. Kennel when completely enclosed in a building.
- R. Lumber yard or building supply or equipment rental or retail sales.
- S. Motel.
- T. Outdoor private or commercial recreation, such as children's amusement parks, driving ranges, gun clubs, radio controlled/remote controlled model clubs.
- U. Temporary outdoor use such as a display, Christmas tree sales lot, revival tent, or other quasi-civic activity may be permitted on a temporary basis shall not occur for more than thirty (30) days in any one (1) year and that said use is not injurious or detrimental to properties in the immediate vicinity.
- V. Veterinary hospital or clinic; provided that all activities are conducted within a completely enclosed main building, and provided further that all buildings are set back at least two hundred (200) feet from any adjacent residential lot.



- W. Any structure or use that, in the opinion of the Planning Commission is similar to a structure or use permitted by right or by special approval of the Planning Commission in this zoning district.

CHAPTER

8

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## IN - Industrial District

### SECTION 800. STATEMENT OF PURPOSE

This district classification is designed so as to accommodate wholesale activities, warehouses, and manufacturing, assembling, fabrication, processing, and compounding activities.

### SECTION 801. USES PERMITTED BY RIGHT

The following structures and/or uses shall be permitted by right, subject to Performance Standards in Section 1006.

- A. Office Buildings.
- B. Manufacturing, production, assembly, treatment or packaging of goods.
- C. Warehousing and wholesale establishment, storage or trucking facility.
- D. Any use charged with the principal function of basic research, design and pilot, or experimental product development when conducted within a completely enclosed building.
- E. Storage facility for building materials, sand, gravel, stone, lumber, or storage or contractor's equipment and supplies.
- F. Trade or Industrial School.
- G. Machinery or equipment sales or storage.
- H. Lumber or planing mill when completely enclosed.
- I. Metal plating, buffing or polishing.

- J. Motor freight warehouse.
- K. Gasoline or petroleum storage.

### **SECTION 802. USES PERMITTED BY SPECIAL APPROVAL**

The following structures and/or uses shall be permitted, but only by special approval granted by the Planning Commission and subject to the standards in Chapter 8, Chapter 14., and Section 1006.

- A. Ready-mix concrete or asphalt plant.
- B. Coal, coke, or fuel yard.
- C. Heating or electrical power generating plant.
- D. Any of the following uses; provided that they are located not less than eight hundred (800) feet distance from any residential lot and not less than three hundred (300) feet distance from any other lot:
  - 1. Blast furnace, steel furnace, blooming or rolling mill.
  - 2. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris.
  - 3. Production or refining of petroleum or other inflammable liquids.
  - 4. Smelting of copper, iron, or zinc ore.
- E. Storage, manufacture, processing or utilization of materials or products which decompose, by detonation or otherwise, on the premises.
- F. Radio or television towers or public utility microwaves and their attendant facilities; provided said use shall be located centrally on a lot of not less than one and one-half (1½) times the height of the tower measured from the base of said tower to all points on each property line.
- G. Mining operations and incidental mineral processing.
- H. Accessory building or use.

**VERONA TOWNSHIP ZONING ORDINANCE**

- I. Wireless Communication Facilities.
- J. Any structure or use that, in the opinion of the Planning Commission, is similar to a structure or use permitted by right or by special approval of the Planning Commission in this zoning district.

CHAPTER

9

## Area, Density, Bulk, Height & Yard Requirements

### SECTION 900. SCHEDULE OF AREA, DENSITY, BULK, HEIGHT, & YARDS

Zoning District	Minimum Lot Size for 1 Building or Dwelling Unit		Maximum Height of Structures		Minimum Yard Setback per Lot in Feet for Main Building				Minimum Floor Area for Building**	Maximum % of Lot Area Covered by all Buildings
	Area in Sq. Ft.	Width in Ft.	Stories	Feet	Front	Each Side	Rear	Corner lots street side yards*		
R-1	20,000	100	2 ½	35	25	10	35	35'	750 sq. ft.	45%
R-2	20,000	100	2 ½	35	25	10	35	35'	750 sq. ft.	45%
AG	20,000	100	2 ½	35	40	10	35	35'	750 sq. ft.	35%
B	15,000	100	3	40	50	10	20	35'	1500 sq. ft.	75%
IN	25,000	125	3 ½	45	50	15	20	35'	1500 sq. ft.	75%

Prospective developers are referred to the rules and regulations governing the installation of sewage disposal systems and water systems in Huron County as published by the Board of Health.

\* See 904 D, for side yards abutting a street.

\*\* See 902 D for specific minimum floor area for a building.

**SECTION 901. GENERAL RULES**

The area, density, bulk, and yard requirements of the preceding schedule and the following rules shall apply in all cases except where specific provisions are otherwise provided in this Ordinance for a specific use, development, structure, or circumstance, in which event those specific provisions shall apply.

**SECTION 902. AREA, DENSITY AND BULK**

- A. The area used for computing lot size and density shall be the total site area exclusive of any dedicated public right-of-way except where a lot abuts an alley or lane in which event one half (1/2) of the width of the alley or lane abutting the lot shall be included.
- B. There shall be no more than one (1) single-family dwelling unit per lot.
- C. There shall be no more than twelve (12) multiple dwelling units per acre except for townhouses of which there shall be no more than six (6) per acre. For the purpose of computing the permitted number of dwelling units per acre, the following lot area assignments shall control:

<u>Unit Type</u>	<u>Lot Area/Unit</u>
Efficiency	1,200 sq. ft.
1 Bedroom	2,400 sq. ft.
2 Bedroom	3,600 sq. ft.
3 Bedroom	4,800 sq. ft.
4 Bedroom	6,000 sq. ft.

Where plans show 1 or 2 bedroom units including a den, library, or other extra room, such extra room shall be counted as a bedroom for the purpose of computing density.

- D. No dwelling unit having two or less bedrooms shall have a square foot area of less than 750 square feet and each additional bedroom shall have an additional 150 square feet, each being measured around the interior faces of the exterior walls. A room designated as a den, library, or extra room shall be considered a bedroom for computing square footage requirements.

- E. All multiple dwelling units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10%) percent of the units may be of an efficiency apartment type.
- F. All accessory farm buildings and yards in conjunction therewith for uses other than customary for dwelling purposes shall be located not less than one hundred (100) feet from any dwelling, not less than twenty-five (25) feet from any lot line, and not less than one hundred fifty (150) feet from the front lot line.

### SECTION 903. HEIGHT

- A. A basement shall not be counted as a story, but that portion of a basement that is above grade level shall be considered in connection with height limitations.
- B. The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the Planning Commission may specify a height limit for any such structure designated as a use by special approval.

### SECTION 904. YARDS

- A. Set backs shall be measured from the existing and/or proposed adjacent right-of-way lines or from the center of existing and/or proposed adjacent alleys whichever applicable.
- B. When twenty-five (25%) percent or more of all the frontage on one side of a street between two intersecting streets has, on the effective date of this ordinance, been built up with buildings, the front set back line for the side of the street between those intersecting streets shall be that line established by the front of the building closest to the street line or that line established by the preceding schedule whichever is closest to the street line.
- C. In the case of a rear yard abutting a side yard, the side yard abutting a street shall not be less than the minimum front yard of the district in which located.

- D. On corner lots, the side yard abutting a street shall not be less than fifteen (15) feet when there is a common rear yard line. In the case of a rear yard line abutting a side yard line of an adjacent lot, the side yard abutting a street shall not be less than thirty-five (35) feet.
- E. Every lot on which a two family or a multiple dwelling is erected shall be provided with a side yard on each side of the lot. The width of each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof, by which the length of the multiple or two family dwelling exceeds forty (40) feet in overall dimension along the adjoining lot line. No two family or multiple dwelling shall exceed one hundred eighty (180) feet in length. The depth of any court shall not be greater than three (3) times the width.
- F. There shall be no set back requirements on a lot line adjacent to a railroad right-of-way.
- G. Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached buildings. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement serving a like function and not in excess of nine (9) inches above finished grade shall, for the purpose of this ordinance, not be considered to be a structure and shall be permitted in any required yard.
- H. Unenclosed porches, roofed or unroofed, may project into a required side or rear yard area a distance not to exceed eight (8) feet; provided:
  - 1. The porch is no higher than one (1) story and erected on supporting piers.
  - 2. The porch shall not be closer than eight (8) feet to any side or rear lot line.
- I. Enclosed porches shall be considered an integral part of the building and shall be subject to all yard requirements.
- J. Special structural elements such as cornices, sills, chimneys, gutters, and similar structural features may project into any yard up to a maximum of two and one half (2 ½) feet.



- K. Fire escapes, outside stairways and balconies, if of open construction, may project into yard areas up to a maximum of five (5) feet.
- L. Paved terraces, patios and uncovered porches shall not be subject to yard requirements; provided:
  - 1. The paved area is unroofed and without walls or other forms of solid continuous enclosure that link the paved area to the principal buildings.
  - 2. The highest finished elevation of the paved area is not over two (2) feet above the average surrounding finished grade.
  - 3. No portion of any paved area is closer than five (5) feet from any lot line, nor projects into any front yard setback area. Such paved areas may have non-continuous windbreaks or walls not over six (6) feet high and not enclosing more than one half (½) the perimeter of the paved area.
- M. For any industrial structure or use, except for landscape improvements and necessary drives and walks, the front yard shall remain clear, and shall not be used for parking, loading, storage, or accessory structures. Side and rear yards, except for a strip along the lot boundary ten (10) feet in width, may be used for parking and loading, but not for storage. The side or rear yard may be eliminated where a railroad service to the side is obtained at the edge of the lot.

## SECTION 905 SUBDIVISION OPEN SPACE PLAN

- A. The intent of the Subdivision Open Space Plan is to promote the following objectives:
  - 1. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
  - 2. Encourage developers to use a more creative approach in the development of residential areas.

3. Encourage a more efficient, aesthetic and desirable use of an open area while recognizing a reduction in development costs and allowing the developer to bypass natural obstacles on the site.
  4. Encourage the provision of open space within reasonable distance to all lot development of a subdivision and to further encourage the development of recreational facilities.
- B. Modification of the preceding area, density, bulk, height and yard requirements may be made in residential districts by the Planning Commission when the following conditions are met.
1. The lot area in a residential district, which is served by a public sanitary sewer system, may be reduced up to twenty (20%) percent. These lot area reductions shall be permitted; provided that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for the district.
  2. Rear yards may be reduced to twenty (20) feet when lots border on land dedicated for park, recreation, and/or open space purposes; provided that the width of said dedicated land shall not be less than one hundred (100) feet measured at the point at which it abuts the rear yard of the adjacent lot.
  3. For each square foot of land gained within a residential subdivision through the reduction of lot size, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner provided by the Planning Commission.
  4. The area to be dedicated for subdivision open space purposes shall in no instance be less than three (3) acres and shall be in a location and shape approved by the Planning Commission.

5. The land area necessary to meet the minimum requirements of this section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a flood plain.
6. This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the Planning Commission and the subdivider or developer.
7. This plan, for reduced lot sizes, shall be stated within six (6) months after approval of the final plat, and must be completed in a reasonable time. Failure to start within this period shall void all previous approval.
8. Under this subdivision open space approach, the developer or subdivider shall dedicate the open space area at the time of filing of the final plat on all or any portion of the plat.

#### **SECTION 906. CONDOMINIUM PROJECTS**

All condominium projects shall be subject to any pertinent regulations of the Verona Township Zoning Ordinance and any other applicable local Ordinances.

- A. Initial Information: Concurrently with notice required to be given the Verona Township pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:
  1. The name, address and telephone number of:
    - All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, option, or land contract vendee).
    - All engineers, attorneys, architects, or registered land surveyors associated with the project.
    - The developer or proprietor of the condominium project.

2. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
  3. The acreage content of the land on which the condominium project will be developed.
  4. The purpose of the project (for example, residential, commercial, industrial, etc.)
  5. Approximate number of condominium units to be developed on the subject parcel.
- B. Information To Be Kept Current: The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Zoning Compliance has been issued pursuant to Section 1304 C hereof.
- C. Site Plans - New Projects Master Deed, and Engineering and Inspections: Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to Section 1301 of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspection prior to the issuance of any Certificates of Zoning Compliance.
- D. Site Plans - Expandable or Convertible Projects: Prior to expansion or conversation of a condominium project to additional land the new phase of the project shall undergo site plan review and approval pursuant to Section 1301 of this Ordinance.
- E. Master Deed, Restrictive Covenants, and "As Built" Survey To Be Furnished: The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One(1) copy of the recorded Master Deed; One (1) copy of all restrictive covenants; and two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.
- F. Monuments Required - Site Condominium Projects: All condominium projects shall be surveyed by a registered land surveyor with property lines physically delineated by survey monuments on the site per Township engineering standards.
- G. Compliance with Federal, State and Local Law: All condominium projects shall comply with Federal and State Statutes and local ordinances.

- H. State and County Approval: The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the waste water disposal system for the proposed project.
- I. Temporary Occupancy: The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed, provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.
- J. Single Family Detached Condominiums: Single-family detached condominiums shall be subject to all requirements and standards of the applicable R-1 and R-2 Districts including minimum floor area. The permitted density shall be computed in accordance with Section 902.

There shall be maintained a minimum spacing distance of eighty (80') feet with sanitary sewer or eighty-five (85') feet without sanitary sewer from the center of one (1) residential dwelling unit to the center of any adjacent residential dwelling unit. This spacing requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to assure that the minimum thirty (30') foot front yard, thirty (30') foot rear yard and twenty (20') foot distance between adjacent dwelling units can be satisfied.

Rear lot drainage shall be shown on the site plan and approved by the Huron County Drain Commissioner.

- K. Streets and Roads: All streets and roads in a Single Family Detached Condominium Project shall, at a minimum, conform to the standards and specifications promulgated by the Huron County Road Commission. Such streets or roads shall be dedicated to the Huron County Road Commission and must comply with the Verona Township Master Plan.
- L. After submittal of the condominium plan and bylaws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a photographic hard copy, laminated photo static copy, or Mylar sheet of at least thirteen by sixteen (13" x 16") inches with an image not to exceed ten and one-half by fourteen (10-1/2" x 14") inches.

CHAPTER

10

## General Provisions

### SECTION 1000. GENERAL

Except to the extent as may be otherwise specifically provided and in addition to any other applicable provision of this Ordinance, all buildings, structures and/or uses in the Township shall be governed by these General Provisions.

### SECTION 1001. CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more restrictive requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more restrictive requirements than are imposed or required by this Ordinance then the provisions of such other law or ordinance shall govern.

### SECTION 1002. SUPPLEMENTARY PARCEL REGULATIONS

- A. **Access to an Arterial or Collector Street.** Vehicular access shall be provided to an existing or planned arterial or collector street. However, access driveways may be permitted where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare or collector street is zoned for multiple family or any nonresidential use, and is developed with permanent uses other than single family residences or is an area which will be used for other than single family purposes in the future. This exception shall apply only if there are special circumstances that indicate that there will be a substantial improvement in traffic safety by reducing the

number of driveways to a major thoroughfare or collector street.

- B. **Accessibility to a Lot.** No dwelling shall be built on a lot unless the lot has access to vehicular traffic as provided in Section 1002, A. Such access shall have a minimum width of thirty (30) feet, except where an access of record of less width existed prior to the effective date of this Ordinance. All regulations contained in this Ordinance shall apply to such accesses of record in the same manner as if the same were dedicated streets.

C. **Walls, Fences, And Planting Areas**

1. In all residential districts, entrance way structures including, but not limited to: walls, columns, and gates marking entrances to single family subdivisions or multiple housing projects, shall be permitted.
2. No fence, wall, shrubbery, or other obstruction to vision above a height of two (2) feet from the established street grade shall be permitted within the triangular area formed at the intersection of any street right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.
3. Land between a wall, fence, or shrubbery and front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped. The ground area and all landscaping shall be kept neat and orderly in appearance and all living materials shall be maintained in a healthy, growing condition.
4. Fences are permitted, or required; subject to the following:
  - a. Fences on all lots in residential districts that enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground. Said fence shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard; whichever is greater.

