



Silver Creek Township



ZONING ORDINANCE

Effective August 19, 2004



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CHAPTER 1 TITLE, PURPOSE, SCOPE AND LEGAL BASIS

SECTION 1.01 TITLE

This Ordinance shall be known and may be cited as the "Silver Creek Township Zoning Ordinance."

SECTION 1.02 PURPOSE

- A. This Ordinance is based upon the Silver Creek Township Master Plan and is designed to promote the public health, safety and general welfare; to encourage the use of land and bodies of water in accordance with its character and adaptability and limit the improper use of land and bodies of water; to conserve natural resources and energy, to meet the needs of the State's citizens for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to insure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on waterways and public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.
- B. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning District, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

SECTION 1.03 SCOPE

- A. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party.
- B. Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot areas; yards or other open spaces; or any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.
- C. Except as herein specified, no building, structure, lot, or premises shall be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the District in which it is located.

SECTION 1.04 LEGAL BASIS

This Ordinance is enacted pursuant to the Township Zoning Act, Act 184 of the Michigan Public Acts of 1943, as amended. This Act is hereby referenced and made a part of this Ordinance.

CHAPTER 2 DEFINITIONS

SECTION 2.01 RULES APPLYING TO TEXT

The following listed rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 3. "Either..or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- H. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.02 DEFINITIONS – A

ACCESSORY BUILDING

A subordinate building on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use; for example, a private garage.

ACCESSORY USE, OR ACCESSORY

A use of a zoning lot which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. When "accessory" is used in this text, it shall have the same meaning as accessory use.

ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE

A commercial establishment that, as one (1) of its business purposes or services, offers for sale or rental for any form of consideration, any one (1) or more of the following:

- A. Books, magazines, periodicals, or other printed and/or electronic or digital matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas; or,
- B. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

ADULT CABARET

A nightclub, bar, restaurant, lounge, or similar commercial establishment that regularly features:

- A. Persons who appear in a state of nudity;
- B. Live performances that are characterized by the exposure of specified sexual activities or specified anatomical areas; or,
- C. Films, motion pictures, video cassettes, slides, electronic, digital, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER

A commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

AGRICULTURE

The cultivation, tilling or use of soil for the purpose of growing or storing crops thereon or use of land for the purpose of animal or poultry husbandry, including the preparation and marketing of agricultural products for commercial purposes. All reasonable dust, spray drift, water drift, noise, odors, and other conditions normally association with the foregoing agricultural uses are considered a part of the agriculture and are permitted.

ALTERATIONS

Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

A unit of measurement used to compare relative differences in the odor producing characteristics of animal wastes, with the following equivalencies applicable to various animals: (see chart)

ANIMAL	UNIT
Swine	1.0
Cattle	1.0
Horses	1.0
Sheep	0.5
Fowl	0.10
Other Animals	As determined by the Zoning Administrator

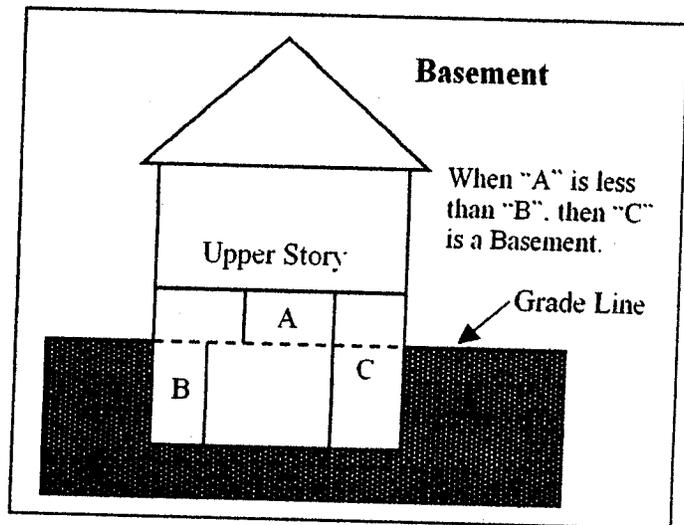
AVERAGE GRADE-DEFINED GRADE

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

SECTION 2.03 DEFINITIONS – B

BASEMENT

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.



BED AND BREAKFAST ESTABLISHMENT

A house, or portion thereof, where short-term lodging rooms and meals are provided as a commercial operation.

BERM

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

BODY SHOPS

Any building, premises, or land in which or upon which the primary use is the servicing, repair, or painting of motor vehicles.

BUFFER STRIP

A strip of land required between certain Districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

BUILDING

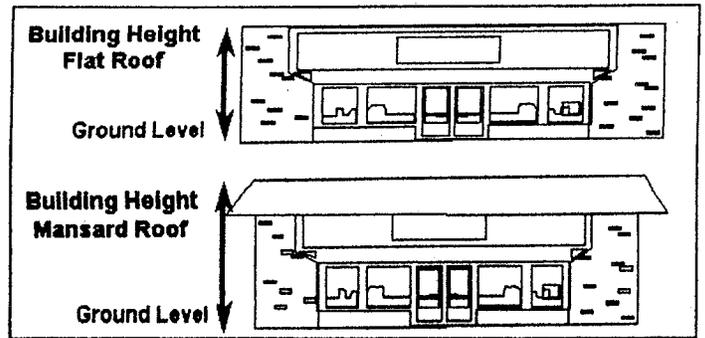
A structure erected on site, pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

BUILDING CODE

The code or codes governing the erection and maintenance of buildings as currently adopted by Silver Creek Township.

BUILDING HEIGHT