**VERONA TOWNSHIP ZONING ORDINANCE**

- b. Protective fences required in this Ordinance for child amusement and recreation areas and public and private pools need not be obscuring fences unless otherwise herein provided.
  - c. Except for agricultural uses, fences shall not contain barbed wire, electric current or charge of electricity.
  - d. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25%) percent of their total area.
5. Any lot which is used for parking, storage, or any commercial or industrial purpose shall be screened from any adjoining residential lot by either of the following:
- a. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, and which are maintained in a neat and attractive manner; or
  - b. An artificial wall or fence of sufficient density or compactness to screen these structures and activities from the view of the adjoining residential lot which shall be maintained in a neat and attractive manner.
6. Trees, shrubs or other plant material shall be set back a sufficient distance from any property so that, at maturity, they do not encroach upon any adjoining property.
7. The minimum height of any required obscuring wall, fence or planting area shall be as follows:
- a. Eight (8) feet for any industrial use and for drag strips, racetracks and drive-in theaters and other such similar uses.



- b. The height of stored materials in any storage area or six (6) feet; whichever is higher.
  - c. Five (5) feet for all other uses.
- 8. The height of any obscuring wall, fence or planting area shall be measured from the grade level on which the same is situated.
  - 9. No obscuring wall, fence or planting area shall be closer than ten (10) feet from any adjoining street right-of-way line.
  - 10. An obscuring wall, fence, or planting area may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way when mutually agreeable to affected property owners.
  - 11. An obscuring wall, fence or planting area, between a parking lot or facility or outdoor storage area and any adjoining residential lot shall not be required when such areas are located more than two hundred (200) feet distant from such adjoining residential lot.
  - 12. An obscuring wall, fence or planting area shall have no openings for vehicular traffic or other purposes, except opening which do not in any square section (height and width) exceed twenty (20%) percent of the surface. The openings shall be so spaced as to maintain the obscuring character required, and shall be reviewed and approved by the Zoning Inspector.

### SECTION 1003. SUPPLEMENTARY DWELLING REGULATIONS

- A. **Manufactured Housing Standards.** No person, or entity, shall use, occupy or permit the use or occupation of a manufactured home as a dwelling within the Township, not designated as a manufactured home park, unless:
  - 1. A permit for the placement of a manufactured home has been obtained from the Township Official authorized by the Township Board to issue the same.

2. The placement of a manufactured home, and the premises upon which it shall be located shall meet all requirements of the Township Zoning Ordinance relative to uses, size of premises, floor area, set back, side lot, and rear lot requirements specified for the particular zoning district in which the manufactured home is located. Further, a manufactured home occupied as a dwelling, shall have a minimum width across any front, side, or rear elevation of fourteen (14') feet. Where a manufactured home dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed under the Township Building Code, then and in that event such federal or state standard or regulation shall apply.
3. A manufactured home shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the Township Building Code for other single-family dwellings. The manufactured home dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, and shall have a perimeter wall as required above. The manufactured home shall be so placed and situated that the wheels shall be removed and the underside or chassis of the manufactured home shall be completely enclosed and connected to the foundation so that the towing mechanism, undercarriage or chassis are not exposed to view.
4. A manufactured home shall meet or exceed all requirements imposed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards.

5. A manufactured home shall contain no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
6. A manufactured home shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6") inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; shall have not less than two exterior doors with the second one being in either the rear or side of the mobile home dwelling; shall have steps connected to the said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
7. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular manufactured home, subject to appeal by an aggrieved party to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth herein, as well as the character, design and appearance of one or more residential dwellings located outside a manufactured home park within two thousand (2,000') feet of the subject manufactured home where such area is developed with dwellings to the extent of not less than twenty (20%) percent of the lots situated within the area; or, where the area is not developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. This shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
8. A manufactured home lot shall provide an additional ten (10) feet of front yard.

9. The side of a manufactured home shall not be closer than thirty (30) feet to the side of an adjacent conventionally on-site constructed single-family dwelling unit.

B. Accessory Buildings.

1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings.
2. Accessory buildings shall not be erected in any required yard, except a rear yard.
3. An accessory building shall not occupy more than twenty-five (25%) percent of a required rear yard, and in a residential district the accessory building shall not exceed 1 1/2 times the size of main ground floor area of the main building.
4. No detached accessory building shall be located closer than three (3) feet to any side or rear lot line.
5. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
6. An accessory building may not exceed one (1) story or twenty-five (25) feet in height unless approved by the Planning Commission.
7. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot.

8. All manufactured homes owned by residents of the Township and stored on individual lots in residential districts shall be stored only within the confines of the rear yard and shall further comply with the requirements of this section applicable to accessory buildings, insofar as distances from principal structures, lot lines and easements are concerned. No such manufactured or mobile home shall be used for a dwelling.
9. Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the lot and unless it also complies with all the provisions of this Ordinance relating to buildings for residential purposes
10. No accessory building or use shall exist prior to the establishment of the principal building or use upon the lot except as a temporary building. Such temporary building use shall terminate upon completion of the principal building or buildings upon the lot.

C. **Basement.** No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes by human beings except under a variance permit from the Zoning Board of Appeals for a limited period of two (2) years to permit the construction of the above grade dwelling as shown on appropriate plans submitted by the applicant and provided said board is satisfied with the applicant's ability and intent to complete such construction within said period.

#### SECTION 1004. SUPPLEMENTARY USE REGULATIONS

- A. A home occupation, where permitted, shall be subject to the following limitations:
  1. It shall occupy no more than twenty (20%) percent of the floor area of the dwelling unit.
  2. It shall be operated in its entirety within the dwelling and not within any detached accessory building located on the lot, except for incidental storage in or use of a residential-type garage on the lot.

3. It shall be conducted only by the person or persons occupying the dwelling their principal residence a major portion of each month; provided, however, the Planning Commission may permit additional subordinate workers who do not reside in the dwelling when such approval would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event, however, shall such additional workers exceed three (3) in number.
4. The dwelling and/or lot shall have no exterior evidence to indicate that the same is being utilized for any purpose other than that of a dwelling except for one unanimated, non-illuminated, sign in compliance with the standards listed in Chapter 12.
5. No goods shall be sold from the premises that are not strictly incidental to the principal home occupation conducted therein.
6. No occupation shall be conducted upon or from the premises that would constitute a nuisance.
7. Any home occupation shall be subject to annual inspection by the Zoning Inspector and may be terminated by order of such inspector whenever it fails to comply with this Ordinance.
8. The Planning commission shall have authority to determine whether or not a proposed or present home occupation complies with this Ordinance, whether or not it is compatible with the character of the zoning classification in which located, and whether or not the health, safety, and general welfare of the neighborhood will thereby be impaired.

**B. Keeping of Animals/Pets.**

No more than six (6) cats and/or dogs may be kept on a residential zoned property.

**C. Swimming Pools.**

1. A private swimming pool shall be permitted as an accessory use to one-family or two family dwelling units, but must be located only in a rear yard.

2. All swimming pools, public or private, are subject to the following:
  - a. The outside wall of a swimming pool shall not be closer than ten (10) feet to a side or rear yard lot line or the required setback or a rear or side yard, whichever distance is greater.
  - b. The outside wall of a swimming pool shall be no closer than thirty-five (35) feet to the front yard lot line.
  - c. The outside wall of a swimming pool shall be no closer than four (4) feet to any building on the same lot.
  - d. For the protection of the general public, a swimming pool shall be completely enclosed by a fence not less than five (5) feet in height. Gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the swimming pool is not in use for extended periods.
  - e. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the appropriate electrical code, as amended and adopted by the Township.
  - f. If service drop conductors or other utility wire cross under or over a proposed swimming pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit is issued for the construction of a swimming pool.
  - g. No portion of a swimming pool or associated structure shall be permitted to encroach upon any right-of-way that has been granted for public utility use or any other easement or right-of-way.

D. **Ponds.**

Ponds are permitted as a landscaping enhancement to residential uses in the AG and R-1 districts, subject to the following:

1. Excavation Guidelines.
  - a. Soils excavated for the creation of these ponds may not be taken off the parcel site.
  - b. Sites of ecological significance, such as wetlands, must be avoided.
  - c. Ponds should be located in areas that will minimize the chance of pollution from sources such as feedlots, farmsteads, corrals or septic tanks.
  - d. Excavations may not extend closer than fifty (50') feet to a power line.
2. Ponds of less than five hundred (500') surface feet may be constructed without site plan approval.
3. Ponds greater than five hundred (500') surface feet -- but less than fifteen hundred (1500) surface feet -- may be constructed after administrative site plan review and issuance of a building permit by the Township. The site plan should be submitted according to the requirements of Section 1301.
4. Ponds greater than fifteen hundred (1500) surface feet are subject to a full site plan review by the Planning Commission in accordance with Chapter 1301, E.
5. No building permit will be issued for any pond unless and until the property owner can produce an approved permit from Huron County Drain Commissioner for soil erosion control and can demonstrate that this pond is not a regulated wetland, as identified by the State of Michigan.
6. Slopes surrounding the pond shall be no greater than three to one (3:1). Further, slopes into the pond itself shall be established at a grade of three to one (3:1) to



allow for swimmers or those who enter the pond accidentally to climb out.

7. The Township may require the submission of a sum of money to be placed in escrow by the applicant, from which they can recover the costs associated with approving and inspecting the pond. Such costs shall be made known to the applicant at the time of submission of the required documentation. Any monies, placed in escrow but not expended for the review, approval and inspection shall be returned to the applicant.

**E. Temporary Buildings.**

1. Tents, travel trailers, motor homes, or recreational vehicles may not be used as dwelling units except in duly licensed or government operated parks or camps. The owner of a lot, however, may use a tent, travel trailer, motor home, or recreational vehicle for a temporary dwelling unit on his lot for no more than a total of ninety (90) days in any calendar year; provided it is connected to running water and sewage facilities.
2. Subject to the provisions of Chapter 14, Special Use, the Planning Commission may, in its discretion, permit a temporary use and/or structure in any district, whether permitted therein or not, for a period not to exceed one (1) year; subject to the following additional conditions:
  - a. The use and/or structure shall be in harmony with the general character of the district.
  - b. The granting of the temporary use and/or structure shall in no way constitute a change in the uses permitted in the district nor on the property where located.
  - c. The granting of the temporary use and/or structure shall be in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.

- d. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township shall be made a the discretion of the Planning Commission.
  
- F. **Voting Place.** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any public property as a voting place in connection with a public election.
  
- G. **Storage of Inoperable/Unused Vehicles.** In order to limit and restrict the outdoor storage or unreasonable accumulation of junk cars, unused cars, stock cars, and dilapidated non-operating motor vehicles upon any lot in the Township except within an area where a junk dealer is permitted to operate or the area is zoned for such purposes, the following standards apply:
  - 1. The storage of dismantled, wrecked and/or unlicensed vehicles within any District is expressly prohibited unless contained within a licensed junkyard or an enclosed structure or provided storage does not exceed ten (10) days in any one (1) year.
  - 2. The Zoning Board of Appeals may permit the storage to continue by granting a variance that is only to be granted where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed. This regulation does not include conventional farming implements when the implements are located on farm premises.
  
- H. **Weed Abatement.** No owner or occupant of any residentially zoned lot or land within the township shall allow or permit thereon any growth of grass to a greater height than ten (10) inches.

## SECTION 1005. NONCONFORMING USES

- A. Any lot existing and of record on the effective date of this Ordinance may be used for any use permitted in the district in

which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance provided all other provisions hereof are complied with.

- B. Any building or structure for which a building permit has been issued and the actual construction of the whole or a part of which has been stated, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance may be completed and used in accordance with the plans and application on which said building permit was granted. Failure to start construction within thirty (30) days or complete construction of any such building or structure within one (1) year after the effective date of this Ordinance shall be a violation.
- C. Any sign, billboard, commercial advertising structure or object which lawfully existed and was maintained at the time this Ordinance became effective may be continued even though such use does not conform with the provisions of this Ordinance; provided that, all such nonconforming signs, billboards, commercial advertising structures and objects and their supporting members located in any residential or business district shall be completely removed from the premises within ten (10) years from the effective date of this Ordinance.
- D. There may be a change of tenancy, ownership, or management of an existing nonconforming use of land or structure, or land and a structure in combination; provided there is no change in the nature or character of such nonconforming use.
- E. Where a lawful structure exists on the effective date of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, density, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful; subject to the following:
  - 1. A structure that is nonconforming as to use regulations shall not be added to or enlarged in any manner unless such structure, including such additions and enlargements, is made to conform to all regulations of the district in which it is located.

which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance provided all other provisions hereof are complied with.

- B. Any building or structure for which a building permit has been issued and the actual construction of the whole or a part of which has been stated, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance may be completed and used in accordance with the plans and application on which said building permit was granted. Failure to start construction within thirty (30) days or complete construction of any such building or structure within one (1) year after the effective date of this Ordinance shall be a violation.
- C. Any sign, billboard, commercial advertising structure or object which lawfully existed and was maintained at the time this Ordinance became effective may be continued even though such use does not conform with the provisions of this Ordinance; provided that, all such nonconforming signs, billboards, commercial advertising structures and objects and their supporting members located in any residential or business district shall be completely removed from the premises within ten (10) years from the effective date of this Ordinance.
- D. There may be a change of tenancy, ownership, or management of an existing nonconforming use of land or structure, or land and a structure in combination; provided there is no change in the nature or character of such nonconforming use.
- E. Where a lawful structure exists on the effective date of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, density, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful; subject to the following:
  - 1. A structure that is nonconforming as to use regulations shall not be added to or enlarged in any manner unless such structure, including such additions and enlargements, is made to conform to all regulations of the district in which it is located.

2. A structure nonconforming as to height or density regulations may be added to or enlarged if such addition or enlargement conforms to the regulations of the district in which it is located.
  3. When a structure or portion thereof is moved from one district to another or to another location within the same district, it must conform or be made to conform to all of the regulations of the district to which it is moved.
  4. A nonconforming use of a portion of a structure, which structure otherwise conforms to the provision of this Ordinance, shall not be expanded or extended into any other portion of such conforming structure, not changed except to a conforming use. If such nonconforming use or portion thereof is discontinued or changed to a conforming use, any future use of such structure or portion thereof shall be in conformity with the regulations of the district in which such structure is located.
  5. Should such structure be destroyed by any means to an extent of more than fifty (50%) percent of its latest state equalized value it shall be reconstructed only in conformity with the provisions of this Ordinance.
  6. On any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50%) percent of the latest state equalized value of the structure; provided that the cubic content of the structure as it existed on the effective date of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- F. When, on the effective date of this Ordinance, a lawful use of land exists that is made no longer permissible under the

terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful; subject to the following:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of this Ordinance.
3. If such nonconforming use of land ceases for any reason for a period of more than six (6) consecutive months, any subsequent use of such land shall conform to the regulations for the district in which such land is located.
4. No structure shall be placed on this land except in conformity with the provisions of this Ordinance.

G. If a lawful use of a structure, or of structure and land in combination, exists on the effective date of this Ordinance, that is made no longer permissible under the terms of this Ordinance, such lawful use may be continued so long as it remains otherwise lawful; subject to the following:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to change the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a structure that were manifestly arranged or designed for such use, and which existed on the effective date of this Ordinance, but no such use shall be extended to occupy any land outside such structure.
3. If no structural alterations are made, any nonconforming use of a structure and land in combination, may be changed to another nonconforming use of the same or a more restricted

classification; provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. When a nonconforming use of a structure, or structure and land in combination, is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

4. Any structure, or structure and land in combination, nor on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a structure, or structure and land in combination, is discontinued, vacated, unoccupied, or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, it shall be conclusively presumed that same has been legally abandoned; and the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

6. When nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

H. Whenever the owner shall fail to comply with the provisions of this Ordinance relating to removal or discontinuance of a nonconforming use, the Zoning Inspector shall serve notice in writing on such owner or his agent requiring him to comply herewith in a reasonable time after such notice. If, after such notice, the owner shall fail to comply herewith, the Zoning Inspector shall take such action as may be necessary, including civil action, to cause compliance with the provision hereof.

## SECTION 1006. PERFORMANCE STANDARDS

No use otherwise allowed, shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

- A. No person shall operate or cause to be operated any use nor erect or use any structure that constitutes a nuisance.
- B. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line and as not to create a nuisance or hazard along property lines. Radioactive materials and wastes shall not be emitted to exceed quantities established as safe by the US Bureau of Standards when measured at the property line.
- C. The storage, utilization, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Marshall is permitted; subject to compliance with all other yard requirements and performance standards and provided that the following conditions are met:
  1. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the applicable building code.
  2. All such buildings or structures shall be set back at least forty (40) feet from lot lines or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
  3. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with state rules and regulations established by Public Act No. 207 of 1941, as amended.



## SECTION 1007. LIGHTING

- A. Outdoor lighting in all districts used to light the general area of a lot shall be directed downward, shielded to reduce glare and shall be placed so as to not interfere with the vision of persons on adjacent lots or rights-of-way.
- B. Lighting used for the external illumination of buildings, so as to feature said buildings, shall be shielded to reduce glare, and placed so as not to interfere with the vision of persons on adjacent lots or rights-of-way.
- C. Illumination of signs shall be directed downward, shielded to reduce glare, and placed so as to not interfere with the vision of persons on adjacent lots or rights-of-way.
- D. Illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type, except for electronic message boards as defined in Chapter 2. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

## SECTION 1008. PROVISIONS SUPPLEMENTARY TO OTHER LAWS

These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to any such ordinances, as well as any statutes of the State of Michigan relating thereto.

## Parking

### SECTION 1100. STATEMENT OF PURPOSE

It is the purpose and intent of this Ordinance that parking and loading areas be provided and adequately maintained in every zoning district for the purposes of promoting safe and efficient storage of motor vehicles; to avoid unnecessary congestion and interference with public use of streets; and to provide for sound and stable environmental conditions, the prevention of future blighted areas and to promote the ease of access to businesses.

### SECTION 1101. OFF STREET PARKING

- A. Additional parking shall be provided and maintained in proper ratio to any increase in floor area or building use capacity.
- B. In all zoning districts, off street parking and loading requirements shall be provided in amounts not less than those specified for the various uses.
- C. In no case shall on street parking or municipal/public parking lots or areas be counted toward off street parking requirements.
- D. Requirements for a use not mentioned shall be the same for that use which is most similar to the use not listed.
- E. For the purposes of determining off-street parking and loading requirements, the following provisions shall apply:
  - 1. In mercantile establishments, gross floor area shall mean the floor area used for service to the public. It shall not include floor area used for storage or the processing and packaging of merchandise where it is

carried on in a room in which service to the public is not involved.

2. In hospitals, bassinets shall not be counted as beds.
3. Where benches, pews or other similar facilities are used as seats, each twenty (20") inches of such seating facilities shall be counted as one (1) seat.

F. Residential off-street parking shall meet the following requirements:

1. Residential off-street parking shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the lot intended to be served.
2. No parking shall be allowed in a front yard; and travel trailers, campers, boats, and recreational vehicles may be parked only in a rear yard; provided there is no blockage of access to a public right-of-way. Commercial vehicles shall not be parked in a residential district except one commercial vehicle.
3. No parking space shall be closer than five (5) feet to any lot line.

G. In the case of mixed uses in the same building, each which occupies at least twenty percent (20%) of the floor area of a building, the total off-street parking requirement for the building shall be reduced to ninety percent (90%) of the sum of parking spaces required for the individual uses computed separately.

H. It shall be unlawful to use any of the off-street parking or loading areas established to meet the requirements of this Ordinance for any purpose other than the parking of licensed vehicles of the loading or unloading of necessary service truck.

I. Parking and loading is not allowed in the required front yard setback, or in the case of a corner lot, in the required set back for the side street. Off-street parking shall be no closer to any principal building than five (5) feet.

- J. When units or measurements determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) parking space.
- K. Parking and loading areas may be extended to the property line except as herein specified by Section 1101,F, 2.

**SECTION 1102. OFF STREET PARKING REQUIREMENTS BY USE**

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

<b>USE</b>	<b>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</b>
<b>RESIDENTIAL</b>	
Residential, one-family and two family	Two (2) for each dwelling unit
Residential, multiple-family	Two (2) for each dwelling unit
Housing for the elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided
Mobile home park	Two (2) for each mobile home site and one (1) for each employee of the mobile home park and associated uses.
<b>INSTITUTIONAL</b>	
Churches, temples or synagogues	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
Hospitals	One (1) for each four (4) beds and one (1) for each two (2) employees or staff members.
Homes for the aged or convalescent homes.	One (1) for each six (6) beds and one (1) for each two (2) employees or staff members.
Elementary and junior high schools	One (1) for each school bus and one (1) for each two (2) teachers, employees or administrators, in addition to the requirements for the auditorium, if any.
Senior high schools	One (1) for each school bus, one (1) for each two (2) teachers, employees or administrators, and one (1) for each ten (10) students, in addition to the requirements for the auditorium, if any.
Private clubs or lodge halls	One (1) for each three (3) persons allowed within the maximum occupancy allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes; or one (1) for each one hundred (100) square feet of floor area; whichever is greater.

**VERONA TOWNSHIP ZONING ORDINANCE**

Private golf clubs, swimming pools clubs, tennis clubs, or other similar uses	One (1) for each two (2) member families or individuals plus spaces required for each accessory use, such as a restaurant or bar.
Golf courses open to the general public, except miniature or "par-3" courses	Six (6) for each golf hole and one (1) for each employee, plus spaces required for each accessory use, such as a restaurant or bar.
Stadium, sports arena or similar place of outdoor assembly	One (1) for each three (3) seats or twelve (12) feet of benches.
Theaters or auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees.
Libraries, museums, post offices	One (1) for each one hundred (100) square feet of floor area.
<b>BUSINESS AND COMERCIAL</b>	
Planned commercial or shopping center	One (1) for each one hundred (100) square gfa
Auto wash (automatic)	One (1) for each employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
Auto wash (self-service or coin operated)	Three (3) for each washing stall.
Beauty parlor or barber shop	Two (2) for each of the first two (2) beauty or barber chairs, and one and one-half (1 ½) spaces for each additional chair.
Bowling alley	Three (3) for each one (1) bowling lane plus for each employee on maximum shift (spaces required for each accessory uses.)
Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls or assembly halls without fixed seats	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes; or one (1) for each one hundred (100) square feet of floor area; whichever is greater.
Establishment for sale and consumption on the premises of beverages, food or refreshments	One (1) for each one hundred (100) square feet of g floor area or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes; whichever is greater.
Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair or other similar uses.	One (1) for each eight hundred (800) square feet of display floor area; plus for that floor area used processing, one (1) additional space shall be provided for each two (2) persons employed.
Gasoline service stations	Two (2) for each lubrication stall, rack or pit; and one (1) for each gasoline pump.

**VERONA TOWNSHIP ZONING ORDINANCE**

Laundromats or coin operated dry cleaners.	One (1) for each two (2) washing and/or dry cleaning machines.
Miniature or "par-3" golf courses	Two (2) for each one (1) hole plus one (1) for each employee.
Mortuary establishments	One (1) for each fifty (50) square feet of g floor area.
Motel, hotel or other commercial lodging establishments	One (1) for each occupancy unit plus one (1) for each employee on maximum shift, plus any accessory uses.
Motor vehicle sales and service establishments	One (1) for each two hundred (200) square feet of floor area of sales room and one (1) for each auto service stall in the service room.
Nursery schools, day nurseries, or child care centers	One (1) for each three hundred fifty (350) square feet of floor area.
Retail stores except as otherwise specified herein	One (1) for each one hundred fifty (150) square feet of floor area.
Roadside stand	Five (5) parking spaces.
Livestock Auction Yards and other such similar related agricultural uses	One (1) for each employee plus one space for each three patrons to the maximum capacity. Parking along private drives may be used to meet this requirement.
<b>OFFICES</b>	
Banks	One (1) for each two hundred (200) square feet of g floor area.
Business offices or professional offices except as otherwise indicated	One (1) for each two hundred (200) square feet of floor area.
Professional offices of doctors, dentists or similar professions	One (1) for each fifty (50) square feet of floor area in waiting rooms, and one (1) for each examining room, dental chair or similar use area.
<b>INDUSTRIAL</b>	
Industrial or research establishments and related accessory office	Five (5) visitor spaces plus one (1) for every employee in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Warehouses or wholesale establishments and related accessory offices	Five (5) visitors spaces plus one (1) for every employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of floor area; whichever is greater.

**SECTION 1103. PARKING AREA CIRCULATION DESIGN REQUIREMENTS**

- A. Whenever the off-street parking requirements of the preceding schedule require the building of an off-street parking lot or facility, it shall be laid out, constructed and maintained in accordance with the following:

1. No parking lot or facility shall be constructed unless and until a permit therefore is issued by the Zoning Administrator. Applications for a permit shall be submitted to the Zoning Administrator in such form as may be determined by the Zoning Administrator and shall be accompanied by two (2) sets of site plans for the development and construction of the parking lot or facility showing that the provisions of this section will be fully complied with.
  2. Plans for the layout of an off-street parking lot or facility shall include a total dimension across two (2) tires of spaces and one maneuvering lane in accord with the following minimum requirements.
- B. Surface Material. Off street parking, loading and circulation areas for all uses shall be surfaced with a material that shall provide a durable, smooth and dustless surface and shall be graded and provided with adequate drainage to dispose of all collected surface water. If surfaced with concrete or asphalt, it shall conform to the following, with either:
1. Six (6") inches of Portland cement concrete, or
  2. Two inches (2") of asphalt surface laid over a base of crushed stone with a compacted thickness of six inches (6").
  3. For the following uses, parking spaces, strips or aprons can be asphalt, concrete or six inches (6") of stone mix or gravel, which must be maintained and clearly defined:
    - a. Single-family dwellings.
    - b. Two Family dwellings.
    - c. Roadside produce stand.
    - d. Park.
    - e. Livestock Auction yards and other such agriculturally related uses.

**VERONA TOWNSHIP ZONING ORDINANCE**

4. All uses except for those identified in Sec. 1103, B. 3., shall provide bumper guards or curbs to prevent yard encroachment.
- C. Marking required. The property owner shall delineate car stalls, direction arrow and crosswalks within parking areas using paint or other methods approved by the Zoning Administrator.
  - D. Drainage. Storm water collection, drainage and retention structures meeting all requirements of the Huron County Road Commission and the Huron County Drain Commission office shall be installed for all paved, off-street parking areas.
  - E. Driveway and Aisles. Adequate ingress and egress to the parking areas by means of clearly marked and limited drives shall be provided. Driveways and aisles for any off-street parking area built to accommodate more than twenty (20) vehicles shall comply with the following requirements:

Parking Pattern (Degrees)	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° Parallel 12' parking	12'	8'	23'	20'	28'
30 to 53	12"	8' 6"	20'	32'	52'
54 to 74	15'	8' 6"	20'	36' 6 "	58'
75 to 90	22'	9'	20'	42'	62'

1. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street is prohibited.
2. Adequate ingress and egress to a parking lot or facility by means of clearly limited and defined dries not less than twenty-two (22) feet in width, shall be provided for all vehicles. Ingress and egress to parking lot or facility lying in an area zoned R-1 shall not be across land zoned R-1.



3. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety-degree (90°) pattern may permit two-way movement.
4. Each entrance and exit to and from a parking lot or facility located in an area zoned other than R-1 shall be at least twenty-five (25) feet from any adjacent residential lot line.

**SECTION 1104. LOADING REQUIREMENTS**

A. On the same lot with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-ways, streets and alleys. Such space shall be provided as follows:

1. Any storage shall be in the rear yard.
2. All loading areas shall be so designed as to prevent access from consumers and pedestrians, and further to be screened by means of an opaque fence, wall or landscaping.
3. Within an industrial district, all spaces shall be laid out in the dimension of at least ten by fifty (10x50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a permanent, durable and dustless surface. All spaces in an industrial district shall be provided in the following ratio of spaces to floor area of the structure being served which shall be computed separately from the off-street parking requirements:

<u>FLOOR AREA OF STRUCTURE (In Square Feet)</u>	<u>LOADING AND UNLOADING SPACE REQUIRED</u>
0-1,400	None
1,401 – 20,000	One (1) space

**VERONA TOWNSHIP ZONING ORDINANCE**

20,001 – 100,000	One (1) space plus one (1) space for each twenty thousand (20,000) square feet in excess of twenty thousand and one (20,001) square feet
100,001 – and over	Five (5) spaces

4. When the use or development can demonstrate to the satisfaction of the Township Zoning Administrator and/or the Planning Commission, the requirement for loading and unloading space may be waived.

## Signs

### SECTION 1200. STATEMENT OF PURPOSE

These sign standards are being ordained pursuant to MCL 252.304 of the Highway Advertising Act of 1972 to preserve the public health, safety and welfare of Verona Township.

These sign standards are adopted to:

- A. Maintain and enhance the aesthetics of our community.
- B. Minimize the adverse effects of signs on nearby public and private property.
- C. Minimize driver distractions.
- D. Avoid excessive signage.
- E. Avoid obstacles, distractions or traffic hazards that impair a traveler's ability to see pedestrians, traffic signs or vehicles.
- F. Enhance the effectiveness of necessary directional and warning signs.
- G. Preserve property values.
- H. Provide for the effectiveness of permitted signs.

The standards in this ordinance are determined to be the minimum necessary to achieve the above stated purposes.

**SECTION 1201. REGULATIONS APPLYING TO ALL SIGNS**

- A. No sign or billboard shall be erected or used except in conformity with this Ordinance and only after a permit therefore is issued by the Zoning Inspector.
- B. All signs and billboards shall be subject to the following general regulations:
  - 1. No signs or billboards shall be permitted which:
    - a. Contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
    - b. Contain or are in imitation of any official traffic sign or signal or contain the words: "stop", "go slow", "caution", "danger", "warning", or similar words, except for official governmental signs.
    - c. Are of a size, location, movement, 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, except for official governmental signs.
    - d. Move in any manner or have a major moving part. Only minor decorative parts may move.
    - e. May swing or otherwise noticeably move as a manner of their suspension or attachment.
  - 2. No ground-mounted or free-standing sign above a height of two (2) feet from the established street grade shall be permitted within the triangular area formed the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

3. Ground-mounted or free-standing signs or billboards may be located in a front yard; and except for those established by the Township, County, State, or Federal Government, may not be located closer than ten (10) feet from a public right-of-way or dedicated public easement
4. The base of a ground-mounted or freestanding sign or billboard shall not be more than four (4) feet above grade level and the top shall not be above the roofline.
5. A building-mounted sign that is flush with the building may be located anywhere on the building except on the roof, and shall not project above the roofline.
6. A building-mounted sign may project from the building, but must have a minimum clearance of eight (8) feet above the grade level of a sidewalk, right-of-way, or easement and fifteen (15) feet above the grade level of an alley, parking space, driveway, street, or other area of vehicular traffic, and may not project above the roofline.
7. Temporary signs having an area not exceeding eight (8) square feet and advertising land or buildings for rent, lease and/or sale shall be permitted in any district when located on the land or building intended to be rented, leased and/or sold.
8. Accessory signs and billboards shall be permitted in all districts.
9. Non-accessory signs and billboards shall not be permitted in residential districts.
10. Signs and billboards, as defined in the "Highway Advertising Act of 1972" (1972 PA 106), as amended, bordering interstate highways, freeways, or primary highways as defined in said Act shall be regulated and controlled by the provisions of this Ordinance.
  - a. The Zoning Inspector may order the removal of any sign or billboard that is abandoned or erected or maintained in violation of this Ordinance. He shall give thirty (30) days

notice in writing to the owner of such sign or billboard or of the building, structure, or premises on which such sign or billboard is located, to remove the sign or billboard or to bring it into compliance. The Zoning Inspector may cause the removal of the sign or billboard that remains in violation after such notice. The Zoning Inspector may remove a sign or billboard immediately and without notice if, in his opinion, the condition of the sign or billboard is such as to present an immediate threat to the safety of public. The cost of removal shall be paid by the owner of the sign or billboard or the building, structure, or premises on which it is located.

## SECTION 1202. SIGN REGULATIONS BY DISTRICT

All signs permitted shall be in accordance with the following provisions and all regulations in Section 1201. If a new zoning district is created after the enactment of this ordinance, no new signs shall be permitted therein until this ordinance shall be amended to include said district.

### A. Agricultural.

1. **Residential.** One (1) sign is permitted for each residential use. The sign may be up to six (6) square feet in size and be placed anywhere on the wall of the structure or placed at least ten (10') feet behind the existing right-of-way and no more than two (2') feet above existing grade.
2. **Nonresidential.** One sign is permitted for each nonresidential use and may be up to three hundred (300) square feet in size and no more than twelve feet (12') above existing grade.
3. **Neighborhood.** A single-family residential neighborhood, manufactured housing community or park or multiple family residential development is permitted to have two (2) monument residential neighborhood identification signs for each street entrance. Such signs shall not extend into any public right-of-way or proposed right-of-way. The face of each sign shall not exceed twenty-four (24) square feet. Both signs must be the same size.

4. **Portable.** One (1) portable sign is permitted per parcel. The sign shall not to exceed fifty (50) square feet and shall not exceed a total of forty-five (45) day in any calendar year.
5. **Off-site Sign.** Off site signs are permitted with written permission for the property owner. Each parcel is limited to one free-standing or ground mounted off-site sign and must not be closer than one thousand (1,000) feet to another sign on the same side of a right-of-way.

**B. Residential, R-1 and R-2 Zoning Districts**

1. **Residential.** One (1) sign is permitted for each residential use. The sign may be up to six (6) square feet in size and be placed anywhere on the wall of the structure or placed at least ten (10') feet behind the existing right-of-way and no more than three (3') feet above existing grade.
2. **Non-residential.** One (1) sign is permitted for each nonresidential use or apartment dwelling. The sign may be up to twelve (12) square feet in size and be placed anywhere on the wall of the structure or placed at least ten (10') feet behind the existing right-of-way and no more than three (3') feet above existing grade.
3. **Neighborhood.** A residential neighborhood is permitted to have two (2) monument residential neighborhood identification signs for each street entrance. Such signs shall not extend into any public right-of-way or proposed right-of-way. The face of each sign shall not exceed twenty-four (24) square feet. Both signs must be the same size. The height of the signs may not exceed five (5) feet above the uniform finished grade and must meet the following setback requirements.
4. **Portable.** One (1) portable sign is permitted per parcel. The sign shall not to exceed fifty (50) square feet and shall not exceed a total of forty-five (45) days in any calendar year.

**C. Business District**

1. Up to two (2) freestanding or monument signs are permitted for each parcel. No such sign shall exceed one hundred fifty (150) square feet in size, limited to two faces back to back. Each sign shall be no more than twelve (12') feet above existing grade.
2. **Portable.** One (1) portable sign is permitted per parcel. The sign shall not exceed fifty (50) square feet and shall not exceed a total of forty-five (45) days in any calendar year. There shall not be more than one portable sign displayed at any one time on each property.
3. **Electronic Message Boards.** The portion of a sign that is an electronic message board may not exceed 1/3 of the total sign size, including the supporting structures.
4. **Billboard.** Off site signs are permitted with written permission from the property owner. Each parcel is limited to one free-standing or ground mounted off-site sign and must not be closer than one thousand (1,000) feet of another sign on the same side of a right-of-way.
5. **Regional Commercial Centers.** Regional commercial centers greater than five (5) acres in size, two (2) signs, not to exceed two ninety (90) square feet each and eighteen (18) feet in height are permitted for each public road frontage. One (1) ground mounted entrance sign is permitted, up to twenty-four square feet and five (5) feet in height, for each entrance from a public road if the other signs on the parcel are farther than one hundred (100) feet from the main entrance.
6. **Plaza or Center Identification Signs.** An additional sixteen (16) square feet of signage is permitted for use to identify the name of a plaza or center where multiple tenants are located. Lettering on this portion of the sign must be at least twelve (12) inches in height.



**D. Industrial Zoning District.**

1. One sign is permitted for each nonresidential use and may be up to three hundred (300) square feet in size and no more than twelve feet (12') above existing grade.
2. Industrial Centers. Industrial centers greater then ten (10) acres in size, two (2) signs not to exceed two hundred (200) square feet each are permitted. One (1) ground mounted entrance sign is permitted, up to twenty-four (24) square feet and five (5) feet in height, for each entrance from a public road if the other signs on the parcel are farther than one hundred (100) feet from the main entrance. This regulation applies to the total frontage on corner lots and through lots.
3. Monument Signs. A monument sign may not exceed a height of ten (10) feet above the uniform finished grade.
4. Portable. One (1) portable sign is permitted per parcel. The sign shall not to exceed fifty (50) square feet and shall not exceed a total of forty-five (45) days in any calendar year. There shall not be more than one portable sign displayed at any one time on each property.

**SECTION 1203. SIGNS PERMITTED WITHOUT PRIOR APPROVAL**

Federal regulations and/or district restrictions in conflict with these conditions shall not apply:

- 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 his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, and the like shall be permitted in any district.
- B. Political campaign signs announcing candidates seeding public political office ad other data pertinent thereto, up to an area of thirty-two (32) square feet for each premise shall be permitted in any district. These signs shall be confined within private property and shall be removed within fourteen (14) days after the election for which they were made.

- C. Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with construction, but not including any advertisement of any product; and signs announcing the character of the building enterprise or the purpose for which the building is intend, during the construction period, shall be permitted in any district to a maximum area of twenty (20) square feet for each firm. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days of the beginning of the intended use of the project.
  
- D. Temporary Land Development Project signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, industrial park or similar land parcel shall be permitted for a period of two (2) years upon issuance of the building permit. The total number of signs allowed, together with maximum size, shall be controlled according to the following schedule:

Land Size	Total No. of Signs	Max. Area per Sign
Less than 4 acres	1	100 sq. ft.
Over 4, but less than 20 acres	2	150 sq. ft.
Over 20 acres	3	200 sq. ft.

Signs shall not exceed a maximum height above ground of twenty-four (24) feet for freestanding signs or four (4) feet for ground-mounted signs.

**SECTION 1204. NONCONFORMING SIGNS**

This ordinance is intended to encourage the eventual elimination of signs that do not comply with the ordinance. The elimination of non-conforming signs is as much a subject of health, safety, and welfare as is the prohibition of new signs in violation of this ordinance. Signs not conforming to the provisions of this ordinance shall be considered to be nonconforming structures and regulated as described in Sec. 1008. Note that temporary signs are not considered to be legal nonconforming structures.

**SECTION 1205. ILLUMINATION**

- A. Any electrical illumination of a sign shall be done in full compliance with the appropriate electrical code, as amended and adopted by Verona Township and Huron County.

- B. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to occupants of surrounding properties, and so that no direct rays from the light source are visible from any public right-of-way or from abutting property.
- C. No sign shall have blinking, flashing or fluttering lights or other illuminating devices, such as changing light intensity, brightness or color. No sign shall utilize moving patterns of light so as to convey an illusion of motion or animation. Beacon lights are not permitted. This section shall not be interpreted to prohibit electronic message boards as defined in Chapter 2.
- D. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- E. Neither the direct, nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public streets.
- F. No exposed reflective type bulbs, no strobe lights, and no incandescent lamps that exceed 15 watts shall be used so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

### **SECTION 1206. STRUCTURAL REQUIREMENTS**

All signs and sign structures shall be designed and constructed to meet the requirements of the Huron County Building and Electrical Codes, and shall be constructed to withstand a thirty (30) pound per square foot wind-stress factor. Signs larger than one hundred (100) square feet must be erected on structural or tubular steel supports. Where the back of a sign is visible, it should be suitably painted or otherwise covered to present a neat and clean appearance. No guy wires are permitted.

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## **Administration and Enforcement**

### **SECTION 1300. STATEMENT OF PURPOSE**

The purpose of site plan review is to determine compliance with the provisions and intent set forth in this ordinance and to promote the orderly development of the Township and to prevent the development or alteration of land without proper attention to siting and appearance.

### **SECTION 1301. SITE PLAN REVIEW**

Prior to the erection of any building or structure or additions thereto, change in use in any zoning district, any land use requiring special approval or any planned unit development, a site plan shall be submitted for review and approval. This review and approval shall be performed by the zoning administrator or by the Township Planning Commission.

At no time shall a site plan be reviewed when considering a request for rezoning. A decision to rezone property should be based on the long-term goals and the Future Land Use as determined in the Master Plan of the Township. Also, it is important to consider the timeliness of the development and the long-term use of the land.

- A. Administrative Review by the Township Zoning Administrator. The Zoning Administrator shall perform a site plan review for:
  1. A residential structure having two (2) or fewer dwelling units therein and accessory structures and uses.
  2. A change in the use of a structure or land that does not require additional parking and does not involve structural alterations;
  3. An accessory building containing one thousand (1,000) square feet or less.

4. An addition to an existing structure if the addition totals twenty-five (25%) percent or less of the existing structure, and only if the addition will be surfaced with material or materials that do not differ from materials on the existing structure. In order to perform this review, the Zoning Administrator may require the submission of information set forth in this section.
- B. The Zoning Administrator will transmit copies of the site plan to the departments as appropriate for review. Upon receiving recommendations from the different departments, the Zoning Administrator shall transmit the recommendations to the applicant, and if the applicant concurs with the staff recommendations, the site plan will be approved along with all the recommendations as agreed to by the applicant.
  - C. In instances where the applicant does not concur with recommendations or where the Zoning Administrator deems Planning Commission review necessary during the administrative site plan review, the applicant or the Zoning Administrator may request the site plan be transmitted to the Township Planning commission. The applicant will be required to pay the appropriate associated fee for site plan review.
  - D. Preliminary sketches of a proposed site plan may be submitted to the Planning Commission for discussion prior to formal submission of a request for site plan and/or special approval use review. The Planning Commission shall not be bound by any tentative approval given to preliminary sketches. Such preliminary sketches shall include, as a minimum, the following:
    1. The name and address of the applicant or developer, including the names and address of any officers of a corporation or partners of a partnership.
    2. A legal description of the property. A surveyed description shall be required unless the applicant can show that the parcel is a lot of record.
    3. Sketch plans showing tentative site and development plans.

E. Site Plan Review by the Township Planning Commission. All other structures and uses of land or buildings not covered in Section 1301 (A) shall be reviewed by the Township Planning Commission, and the following site plan review procedures shall be followed:

1. Application Deadlines. If a zoning application requires a site plan review by the Planning Commission a complete application package must be received according to the policy and procedure set by the township Planning Commission.
2. Application. The application requesting a site plan review must be accompanied by a fee, as established by the Township Board. The application will not be reviewed until all requirements, including the fee, have been paid. The site plan must include all relevant items listed below.
  - a. The name, address and telephone number of the owner of the lot.
  - b. The name, address and telephone number of the developer of the lot.
  - c. The legal description of the lot. A surveyed description shall be required unless the applicant can show that the parcel is a lot of record.
  - d. The area of the lot stated in acres or, if less than an acre in square feet.
  - e. The present zoning classification of the lot.
  - f. A scale drawing of the lot and proposed development thereon, including the date, name and address of the preparer, the topography, dimensions and lot lines of the lot and its relationship to adjoining land, existing man-made features; dimensions of setbacks, locations, heights and size of structures and other important features; percentage of land covered by buildings and that reserved for open space; dwelling unit density ; location and widths of public and private rights-of-way and

easements contiguous to and within the proposed development which are planned to be continued, created, relocated, or abandoned, including grades and types of construction on those upon the lot; curb-cuts, driving lanes, parking and loading areas, location and type of drainage, sanitary sewers, storm sewers, and other facilities; fences; landscaping; screening; proposed earth changes; and signs and on-site illuminations.

- g. A statement indicating the existing and intended use of the lot and of such structures upon it, including, but not limited to, in residential districts, the number of persons the structure may accommodate.
- h. Such other information concerning the lot or adjacent lots as may be reasonably necessary, in the discretion of the Planning Commission, to determine whether the provisions of this Ordinance are being complied with.

## **SECTION 1302. APPROVAL PROCESS**

- A. To initiate the procedure for Site Plan and/or a Special Approval Use Review or a rezoning request, a person shall file with the Chairman of the Planning Commission six (6) copies of the site plan, six (6) copies of any other data upon which he intends to rely for approval of his request, and the applicable fee.
- B. Upon receipt of the fee and the copies of the written request, site plan, and other data, the Chairman of the Planning commission shall record the date of receipt thereof and transmit the fee to the Township Treasurer.
- C. A hearing shall be scheduled by the Chairman of the Planning Commission for a Special Approval Use Review and/or a rezoning and one (1) copy of all documents shall be set to each member of the Planning Commission prior to the hearing for preliminary study.
- D. The hearing shall be scheduled within not more than forty-five (45) days following the date of the receipt of the fee and documents by the Chairman of the Planning Commission.

- E. Notice of the hearing shall be given to the applicant, the owner of the lot, for which review is being conducted, and the owner and occupants of all property within three hundred (300) feet of the lot for which review is being conducted as shown on the latest assessment role. If the name of an occupant is not known, the term "occupant" may be used in the notice. The notice shall be mailed or personally delivered between five (5) and fifteen (15) days prior to the hearing. Notification need not be given to more than 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. The notice shall describe the nature of the request, state when and where the request will be considered, and indicate when and where written comments will be received concerning the request.
- F. After the hearing and within sixty (60) days of the receipt of the request by the Chairman of the Planning Commission, the Planning Commission shall transmit one (1) copy to the Township clerk and one (1) copy to the applicant of its written decision approving, disapproving, or approving he limitations, conditions, modifications, or alterations the site plan and/or special approval use. The written decision of the Planning commission shall indicate the facts and reasons upon which it is based. A decision shall be final and no appeal there from may be taken to the Zoning Board of Appeals, but a decision approving the site plan and/or special approval use with limitations, conditions modifications, or alterations may require a further review after inclusion in the site plan and/or special approval use.
- G. Two (2) copies of the approved final site plan and/or special approval use with any limitations, conditions, modifications, or alternations thereon shall be maintained as part of the township record for future enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairman of the Planning Commission. If any variances or amendments of this Ordinance have been obtained, the minutes concerning the same, duly signed, shall also be filed with the Township records as a part of the approved site plan and/or special approval use and delivered to the applicant for his information and direction.



- H. A proposed amendment, alteration, or modification of the site plan and/or special approval use as approved by the planning commission which involve minor changes, such as moving the location of the building ten (10) feet or less or another such modification that does not change the layout, circulation or intensity of the development may be approved by the Zoning Administrator. All other changes from the original site plan or those determined by the Zoning Administrator to be significant deviations from the site plan shall be submitted to the Planning Commission and shall be reviewed by it in the same manner as the original request.

**SECTION 1303. STANDARDS FOR REVIEW OF SITE PLAN & PROVISIONS FOR SPECIAL CONDITIONS.**

- A. The approval, denial, or approval with limitations, conditions, modifications, or alterations of a site plan by the Planning Commission shall be based upon the following standards, the proof of facts of noncompliance with which shall be upon an aggrieved party. If the approval also involves a special land use, the standards in chapter 14 shall also apply:
1. That such approval, denial, or approval with limitations, conditions, modifications, or alterations is consistent with the intent and purpose of zoning to promote public health, safety, morals, and general welfare; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to conserve the expenditure of funds for public improvements and services; to conform with the most advantageous uses of land, resources and properties; to conserve property values, natural resources and energy; and to give reasonable consideration to the character of a particular area, its peculiar suitability for particular uses, and the general and appropriate trend and character of land, building and population development.

2. That there is a proper relationship between the existing streets, highways and walkways within the vicinity to provide for vehicular traffic access and circulation, including intersections, road widths, traffic controls, deceleration lanes, service drives, entrance and exit driveways, and parking areas, and to assure the safety and convenience of pedestrian and vehicular traffic.
3. That the use and/or structure(s) are consistent with the intent and purpose of the zoning district in which located; are designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and will not change the essential character of the area in which located.
4. That the use and/or structure(s) are not hazardous or disturbing to existing or intended uses in the same general area and will be an improvement to property in the immediate vicinity and to the community as a whole.
5. That the use and/or structure(s) are served, adequately and without excessive expenditure of public funds, by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
6. That all provisions of this Ordinance are complied with unless an appropriate variance there from has been granted by the Zoning Board of Appeals.
7. That all buildings and structures are accessible by emergency vehicles.

#### **SECTION 1304. ADMINISTRATION**

The provisions of this ordinance shall be carried out by the Verona Township Planning Commission, the Zoning Board of Appeals, the Township Board, and the Township Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

##### **A. Duties of Zoning Administrator**

1. The Zoning Administrator, appointed by the Township Board, shall issue Building Permits and Zoning compliance Certificates and make inspections of buildings or premises necessary to carry out his duties in circumstances, permitted to make changes in this Ordinance nor to vary the terms of this Ordinance. The Zoning Administrator shall not refuse to issue a Building Permit or Zoning compliance Certificate when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of same.

B. Building Permits

1. No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a Building Permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in exterior structural parts, light, ventilation, or means of egress and ingress, or other changes affecting or regulated by the applicable Building Code, Housing Law of Michigan or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features. Building permits shall not be required for the erection of farm buildings that are not for human habitation.
2. No lot shall be excavated or the use thereof changed, modified, or altered hereafter unless a Building Permit shall have been first issued for such work.
3. No building permit shall be issued for the excavation, alteration, movement, or repair of any building or structure of part thereof, or for the excavation or the change, modification or alteration of the use of any lot that is not in accordance with all provisions of this Ordinance.
4. All building permits shall expire twelve (12) months from the date of issuance, but may be renewed for an additional twelve (12) months.

C. Zoning Compliance Certificates

1. No land, buildings, structure, or part thereof, shall be occupied or put to any use for which a building permit is required by this Ordinance unless and until a Zoning Compliance Certificate has been issued.
2. No Zoning Compliance Certification shall be issued for any building, structure or part thereof, or for the use of any land, which is not in compliance with the previously issued building permit or which is otherwise not in accordance with all the provisions of this Ordinance.
3. Nothing in this Ordinance shall prevent the issuance of a temporary zoning compliance certificate for a portion of a building or structure in the process of erection or alteration; provided that such temporary certificate shall not be effective for a period of time in excess of six (6) months; and provided further that such portion of the building, structure or premises is in conformity with the provisions of this Ordinance.
4. A record of all Zoning compliance Certificates issues shall be kept on file in the office of the Zoning Inspector and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
5. Accessory buildings shall be require separate Zoning Compliance Certificates, but may be included in the certificate for the main building when shown on the site plan and when completed at the same time as such main building.
6. Application for a Zoning Compliance Certificate shall be made in writing to the Zoning Inspector on forms furnished by the township and such certificate shall be issued by the Zoning Inspector within ten (10) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in compliance with the provisions of this Ordinance.
7. If such certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof, within the aforesaid ten (10) day period.

- D. Final Inspection. The holder of every Building Permit shall notify the Building Inspector immediately upon the completion of the work authorized by such permit for a final inspection and application for a Zoning Compliance Certificate.
- E. Fees. An application or request for a Building Permit, a Zoning Compliance Certificate, copies thereof, Site Plan and/or Special Approval Uses Review, Planned Unit Development amendment, supplement, or change of this Ordinance, the Zoning Map, district boundaries or land use classification, or appeal to the Zoning Board of Appeals shall be accompanied by a fee to defray the actual costs thereof the Township. The Building Inspector shall collect fees for Building Permits, Zoning compliance Certificates, and copies thereof in advance if issuance and shall collect the fee for an appeal to the Zoning Board of Appeals with the application therefore. The Chairman of the Planning commission shall collect the fee for Site Plan and/or Special Approval Use Review, Planned Unit Development, and any amendment, supplement or change of this Ordinance, the Zoning Map, district boundaries or land use classification upon application therefore. All fees shall be payable to the Township Treasurer to the credit of the general fund of the Township. The Township Board shall, by resolution, from time to time, establish the amount of such fees. In the case of Site Plan and/or Special Approval Use Review, Planned Unit Development and any amendment, supplement, or change of this Ordinance, the Zoning Map, district boundaries or land use classification and appeals to the Zoning board of Appeals, the fee shall be not less than Three hundred (\$300) dollars in the absence of such resolution. Any amount of said fee not actually expended by the Township body or official. Only one (1) fee shall be required where an applicant's proposed use requires more than one action by the Township, its boards or officials.
- F. Planning Commission. The Verona Township Planning Commission, established by the Township Board under the provisions of Act 184 of 1943 and Act 168 of 1959, shall be responsible for the following administrative and enforcement activities under this Ordinance.

1. **SITE PLAN APPROVAL.** The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial of same as provided by Sections 1302 and 1303.
2. **SPECIAL USE PERMITS.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit as provided by Section 1402 (G).
3. **REZONING OR AMENDMENT.** The Planning Commission shall conduct public hearings for proposal to rezone property or amend the text of this Ordinance as provided by Section 1302. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Township Board approval.

**G. ZONING BOARD OF APPEALS.**

1. **ESTABLISHMENT.** The Township Board, exercising the authority of Act 184 of the Public Acts of 1943, as amended, hereby provides that a Township Zoning Board of Appeals be established. Upon adoption of this Ordinance, the Zoning Board of Appeals established under the terms of the previous Zoning Ordinance shall remain in office, including all members thereof.
2. **MEMBERSHIP.** The Verona Township Zoning Board of Appeals shall consist of three (3) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one member shall be a member of the Township Board, and the remaining member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as Chairman of the Zoning Board of Appeals. An employee or contractor of the Township

Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

3. **TERMS OF OFFICE.** Terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
4. **PER DIEM OR EXPENSES.** The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which shall be appropriated annually in advance by the Township Board.
5. **RULES OF PROCEDURE.** The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its Chairman, and in the Chairman's absence, an acting chairman.
6. **MEETINGS.** Meetings shall be held at the call of the Chairman and at such time as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.
7. **RECORDS.** Minutes shall be recorded of all proceedings which shall contain evidence and dated relevant to every case considered together with the voted of the members and the filed in the office of the Township Clerk and shall be public records.

8. **DECISIONS.** The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning permit authorized by such a decision shall be issued until the decision has taken effect.
9. **MAJORITY VOTE.** The concurring vote of a majority of the members of the Zoning Board of Appeals present at the meeting shall be necessary to decide upon any issue brought before the Board.
10. **CONFLICT OF INTEREST.** A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which a member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
11. **DUTIES.** The Verona Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this ordinance.
  - a. **ADMINISTRATIVE REVIEW.** The Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or by any other official administering or enforcing provisions of this Ordinance.
  - b. **INTERPRETATION.** The Board of Appeals shall have the power to interpret, upon request, the provisions of this Ordinance in such a way



as to carry out the intent and purpose of the Ordinance.

- c. **VARIANCES.** The Board of Appeals shall have the power to authorize variances from any quantifiable requirements of this Ordinance where practical difficulties or unnecessary hardships prevent carrying out the strict letter of this Ordinance.
  
- H. **Township Board.** On recommendation of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of the Township government. Likewise, the Township Board may amend the text of this Ordinance, or the boundaries of Zoning Districts (rezoning). The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Board may also act to waive any fee.

### **SECTION 1305. ENFORCEMENT**

- A. **Misdemeanor.** Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred (\$100.00) dollars and the cost of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the county Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and costs and imprisonment, in the discretion of the court.
  
- B. **Owner's Liability.** The owner of any building, structure of premises, or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separated offense and upon conviction thereof shall be subject to a fine of not more than one hundred (\$100.00) dollars and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and costs and imprisonment, in the discretion of the court.
  
- C. **Continuing Offense.** A separated offense shall be deemed committed upon each day during which a violation occurs or continues.

- D. Remedies Cumulative. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance, and the Township shall not be prohibited, on account of such sentence, from seeking injunctive relief or such other relief as may be provided by law.
  
- E. Nuisance Per Se. Any building or structure that is erected, altered or converted, or any use of premises or land in violation of any of the provisions hereof is hereby declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.

CHAPTER

# 14

## Special Use Approval

### SECTION 1400. PLANNING COMMISSION AUTHORITY

It is the intent of this Section to provide a set of and standards for special uses procedures of land or structure, which because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

It is the expressed purpose of the regulations and standards to allow practical latitude for the developer and at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

For the purposes of this Ordinance the following Special Use Categories are identified.

- A. Agricultural Uses
- B. Residential Uses
- C. Recreational Uses
- D. Institutional Uses
- E. Miscellaneous Special Uses
- F. Wireless Communication Facilities

The following, together with previous references in other chapters of this Ordinance, designate the requirements, procedures and standards, which must be met before a Special Use Permit can be issued.

## SECTION 1401. STANDARDS

The application for a Special Use Permit includes two separate steps. First is the review of the Site Plan for the proposed use. Second is the decision of whether or not a Special Use Permit will be granted.

- A. Standards. During the Special Use Permit Process, various considerations will be explored before approval for the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements and must always be met.
- B. Conditions. The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use permit. These conditions must be based on requirements or concerns defined by this Ordinance.
- C. Precaution. No person should conclude that compliance with the standards defined by this Chapter automatically grant the right to establish a Special Use in a given Zoning District. Rather, the privilege of establishing a Special use is granted or denied by the Planning Commission following the process outlined in this Chapter. This process includes notification of nearby residents and property owners who may voice their opinions at a public hearing before a decision is made to grant a Special Use Permit. Since Special Uses generally impose physical, visual or psychological impacts on neighboring parcels, the input of neighboring residents or property owners is a legitimate factor for the Planning Commission to consider when deciding whether to allow such uses.
- D. Permanence. Once a Special Use Permit has been granted it may only be revoked if the conditions mentioned above, or other requirements of this ordinance have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that is transferred when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit except for those specifically identified within the special use standards including Section 1401 (B) and that the Special Use Permit may expire or be revoked as noted in Section 1402 (G).

## SECTION 1402. PROCEDURE

The application for a Special Use permit shall be submitted and processed according to the following procedures:

- A. Preliminary sketches of a proposed Site Plan may be submitted to the Planning Commission for discussion prior to formal submission of a request for Site Plan and/or Special Approval Use Review. The Planning commission shall not be bound by any tentative approval given to preliminary sketches. Such preliminary sketches shall include, as a minimum, the following:
  - 1. The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.
  - 2. A legal description of the property. A surveyed description shall be required unless the applicant can show that the parcel is a lot of record.
  - 3. Sketch plans showing tentative site and development plans.
- B. **Application Requirements.**
  - 1. Submission of a complete site plan in accordance with the requirements of Chapter 13.
  - 2. Completion of the Special Land Use application and associated fees.
- C. **Simultaneous Consideration of Rezoning and Special Use Permit.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements:
  - 1. **Separate.** The rezoning shall be considered separately from the Special Use Permit.
  - 2. **Procedures.** The Ordinance procedures for each decision shall be followed as specified. However, any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board.

3. **Standards.** All standards required by this Ordinance shall be observed for each action.
4. **Public Hearings.** The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.

D. **Planning Commission Review and Hearing.** The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission in accordance with the procedures for such as identified in Section 1302. If the applicant wishes to have the Site Plan review and Special Use Permit considered at a single Planning Commission meeting:

1. **Site Plan Review.** The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in Chapter 13 and any specific standards identified for a Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
2. **Public Input.** The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.
3. **If the Site Plan is Denied.** In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site approval must be obtained before the Special Use Permit is valid.
4. **Public Hearing on Special Use.** The Planning Commission shall hold a public hearing on the

application as part of the meeting that the Special Use Permit is considered.

5. **Notice.** A notice of public hearing meeting the requirements of Section 1302 shall be mailed to all parties specified by Section 1302 and published in a newspaper of general circulation in the Township not less than five (5) nor more than fifteen (15) days before the date of such hearing.
  6. **Delay at Applicant's Request.** If a site plan for a Special Use has been denied, the applicant may ask for a consideration of the Special Use Permit, including the public hearing to be postponed. However, postponing the hearing requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Township's added cost.
- E. **Reapplication.** An application for a Special Use Permit that has been denied by the Planning Commission may not be resubmitted for one (1) year after the date of such denial.
  - F. **Terms of Permit.** A Special Use Permit issued pursuant to this Chapter consists of a Zoning Compliance Certificate that specified the Special Use that is to be allowed and any conditions that were attached by the Planning Commission. Validity of this certificate, and consequences of any voiding of said permit are described by Section 1304 (C). If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting of a new Special Use Permit, starting with a new application.
  - G. **Revocation.** The privilege of a Special Use Permit is subject to all conditions that have been attached to it during the process described above. Except as noted in paragraph (e), the permit remains valid as long as all of those conditions are met. However, the Planning Commission shall revoke any Special Use Permit after it has been proved that the permit conditions have been violated. The Special use Permit is a condition of the approval of the Zoning permit, and revocation of it shall void the Zoning Permit.

1. **First Notice.** The Zoning Administrator shall send written notice of a violation to the holder of the Zoning Permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.
  2. **Considered Nonconforming.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an Illegal Nonconforming Use.
  3. **Planning Commission Action.** The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered then. The Planning Commission's meeting will usually occur before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special use Permit should be worded to that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violation is not corrected by the end of the first notice period.
  4. **Second Notice and Order.** After expiration of the thirty (30) day period, the Zoning administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
  5. **Enforcement of Order.** Failure to comply with the order to cease an activity for which a Special use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.
- H. **Standards Attached to the Site Plan Review.** Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use to establish that all applicable standards are satisfied. The Site



Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards from Chapter 13, and any applicable standards from this Chapter.

- I. **Additional Conditions.** The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's Minutes and communicated to the applicant in writing.
- J. **Enforcement of Conditions.** The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit as described in Section 1403(F).

### SECTION 1403. SPECIAL APPROVAL USE REVIEW STANDARDS

- A. The approval, denial, or approval with limitations, conditions, modifications, or alterations of a Site Plan and/or Special Approval Use by the Planning Commission shall be based upon the following standards, the proof of facts of noncompliance with which shall be upon an aggrieved party:
  - 1. That such approval, denial, or approval with limitations, conditions, modifications, or alterations is consistent with the intent and purpose of zoning to promote public health, safety, morals, and general welfare; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to conserve the expenditure of funds for public improvements and services; to conform with the most advantageous uses of land, resources and properties; to conserve property values, natural resources and energy; and to give reasonable consideration to the character of a particular area, its peculiar suitability for particular uses, and the general and appropriate trend and character of land, building and population development.

2. That there is a proper relationship between the existing streets, highways and walkways within the vicinity to provide for vehicular traffic access and circulation, including intersections, road widths, traffic controls, deceleration lanes, service drives, entrance and exit driveways, and parking areas, and to assure the safety and convenience of pedestrian and vehicular traffic.
3. That the use and/or structure(s) are consistent with the intent and purpose of the zoning district in which located; are designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and will not change the essential character of the area in which located.
4. That the use and/or structure(s) are not hazardous or disturbing to existing or intended uses in the same general area and will be an improvement to property in the immediate vicinity and to the community as a whole.
5. That the use and/or structure(s) are served, adequately and without excessive expenditure of public funds, by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
6. That all provisions of this Ordinance are complied with unless an appropriate variance there from has been granted by the Zoning Board of Appeals.
7. That all buildings and structures are accessible by emergency vehicles.

#### SECTION 1404. AGRICULTURAL USES

- A. **Intent and Authorization.** In order to best provide for the continuation of agricultural uses in the Township as well as and the continued residential development, the following standards were developed to provide for the co-existence of both uses.

B. **Uses.** The following uses may be authorized in those districts as noted under the respective zoning Districts, and provide the applicable conditions are met.

1. Intensive Livestock Operations. Animal feedlot confined feeding operation, including dairy operations, livestock auction yard or stockyard.
2. Expansions of feedlots or auction yards/stockyards are required to comply with this provision when the expansion is equal to twenty-five (25%) percent of more of the existing feedlot or auction yard/stockyard.
3. Grain or Seed Elevator; cold storage for cooperative or wholesale agricultural products or similar enterprise which is directly related to agriculture.
4. Seasonal Labor Housing.

C. **Site Location Principles**

Areas are preferred that offer natural or manmade barriers which lessen the intrusion of the use on surrounding residential areas or other less intense uses.

D. **Animal Feedlots/Confined Feeding Operations.**

Submittal requirements:

- a. Special Land Use permit and application fee as stated in Chapter 14.
- b. A statement as to the maximum number of animals, by average weight range, that will be confined at the feedlot at one time.
- c. All new or expanding feedlots with 50 or more animal units must show proof of compliance with the Michigan Department of Agriculture.

E. **Dairy Operations**

Submittal requirements:

- a. Special Land Use permit and application fee as stated in Chapter 14.

- b. A statement as to the maximum number of animals, by average weight range, that will be confined at the dairy operation at one time.
- c. All new or expanding dairy operations with 50 or more animal units must show proof of compliance with the Michigan Department of Agriculture.

**F. Livestock Auction Yards/Stockyards**

1. Auction yards/stockyards are prohibited in the one hundred (100) year flood plain.
2. Auction yards/stockyards stockyards as determined by Section 1406. B., 2., shall not be located closer than one hundred (100) feet from any existing well.
3. New or expanding auction yards/stockyards as determined by Section 1406. B, 2., must be setback a minimum of one hundred (100) feet from any public or private drainage system.
4. New or expanding auction yards/stockyards auction yards/stockyards as determined by Section 1406. B., 2., must be setback a minimum of one hundred (100) feet from any wetland as defined by Part 303 of Act 451, Michigan's Natural Resource and Protection Act, as amended.
5. New or expanding auction yards/stockyards as determined by Section 1406. B., 2., must be setback from non-farm dwellings other than those occupied by the owners, operators of family members of the feedlot that are in existence at the time of the application for a new or expanded feedlot operation. All setbacks must be done in accordance with the following:

<b>CATEGORY</b>	<b>101-200 AU</b>	<b>300-999 AU</b>	<b>1000 + AU</b>
Public parks	100 feet	500 feet	¼ mile
Residential Dwelling	100 feet	250 feet	¼ mile
Property lines	100 feet	100 feet	100 feet

6. Designed and constructed so that no livestock waste is carried into any roadway ditch, drainage area, or sanitary lagoon disposal system; and,
7. Designed and constructed so as not to be in violation of applicable federal, state or local sanitation and environmental control laws, rules, and regulations.
8. Development Requirements:
  - a. Manure shall be removed or disposed of in accordance with the Michigan Department of Agriculture's most recent Generally Accepted Agricultural and Management Practices (GAAMP) for Manure Management Practices.
  - b. Insect and rodent control:
    - (i) Removal of manure and disposal as outlined above.
    - (ii) Use of chemical sprays and poisons in accordance with procedures and recommendations of a biologist experienced in insect and rodent control.
  - c. Drainage:
    - (i) All ground surfaces within pens shall be so graded and compacted to insure positive drainage to an approved collection point.
    - (ii) Surface runoff shall be so controlled that no appreciable amount of soil or manure is carried into any roadway ditch or off site drainage area where it will deposit and form sludge bands where flies and mosquitoes can breed or create water pollution.
    - (iii) A minimum of a twenty (20') foot vegetative buffer with native species (not turf grass) shall be maintained adjacent to all private or public drainage

ditches. Row cropping is not permitted within the buffer strip. Adequate vegetative cover or other erosion control practices are required to be maintained within the buffer strip.

9. Submittal Requirements

- a. Special Land Use permit and application fee as stated in Chapter 14.
- b. A statement as to the maximum number of animals, by average weight range, that will be confined at the auction yard/stockyard at one time.
- c. A description of the geological condition and soil types.
- d. A map and/or aerial photo indicating dimensions of the feedlot, showing all existing homes, buildings, lakes, ponds, watercourses, roads, wells, land contours and surface water drainage within one-half (1/2) miles of the feedlot, auction yards/stockyards.
- e. A manure management plan to contain the following information:
  - (i) The location of all manure application sites.
  - (ii) Manure handling and spreading techniques to be used by the feedlot.
  - (iii) Plans for proposed manure storage facilities and/or pollution abatement structures.
- f. A scaled map of the proposed development to include:
  - (i) The locations and dimensions of all animal confinement buildings including outside lots.

- (ii) The locations, dimensions and design criteria of any manure storage facilities.
  - (iii) The location of any well, active or abandoned and its distance to the nearest confinement building or outside lot.
  - (iv) The drainage patterns on the site.
  - (v) The location of all structures within the setback area of the proposed facility.
  - (vi) Proof of ownership or control and timeline for construction.
10. **Livestock Auction Yards, Feedlots, and Dairy Operations Declared to be Agricultural Use.** All feedlots and livestock auction yards operated pursuant to a special use permit under this ordinance are considered to be an agricultural use of land.
11. **Entry Afforded to the Township Zoning Administrator as Permit Condition.** Each special land use permit for construction and operation of a feedlot shall be subject to the requirement that the owner of the lot on which it is located together with the occupant, if operated by someone other than the owner, shall constitute a right of entry to the Township Zoning Administrator or other Township designee to entry to all parts of the feedlot and the lot on which it is located, excepting any residence or dwelling unit, for inspection purposes relating to conformity of its construction in operation to the terms of this Ordinance. Such inspections shall, except for emergencies, take place between 8:00 a.m. and 5:00 p.m., Monday through Saturday. Before entering upon the land, the Zoning Administrator or designee shall make a reasonable attempt to contact the owner or occupant by telephone or in person at least 24 hours in advance of the proposed inspection.
12. **Township Intervention to Prevent or Limit Pollution from Leaking Lagoon or Manure Storage System.** If a feedlot, whether operated pursuant to a permit issued under this Ordinance or not, contains a

lagoon or other storage system for the retention of animal manure, which lagoon or other storage system is in a state of disrepair or is otherwise neglected or has been abandoned by its owner or operator and if upon inspection by the Township it is determined that manure is leaking into the groundwater or onto the surface of the ground or into adjacent surface waters via drainage or other means, the Township may, with or without notice to the owner or operator, take such steps as are necessary to drain or contain said manure so as to prevent or limit pollution resulting from such a release. If the Township, through its own resources and employees or through a contractor, is forced to take such steps, it shall collect the costs thereof against the owner and/or operator of the leaking lagoon or manure storage system. If necessary, legal action shall be commenced to compel reimbursement to the Township.

13. Owner/Operator Responsibility for Leaking Lagoon or Manure Storage System not to be Limited by Intervention under Section 1404 (9). The decision of whether or not to intervene under Section 1404 (9) to prevent or limit pollution from a leaking lagoon or manure storage system shall be vested in the sound discretion of the Township and the Zoning Administrator. Even in the event, however, that the Township engages in such a process it shall not, as a result thereof, be held to assume any responsibility for the negligence or failure of the owner or operator to properly maintain and operate the lagoon or manure storage system in question.

**G. Grain or Seed Elevators; cold storage for cooperative or wholesale Agricultural Products or similar enterprise directly related to Agriculture.**

1. No entry or drive shall be located closer than sixty-five (65) feet to any intersection.
2. No installations, except fencing or signs, may be constructed within twenty (20) feet of the road right-of-way.



H. **Seasonal Labor Housing**

1. All housing shall be seasonal and limited to the time during which the laborers are employed by the farm.
2. All housing shall be maintained and/or constructed to current code.

**SECTION 1405. RESIDENTIAL USES**

A. **Intent and Authorization.** In order to provide for a variety of quality housing choices throughout the Township, different intensities of residential uses are allowed in various districts, subject to certain standards.

B. **Uses.** The following uses may be authorized in those districts as noted under the respective zoning districts and provided the applicable conditions are met.

1. Single Family Detached Residential dwelling.  
Conventional Construction Single Family Homes,  
Modular Construction Single Family Homes,  
Manufactured Single Family Homes.
2. Multiple Family Developments.
3. Manufactured Housing Developments.

C. **Single Family Detached Dwellings.**

1. The dwelling must be the primary use on the parcel.
2. The dwelling must meet all appropriate setback and dimensional requirements.

D. **Multiple Family Dwelling**

1. Locations are preferred that would naturally buffer the multiple family development from less intense residential uses.
2. Developments with more than six units should be located on or have direct access to a primary county road.

E. **Manufactured Housing Developments**

1. **Authorization.** Manufactured housing developments are herein recognized as fundamentally a multiple residential use and that allowing in a residential classification, subject to particular conditions and standards, will best promote the public health, safety, comfort, convenience, prosperity and the general welfare as set out in this comprehensive zoning ordinance.

The special features and demands of manufactured housing require full considerations of their site location, design and improvement; their demands upon public services and utilities; and their relationship to and effect upon adjacent land uses.

2. **Uses.** A Manufactured Housing Development may include any or all of the following uses, PROVIDED that a plan of the proposed development is approved by the Mobile Home Commission of the State of Michigan in accordance with Act 243, Public Acts of 1959, as amended and PROVIDED further that said development proposal meets the standards and conditions and all other provisions as herein established.
  - a. Manufactured homes are designed for occupancy as a dwelling unit, and containing a minimum of one thousand, one hundred (1100) square feet of living area.
  - b. Accessory buildings and services required for normal operation. Such establishments or service facilities shall be designed and intended to serve frequent trade of needs of persons residing within the park and may be permitted PROVIDED that such uses:
    - (i) Shall not occupy more than five (5%) percent of the area of the park.
    - (ii) Shall be subordinate to the residential character of the park.

- (iii) Shall present no visible evidence of commercial character to any area outside of the park boundaries.
  - c. Maintenance building for conducting the operation and maintenance of a mobile home park. Only one (1) permanent building can be established, however, a caretaker's residence may be established within or in addition to said permanent building.
  - d. Uses Specifically Prohibited. The sales, display or storage of manufactured homes for such uses within any portion that is expressly prohibited.
- 3. **Development Requirements.** The following minimum requirements, guidelines and standards shall be used in considering the issuance of a special use permit.

In addition to the provisions of this Ordinance, all parks shall comply with Act 243, Public Acts of 1959, as amended, proof of which shall be established by presentation of a certified copy of construction permit issued by the State of Michigan prior to final approval of special use permit.

If any of the requirements of this section are less restrictive than the State Act (Act 243, Public Acts of 1959, as amended), the State requirements shall prevail.

- a. **Park Site Standards.**
  - (i) Manufactured homes intended for residential use must be located within a properly authorized Manufactured Home Park.
  - (ii) Minimum site size for Manufactured Home Park shall be twenty (20) acres.
  - (iii) Minimum number. At least thirty (30) spaces shall be completed and ready for

occupancy along with related park improvements before first occupancy.

- (iv) Minimum site location standards require each proposed site to have at least one (1) property line not less than two hundred (200') feet in length abutting a principal or minor arterial or collector street. The arterial or collector street shall be paved and of sufficient design capacity as required by the Huron County Road Commission to safely and effectively handle any increased traffic generated.
- (v) Minimum site access standards require a minimum of two (2) site access points and all points of entrance or exit from the Park are to be paved to a minimum width of twenty-four (24') feet for a two-way or one-way. All street entrance or exit drives shall not be located closer than three hundred and fifty (350') feet from the intersection of any two (2) arterial streets, and no street parking shall be allowed within one hundred (100') feet of intersection with the public street.
- (vi) Minimum Side Yard dimensions require that no building upon the premises shall be located closer than fifty (50') feet from any property line.
- (vii) Maximum height for any building or structure shall not exceed two and one-half (2 1/2) stories or thirty-five (35') feet.
- (viii) Minimum Open Space Standards. At least ten (10%) of the entire park must be preserved in open space. Open space does not include roads.

b. Manufactured Home Space Standards

- (i) Minimum space shall be five thousand five hundred (5,500) square feet and the

lot shall not be less than fifty (50') feet in width. Park density shall not exceed six (6) units per gross acre of park site. For each five (5%) percent increase in open space, an increase of one unit per gross acre of park site will be granted up to eight (8) units per acre.

- (ii) Minimum space yard dimensions for front yards and rear yards shall be ten (10') feet and for the side yards shall be a minimum of (10') feet from the nearest space line and the aggregate side yard dimensions shall not be less than twenty-five (25') feet.

The front yard is the yard that runs from the hitch end of the stand to the nearest space line. The rear yard is the opposite end of the stand and the side yards are at right angles to the ends.

Yard area shall not be encroached upon by enclosed buildings or structures, except that surfaced parking area or surfaced patio area may be provided in yard areas but in all cases shall not be closer than five (5') feet from a space side yard line.

- (iii) Space improvement standards require that each stand consisting of a solid reinforced concrete slab at least four (4") inches in depth. All off-street parking spaces provided on individual mobile home space or on the mobile home park site shall be clearly defined and hard surfaced with bituminous or concrete surfacing which shall be durable and well drained under normal use and weather conditions.

An outdoor concrete surfaced patio area of not less than two hundred (200) square feet shall be provided at each

mobile home site, conveniently located to the entrance of the mobile home.

- (iv) Storage facilities shall be waterproof and will provide a maximum space of five hundred (500) cubic feet for each mobile home space.

c. Utilities Standards

- (i) Sanitary sewer and water facilities to all manufactured homes shall be connected to public facilities.
- (ii) Utility lines to each manufactured home park space shall be installed underground and specially designed for that purpose. When separate meters are installed, each meter shall be located in a uniform manner.

When natural gas is unavailable, fuel oil or gas shall be furnished and distributed in a uniform manner in accord with an approved plan by the Planning Commission.

- d. Parking, Streets and Walkways. All driveways, streets, parking areas and walkways within the mobile home park shall be provided with surfacing of bituminous or concrete (see construction standards in Chapter 11) which shall be durable and well drained, and adequately lighted with lighting units so spaced and of such capacity and height for safety and ease of movement of pedestrians and vehicles at night.

- (i) Minimum parking standards are specified in Chapter 11, and required parking shall be off-street parking and shall be so located as to be convenient to residents and visitors.
- (ii) Park street standards provide that each mobile home space shall have access to

a street which shall meet the following specifications where appropriate to its character:

Minimum Pavement Widths

Parking Allowance	Traffic Flow	Min. Paved Width
No Parking	1 or 2 Way	24 feet
Parking 1 side	1 or 2 Way	30 feet
Parking 2 sides	1 or 2 Way	38 feet

All on-street parking shall be parallel and so arranged as not to impair the free movement of traffic or the safety of residents or visitors.

- (iii) Curb and gutter shall be provided for on all streets and all street construction shall be in accordance with specifications as required by the Huron County Road Commission.
  - (iv) Walkway standards provide that walks be provided from mobile homes to service buildings and mobile home facilities shall be at least four (4') feet in width and walks used in common by 1 to 3 mobile homes shall be at least thirty (30") inches in width.
  - (v) Lighting. The developer shall submit a park lighting scheme previously approved by the utility company supplying power.
- e. Buffers, Landscaping and Recreation
- (i) Greenbelt buffer of thirty (30') feet in width shall be located within the fifty (50') feet yard area as established herein.

This greenbelt shall be established and continually maintained and shall consist of trees and shrubs, or grassed berm, to protect privacy for the mobile home

residents and to shield the mobile homes from surrounding areas.

The greenbelt shall contain at least one (1) row, either straight or staggered, of deciduous and/or evergreen trees spaced not more than forty (40') feet apart and at least three (3) rows of deciduous and/or evergreen shrubs, spaced not more than eight (8') feet apart. In the case of a berm, said berm shall be a minimum of five (5') feet in vertical height.

- (ii) Recreation space standards provide that common recreation space of not less than twenty (20%) percent of the gross park area shall be developed and maintained by the park owner. This area shall not be less than one hundred (100') feet in its smallest dimensions and its boundary no further than five hundred (500') feet from any mobile home space within its service area. Yard requirements as set out in this Ordinance are not to be defined as recreational areas in obtaining the minimum area of twenty (20%) percent as set forth herein.

f. Public Health and Safety

- (i) Storage, collection and disposal of refuse and garbage, shall be so conducted as not to create health hazards, rodent harborage, insect breeding area, fire hazards, or pollution of air or water bodies. All refuse and garbage shall be collected at least once weekly through a suitable public or private agency, if available. The park owner shall provide this service. Garbage containers shall be located in a uniform manner at each space and so designed to be of a permanent



character or located out of general view. Dumpsters are expressly prohibited.

- (ii) Suitable fire hydrants shall be installed in all parks as required by the fire chief.
- (iii) To aid protection of the public safety, an orderly street name system and numbering system shall be established by the mobile home park owner and a plan of this system shall be verified by the local Post Office department and filed with the community fire and police department. Mobile home space numbers shall be located uniformly on each space throughout the mobile home park and street names shall be adequately marked.
- (iv) **Manufactured Housing.** Installation of manufactured homes upon each site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All manufactured housing shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission rules.

g. **Miscellaneous Provisions**

- (i) **Resident supervision and maintenance.** The park shall be operated in compliance with the provisions of this Ordinance and the manufactured home park owner (s) shall provide a designated individual, in residence, to adequately supervise and maintain the park, its facilities and its equipment in good repair and in a clean and sanitary condition.
- (ii) **Performance bond.** Upon granting a special use permit, a bond executed by any surety company authorized to do

business in the State of Michigan, may be required to be delivered to the Township Board by the applicant for the faithful performance of the provisions of this Ordinance and conditions of the special use permit. Said Bond shall be in an amount to be determined by the Township Board and shall be conditioned upon the completion of all acts relative to the construction, alteration or extension of any mobile home park within a period of time to be determined as a condition of the special use permit.

- (iii) Inspection of manufactured home parks is authorized and the Zoning Administrator is directed to make at least yearly inspections of the premise to insure conformance with these Ordinance provisions and all other applicable codes and regulations. The Chief of the local fire department or his designated representative, is directed to make at least yearly inspections of the premises to insure adequate provisions for fire protection are being observed in the interest of the public safety.

## SECTION 1406. RECREATIONAL USES

- A. **Intent and Authorization.** Recreational uses, such as golf courses, are often compatible with residential uses while other higher intensity recreational uses such as an amusement park require additional buffering to coexist with less intense development.
- B. **Uses.**
  - 1. Golf Courses, Shooting clubs, Hunting Clubs, Country clubs.
  - 2. Noncommercial recreation area or facility.
  - 3. Drive-in Theater, Race Track, golf Driving Range and Children's Amusement Park.

- C. **Golf courses, Country clubs, Shooting/Hunting Clubs.** Accessory uses for a permitted use shall be construed to include restaurant and other eating or drinking establishments and retail sales directly connected to the principal use.

1. **Site Location Principles.**

- a. Site location should be allowed which enhances the natural environment and amenities for community life.

2. **Development Requirements.** The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction or alteration of permitted structures.

- a. Minimum site shall be ten (10) acres or more and access shall be so designated as to provide all ingress and egress directly onto or from a public street.
- b. Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands that adjoin the site.

D. **Non-Commercial Recreation and Open Space Use.**

1. The proposed site shall be at least two (2) acres in area.
2. The proposed site shall have at least one (1) property line abutting a major thoroughfare or principal collector. All ingress and egress to the site shall be directly from said thoroughfare or collector street.
3. All buildings and structures shall be setback at least two hundred (200) feet from any property or street lines. Whenever the installation abuts upon property within a residential district, this two hundred (200) foot set back shall be landscaped with trees, grass and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding residential properties.'

4. No more than twenty-five percent (25%) of the gross site shall be covered by buildings.
5. Accessory use for a permitted use shall be construed to include restaurant and other eating or drinking establishments and such retain sales directly connected with the principal open space use.

**E. Drive-In Theaters, Amusement Parks, Race Tracks, Golf Driving Ranges and Miniature Golf Courses or similar Uses.**

1. All sites shall be located on a principal arterial road.
2. Whenever any use that may be permitted in this subsection abuts property within a residential or agricultural district, a transition strip at least one hundred (100) feet in width shall be provided between all operations and structures, including fences, and the residential or agricultural property. Grass, plant materials and structural screens of a type approved by the Planning Commission shall be placed within said transition strip.
3. A minimum yard of one hundred (100) feet shall separate all uses, operations and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance within plans approved by the Planning Commission.
4. Racetracks, amusement parks, drive-in theaters and other such uses determined to be similar by the Planning Commission shall be enclosed for the entire used site for their full periphery with a solid screen fence at least eight (8) feet in height. Fences shall be of sound construction painted or otherwise finished, attractively and in harmony with the surrounding environment.
5. Drive-in ticket gates shall be provided in accordance with the following ratios: one (1) ticket gate for three hundred (300) car capacity theaters; two (2) ticket gates for six hundred (600) car capacity theaters; three (3) ticket gates for eight hundred (800) car

capacity theaters; four (4) ticket gates for one thousand (1,000) car capacity of the theater.

6. Drive-in theater picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare. The picture screen tower shall not exceed sixty-five (65) feet in length and forty (40) feet in height.
7. Drive-in theaters must provide adequate stacking for vehicles waiting to enter the gates/admission area.

## SECTION 1407. INSTITUTIONAL USES.

- A. **Authorization.** In recognition of the many institutional types of non-residential functions that have been found compatible and reasonably harmonious with residential uses, certain institutional uses specified in this Section may be authorized by the issuance of a Special Use Permit. Such permit shall not be issued unless all the procedures and applicable requirements stated herewith, together with the additional requirements of this Section can be complied with.
- B. **Uses.** The following uses may be authorized in those districts as noted under the respective Zoning Districts, and provided the applicable conditions are complied with:
  1. **Institutions for Human Care.** Hospitals, Day Care, Sanitariums, Nursing or Convalescent Homes, Assisted Living Homes, Homes For The Aged and Philanthropic and Charitable Institutions. Camp or Correctional Institutions are prohibited.
  2. **Religious Institutions.** Churches, synagogues, mosques or similar places of worship, convents, parsonages and parish houses, and other housing for clergy.
  3. **Educational and Social Institutions.** Public and private elementary and secondary schools, and institutions for higher education, auditoriums and other places of assembly, and centers for social activities, including charitable and philanthropic activities. Camp or correctional institutions are prohibited.

4. **Public Buildings and Public Service Installations.** Publicly owned and operated buildings, public utility buildings and structures, transformer stations and sub-stations and gas regulator stations.

5. **Cemeteries, public or private.**

C. **Site Location Principles.** The following principles shall be utilized to evaluate the proposed location of any institutional use within a permitted district. These principles are alterable depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of an institutional use upon the District in which such use is proposed to be located.

1. Motor vehicle entrance should be made on a Principal Arterial or immediately accessible from a Principal Arterial as to avoid the impact of traffic generated by the institutional use upon a residential area.

2. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of the intrusion of the institutional use into a residential area.

D. **Hospitals.** (for overnight stay)

1. The proposed site shall be at least five (5) acres in area.

2. The proposed site shall have at least one (1) property line abutting a principal or minor arterial.

3. No more than twenty-five percent (25%) of the gross site shall be covered by structures.

E. **Religious Institutions.**

1. The proposed site shall be at least one (1) acre in size plus one-half (1/2) acre per hundred (100) seats in the main auditorium.

2. No building shall be closer than forty (40') feet to any property or street line.

3. No more than twenty-five (25%) percent of the gross site area shall be covered by structures.

F. **For All Other Uses That May Be Permitted**

1. All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding area.
2. Except public utility transformer stations and substations, gas regulator stations and housing for religious personnel attached to a church or school function:
  - a. No building shall be closer than forty (40') feet to any property or street line.
  - b. No more than twenty-five (25%) percent of the gross site area shall be covered by structures.

G. **For Public Utility Transformer Stations and Substations, Gas Regulator Stations:**

1. All buildings shall be harmonious in appearance with the surrounding residential area, if applicable, and shall be similar in design and appearance to any other buildings on the same site.
2. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

**SECTION 1408. DAY NURSERIES**

- A. **Authorization.** In order to facilitate the care of school children, this section provides for the inclusion of nursery schools and childcare centers within R-1 and in religious institutions within any zone district. This use may be authorized by the issuance of a special use permit or as otherwise cited when all of the procedures and applicable requirements stated and the additional requirements of this section can be complied with.

- B. **Uses That May Be Permitted.** Nursery schools, day nurseries and child care centers (not including dormitories) may be authorized, PROVIDED that there shall not be more than one (1) dwelling unit used for residential purposes on the site.
- C. **Development Requirements.** The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:
1. Minimum site size: Eleven thousand fifty (11,050) square feet with eighty-five (85') foot lot width at front building lines.
  2. The development shall provide proof that it meets all applicable requirements for licensure, including outdoor play area and other such items, as required by the State of Michigan for licensure.

## SECTION 1409. AUTOMOBILE SERVICE STATION

- A. **Intent.** It is the intent of this section to exercise a measure of control over service stations and permitted buildings, and their sites, and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objectives of the regulations set forth in this section are to:
1. Promote the type of development that will be compatible with the other land use activities located in areas where service stations will be constructed.
  2. Control those aspects of service station design, site layout and operation that may, unless regulated, be damaging to surrounding uses of land.
  3. Minimize the traffic congestion and safety hazards that can be in service station activity.
  4. If applicable, the applicant shall produce documentation as to meeting State requirements, guidelines or applicable administrative rules.



B. **Uses That May Be Permitted.** Gasoline service stations and accessory uses, PROVIDED such accessory uses and services are conducted wholly within a completely enclosed building. Body repair, engine overhauling, steam cleaning or other mechanical or physical modifications to motor vehicles is specifically prohibited.

C. **Site Development Requirements.** The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:

1. **Minimum site size.** Fifteen thousand (15,000) square feet with a minimum width of one hundred fifty (150') feet.
2. **Site location.** The proposed site shall have at least one (1) property line on a principal or minor arterial.
3. **Building setback.** The service station building, or permitted buildings shall be setback fifty (50') feet from all street right-of-way lines and shall not be located closer than fifty (50') feet to any property line in a residential district unless, separated there from by a street or alley.

No installations, except walls or fencing and permitted signs, lighting and essential services, may be constructed closer than twenty (20') feet to the line of any street right-of-way.

Hydraulic hoists, pits and all lubrication, greasing, automobile washing and repair equipment shall be entirely enclosed within a building.

4. **Access drives.** No more than one (1) driveway approaches shall be permitted directly from any principal or minor arterial nor more than one (1) driveway approach from any other street, each of which shall not exceed thirty-five (35') feet in width at the property line.

If the service station or permitted building site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable.

No driveway or curb cut for a driveway shall be located within ten (10') feet of an adjoining property line and shall be no less than twenty-five (25') feet from any adjacent lot within an R-District as extended to a curb or pavement.

5. **Curbing and paving.** A raised curb at least six (6") inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
6. **Fencing.** A solid fence or wall six (6') feet in height shall be erected along all property lines abutting any lot within a residential district or a residential use.
7. **Lighting.** Exterior lighting shall be so arranged so that it is deflected away from adjacent residential districts and adjacent streets.

## SECTION 1410. MISCELLANEOUS SPECIAL USES

### A. Special Uses That May Be Permitted.

1. Incinerators and sanitary landfills.
2. Junkyards.
3. Sewage Treatment and disposal installations as an integral design of a park as permitted within a zoning district, and designed only for services to that mobile home park development.
4. Sewage treatment and disposal installation may also be allowed when designed only for and as part of a planned unit development as permitted within a Residential Zone District.
5. Private resorts, recreational camps and other open space uses operated for profit or public purposes by a municipality or other unit of government.
6. Institutions for the mentally retarded and physically handicapped, drug or alcoholic patients and camps or correctional institutions.

7. Quarries, or and/gravel pits, mining operations.
8. Kennels and Veterinary Hospitals
9. Adults only businesses.
10. Hotel/Motel
11. Concrete or Asphalt plant
12. Coal coke or fuel yard
13. Power generating plant
14. Bulk storage of gas, oil or fuel

**B. Incinerators and Sanitary Landfills.**

1. All uses shall be enclosed by a fence, a minimum of six (6') feet in height for the entire periphery of the property. The final height of the fence shall be determined by the Planning Commission and shall be adequate to prevent trespassing and contain debris.
2. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form.
3. The Planning Commission may establish routes for truck movement in and out of the development in order to minimize the wear on public streets, to minimize traffic hazards and to prevent encroachment of traffic, or the byproducts of traffic (such as dust and noise) upon adjacent properties.
4. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, an individual or to the community in general.

C. Junk Yards.

1. The site shall be a minimum of twenty (20) acres in size.
2. The area shall be effectively screened from neighboring properties and the public street. The Planning Commission may require a solid fence or wall at least eight (8') feet in height shall be provided around the entire periphery of the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted and otherwise finished neatly and inconspicuously.
3. All activities shall be confined within the screened area. No equipment, material, signs or lighting shall be used or stored outside the screened area.
4. All screened areas shall be set back at least one hundred (100') feet from any front street or property line. Such front yard set back shall be planted with trees, grass and shrubs to minimize the appearance of the installation.
5. Any open burning shall be permitted by the Fire Department.
6. All industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building and limited to the hours of operation identified in the special land use application.
7. Whenever the installation abuts upon property within a residential or agricultural district, a transition strip at least one hundred (100') feet in width shall be provided between the fenced-in areas and the property within a residential or agricultural district. Such strip shall contain plant materials, grass and structural screens of a type approved by the Planning Commission to effectively minimize the appearance of the installation and to help confine odors therein.
8. Any other reasonable provisions necessary to meet the intent of the Zoning Ordinance.

**D. Sewage treatment and disposal installations:**

1. All operations shall be completely enclosed by a wire link fence not less than six (6') feet high.
2. All operations and structures shall be surrounded on all sides by a transition strip at least two hundred (200') feet in width within which grass, plant materials and structural screens shall be placed to minimize the appearance and odors of the installations. The Planning Commission shall approve all treatment of transition strips.

**E. Sand, Clay Or Gravel Pits; Quarries.**

1. Trucks and Machinery.
  - a. No fixed machinery shall be erected or maintained within two hundred (200) feet of any property or street line.
  - b. Truck access to the excavation site shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.
  - c. No machinery or equipment shall permanently operate for 24 hours, and no trucks, trailers, or other conveyances shall arrive at any excavation site before 7:00 a.m. or after 8:00 p.m.
2. Material Handling.
  - a. No excavation shall take place within fifty (50) feet of any property line or street line if below the established grade of the street.
  - b. No screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises unless it is located more than five hundred (500) feet from a residential dwelling.
  - c. Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or rock that is being excavated.

## VERONA TOWNSHIP ZONING ORDINANCE

3. Excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.
4. Conditions of any required environmental permits shall be obeyed at all times.
5. Excavated material not removed from the site shall be spread to a height not exceeding three feet (3') above the original surface with the top of fill graded to a continuous slope which does not exceed one foot (1') vertical to three feet (3') horizontal away from any water body. As an alternative, the material may be shaped in berms which assume a natural angle of repose for the material and which blend visually with the landscape. The toe of the slope of such berms shall be no closer than twelve feet (12') to the edge of the water in any pond formed by such an excavation.
6. At the end of each construction season, the completed portion of any excavation, including any area around it, shall be landscaped and seeded. Landscaping shall not interfere with any natural waterway or have an adverse effect on drainage of surrounding properties.
7. A Site Plan for any activity regulated by this Section must include the following items, in addition to all other information required by Sec. 1301.
  - a. A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five (5) foot intervals. If water is expected to accumulate in the excavation, the projected water level must be shown.
  - b. A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
  - c. A report describing the specifications for any spillway or drain for the proposed pond, including the proposed methods of foundation preparation or fill placement.

8. Any pond or body created as a result of excavation must meet the requirements of Section 1004 (D) 5, 6, and 7.

**F. Kennels or Veterinary Hospitals**

1. A minimum lot size of five acres shall be maintained.
2. Any building or fences area where animals are kept shall be located a minimum of two hundred (200) feet from any public right-of-way, one hundred (100) feet from any property line and one hundred fifty (150) feet from any residential dwelling located off the premises.

**G. Adults Only Business**

1. Intent. In the development and execution of this Ordinance, it is understood there are some uses that, because of their very nature, have serious objectionable operational characteristics. Particularly when several of them are concentrated in certain circumstances, a deleterious effect on adjacent areas results. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of surrounding neighborhoods. These special regulations are itemized in this section. Primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zoning or certain institutional uses.
2. Distance Restrictions.
  - a. The following listed uses shall not be permitted to be established within one thousand five hundred (1,500) feet of each other:
    - (i) Adult-related businesses
    - (ii) Adult book stores
    - (iii) Adult motion picture theaters
    - (iv) Adult mini motion picture theaters
    - (v) Exotic cabarets

(vi) Massage parlors

(vii) Public baths

(viii) Taxi dance halls

b. It shall be unlawful hereafter to establish an adult-related business within one thousand (1000) feet of any residentially zoned property, or within one thousand (100) feet of any religious or educational institution, public park, or recreational land use.

3. Signage and Exterior Display. Window displays, signs, or decorative or structural elements of buildings shall not include or display examples of actual adult uses, and are limited to the signage provisions stated in Chapter 5 of this Ordinance.

No adult use shall be conducted in any manner that permit the observation of any material depicting, describing, or relating to specific sexual activities or specified anatomical areas from any public way or from any property not registered as an adult use. These provisions shall apply to any display, decoration, sign, show window, structural element, or other opening.

4. Precautionary Note To The Board Of Appeals. When considering any appeal from adult-only business for reduction of spacing or separation standards established herein, the Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.

5. Ordinance Intent. The proposed use shall not be contrary to the intent and purpose of this Ordinance, or be injurious to nearby properties.

6. Blighting Influence. The proposed use shall not enlarge or encourage the development of a concentration of such uses or blighting influences.



7. **Neighborhood Conservation.** The proposed use shall not be contrary to any program of neighborhood conservation, revitalization, or renewal.
8. **Other Standards.** The proposed use and its principal building shall comply with all other regulations and standards of this Ordinance.

H. **Hotel/Motel**

1. **Site Development Requirements.** The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:
  - a. **Minimum site size.** One acre.
  - b. **Site location.** Access shall be provided so as not to conflict with adjacent business uses or adversely affect traffic flow on a major thoroughfare.
  - c. **Building setback.** The building must meet the following minimum setbacks: forty (40') foot front yard setback, thirty (30') foot side and rear yard setback.
  - d. **Minimum room size.** Each unit shall contain no less than two hundred and fifty (250) square feet.

**SECTION 1411. WIRELESS COMMUNICATION FACILITIES**

Authorization. Changing technology in the field of communications has resulted in a reliance upon more versatile convenient forms of communication. Businesses, individuals and government have all developed a strong dependence upon the ability to quickly contact others. The use of radios and cellular phones have proven themselves over and over again in emergency situations.

A. **Qualifying Conditions**

1. The following site and developmental requirements shall apply:

- a. Communication Towers shall be restricted to self supporting structures. The use of guy wires is prohibited.
- b. The base of the tower and accessory structures shall be enclosed with a minimum six (6') foot high fence.

2. Special Performance Standards:

- a. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by a report from a structural engineer registered in Michigan showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards, which tower shall be a self supporting lattice tower or a self supporting monopole. The applicant shall incur all costs associated with the review of such a report.
- b. Towers shall be setback from property lines a minimum distance equal to its height when erected on a parcel that abuts other A-1 or residentially zoned or used parcels. This requirement is independent of Section 1912(b)(i).
- c. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30') feet.
- d. Accessory structures shall be designed to be aesthetically compatible with the adjoining properties. This may include the construction of a brick façade and a pitched roof.
- e. Accessory structures shall not exceed four hundred (400) square feet of gross building area per structure.
- f. All bufferyard requirements within the zoning ordinance shall be met.
- g. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- h. The plans of the tower construction shall be certified by a Michigan registered structural engineer.

## VERONA TOWNSHIP ZONING ORDINANCE

- i. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- j. All towers must meet the standards of the Federal Aviation Administration, the Federal Communications Commission and the Huron County Memorial Airport.
- k. Communication towers in excess of one hundred seventy-five (175') feet in height above grade level shall be prohibited within two (2) miles of a public airport property boundary or a ½ mile radius of a helipad.
- l. Metal towers shall be constructed of, or treated with, corrosive-resistant material and shall be painted white or off-white. Applicant shall submit a maintenance program acceptable to the Township. The antenna shall be painted to match the exterior treatment of the tower.
- m. Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- n. Towers with antenna shall be designed to withstand a uniform wind loading as prescribed in the current Township Building Code.
- o. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and or structure, or between tower, shall be at least eight (8') feet above the ground at all points, unless buried underground.
- p. Towers shall be located so that they do not interfere with reception in nearby residential areas.
- q. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8') feet above the ground at all points, unless buried underground.

## VERONA TOWNSHIP ZONING ORDINANCE

- r. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- s. The base of the tower shall occupy no more than five hundred (500) square feet.
- t. Minimum spacing between tower locations shall not be less than a 1½ mile radius to prevent a concentration of towers in one area. This shall include a distance of neighboring township towers.
- u. Height of the tower shall not exceed one hundred seventy-five (175') feet from grade within all applicable districts.
- v. Towers shall not be artificially lit unless required by the Federal Aviation Administration.
- w. Existing on-site vegetation shall be preserved to the maximum extent practical.
- x. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- y. The antenna shall be painted to match the exterior treatment of the Tower.
- z. All parking and drive areas must be paved as provided in this ordinance.
- aa. The developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5') feet on twenty (20') foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10') feet to any structure.
- bb. The tower and site compound shall be removed by the property owner or lessee within six months of being abandoned. The Township will require an irrevocable \$10,000.00 performance bond to ensure its removal.
- cc. A conceptual plan must be submitted by the applicant which indicates the contemplated are less within the Township that the communication provider may construct other towers.

- dd. Towers shall be designed to provide for co-location. If the applicant demonstrates that they cannot co-locate on an existing tower, applicant must provide documentation satisfactory to the Township that co-location is not possible.
- ee. Subject to the conditions in this subsection the Township may permit the location of Personal Wireless Communication Facilities on any Township owned and occupied land.
- ff. The applicant shall submit a copy of a valid FCC license for the proposed activity, or proof that the applicant or carrier is the successful bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.

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## Planned Unit Development

### SECTION 1500. PURPOSE AND APPLICABILITY

- A. The purpose of these regulations is to permit greater flexibility and consequently, more creative and imaginative design in the development of residential areas than is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities, and the preservation of open space for park and recreational use.
- B. A Planned Unit Development is a distinctive use of property. A Planned Unit Development shall, therefore, be governed only by the provisions of this Article and not by any other provision of this Ordinance anything in this Ordinance to the contrary notwithstanding.

### SECTION 1501. GENERAL REQUIREMENTS

A request for a Building Permit and/or a Zoning compliance Certificate for a Planned Unit Development must meet the following requirements to qualify for consideration:

- A. A Planned Unit Development site shall be not less than ten (10) contiguous acres of land.
- B. The tract of land for a project must be either in one ownership or the subject of a request filed jointly by the owners of all properties included. The holder of a written option to purchase land or holder of an executory land contract shall for the purposes of such request be deemed to be an owner of such land.

- C. A Planned Unit Development shall be allowed only within residential, business, or agricultural Districts or combination thereof and providing the applicant can demonstrate that the proposed character of development will meet the objectives of Planned Unit Development.
- D. Land use need not be uniform in all respects.
- E. Public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric and phone transmission wires shall be placed underground.
- F. Approval by the Planning Commission of a sketch plan and detailed site plan is required.

### **SECTION 1502. PERMITTED USES**

No structure or part thereof shall be erected, altered or used and no land shall be used except for one or more of the following regardless of the zoning district in which the same is located:

- A. Residential Uses
  - 1. Single-family detached dwellings, excluding mobile homes.
  - 2. Two-family dwellings.
  - 3. Apartments.
  - 4. Townhouses
  - 5. Condominiums.
  - 6. Other multi-family dwellings.
- B. Commercial uses designed and intended to serve the convenience needs of the people residing in the planned unit development.
  - 1. Food stores.
  - 2. Bakeries (retail only).
  - 3. Barber or beauty shops
  - 4. Banks and financial institutions.

5. Shoe sales and repair stores.
  6. Florist and garden shops.
  7. Hardware stores.
  8. Variety stores.
  9. Book and stationary stores.
  10. Dry cleaning (pickup or coin operated only).
  11. Wearing apparel shop.
  12. Offices.
  13. Drug stores.
  14. Post office.
  15. Full course menu, table top, indoor restaurants conforming in appearance to a residence which provide no "drive-in", "short-order", or "car service" food or drink facility. Alcoholic beverages may be served incidental to the sale of food.
  16. Private clubs, excepting those of which the chief activity is a service customarily carried on as a business.
- C. Accessory and associated uses designed and intended to serve the convenience needs of the people residing in the Planned Unit Development, like:
1. Private garages.
  2. Storage sheds. Accessory building or use as long as not involving the conduct of business.
  3. Recreational play areas. Publicly owned and operated library, park, playground, or parkway.
  4. Religious Uses.
  5. Elementary and Secondary schools.



### SECTION 1503. DESIGN REQUIREMENTS

Within the Planned Unit Development approved under this Article, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations applicable to the district in which the development is located:

- A. The maximum number of dwelling units permitted within the project shall be determined by dividing the net Planned Unit Development area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.
- B. The minimum lot area shall not be reduced by any permitted use more than twenty (20%) percent below that required in the district in which the project is located.
- C. The minimum setback and yard or open space requirements for buildings and structures may be reduced or increased in the discretion of the Planning Commission to avoid unnecessary disruption of the environment where reasonable equivalent open space is provided elsewhere upon the site.
- D. The minimum lot frontage and width for any lot designated for a single-family dwelling may be reduced twenty (20%) percent below the requirements of the district in which the Planned Unit Development is located.
- E. A screening area may be required by the Planning Commission along the perimeter of the development if deemed necessary to protect the values of adjoining property under separate ownership.
- F. Within every Planned Unit Development there shall be planned and set aside permanently as part of the total development an amount of open space equal to not less than the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole before accepting the open space as meeting the requirements of this provision, the Planning Commission must find the land thus designated to be:
  - 1. Sufficient in size, suitably located, with adequate access, and

2. That evidence is given that satisfactory arrangements will be made for the maintenance of such designated land to relive the municipality of future maintenance thereof.
- G. All required open space within the Planned Unit Development shall be arranged so as to provide access and benefit to the maximum number of lots and/or dwelling units. Separate tracts of open space shall be adequate access from at least one point along a public street.

### **SECTION 1504. PROCEDURE**

Whenever any Planned Unit Development is proposed, before any Building Permit is granted, the developer shall apply for and secure approval therefore from the Planning Commission in accordance with the following procedure.

- A. In order to allow the Planning Commission and the developer to reach an understanding of basic design requirements prior to detailed site design investment, the developer shall submit a sketch plan of his proposal to the Planning Commission with the applicable fee. The sketch plan shall be drawn to approximate scale and clearly show the following information:
1. Boundaries of the Property.
  2. Location and height of all buildings and structures.
  3. Interior roadway system, parking facilities and all existing rights-of-way and easements, whether public or private.
  4. Delineation of the various residential and/or commercial areas indicating for each such area its size, number of buildings, structures and composition in terms of total number of dwelling units approximate percentage allocation by dwelling unit type, plus a calculation of the net residential density and commercial density.
  5. The interior open space system.
  6. The overall storm water drainage system.

**VERONA TOWNSHIP ZONING ORDINANCE**

7. If grades exceed thirty percent (30%) on portions of the site, have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and/or ponding, an overlay outlining the above susceptible soil shall be provided.
  8. Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal.
  9. 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.
  10. A location map showing uses and ownership of abutting lands.
- B. In addition, the following documentation in a narrative format, shall accompany the Sketch Plan:
1. Evidence that the proposal is compatible with the objectives of the Township's master plan and the intent of this ordinance.
  2. A general statement as to how common open space is to be owned and maintained.
  3. The extent of the intended total project. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed shall be identified.
- C. The Planning Commission shall hold a public hearing or hearings on the application for a Planned Unit Development in accordance with the procedure of Section 1302.
- D. Following the public hearing, the Planning Commission shall, within sixty (60) days, approve or disapprove the Sketch Plan or make modifications thereto and so notify the applicant of its decision.

**VERONA TOWNSHIP ZONING ORDINANCE**

- E. Approval of a Sketch Plan shall not constitute approval of the detailed Site Plan, but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan.
- F. If it becomes apparent that certain elements of the Sketch Plan, as it has been approved by the Planning Commission, become unfeasible and in need of modification, the applicant shall then resubmit his entire Sketch Plan, as amended, to the Planning Commission pursuant to the above procedure.
- G. After receiving approval from the Planning Commission of a Sketch Plan, the applicant may prepare his detailed Site Plan and submit it to the Planning Commission for approval. However, if more than six (6) months have elapsed since the time of Sketch Plan approval, the Planning Commission may require a resubmission of the Sketch Plan for further review and possible revision.
- H. The detailed Site Plan shall conform to the Sketch Plan that has been given approval. It shall incorporate any revisions or other features that may have been recommended by the Planning Commission at the Preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.
- I. The detailed Site Plan shall include all information required by Section 1301 E and the following information:
  - 1. An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, utilities, and easements within three hundred (300) feet of the applicant's property.
  - 2. A topographic map showing contour intervals of not more than four (4) feet of elevation.

3. A plan showing location, proposed use, number, and height of all buildings or structures, location of all parking areas, with access and egress drives thereto, location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences, description of method of water supply and sewage disposal and location of such facilities; location and size of all signs; location and design of lighting facilities; and the amount of building area proposed for nonresidential uses, if any.
4. A tracing overlay showing all soil types, their location, and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.

#### **SECTION 1505. STANDARDS FOR APPROVAL**

The Planning Commission's review of the detailed Site Plan shall include, but shall not be limited to, the following:

- A. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movement.
- B. Location, arrangement, size and entrances of buildings, walkways and lighting.
- C. Location, arrangement, size and entrances of buildings, walkways and lighting.
- D. Relationship of the various uses to one another.
- E. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise deterring screen between adjacent uses and adjoining lands.

#### **SECTION 1506. BUILDING PERMITS & ZONING COMPLIANCE CERTIFICATES**

- A. Upon approval of the Planned Unit Development, the Chairman of the Planning Commission shall direct the Zoning Administrator to issue Building Permits and/pr Zoning Compliance Certificates.

- B. In any case where the construction on the Planned Unit Development has not commenced within one (1) year from the date of approval, the Building Permits and/or Zoning compliance Certificates shall be null and void.
- C. After a Planned Unit Development has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.
- D. If construction and development does not conform to the approval of the Planning Commission, any Building Permit and/or Zoning Compliance Certificate shall be forthwith revoked by the Zoning Administrator by written notice of such revocation posted upon the site and mailed to the developer at his last known address. Upon revocation, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation.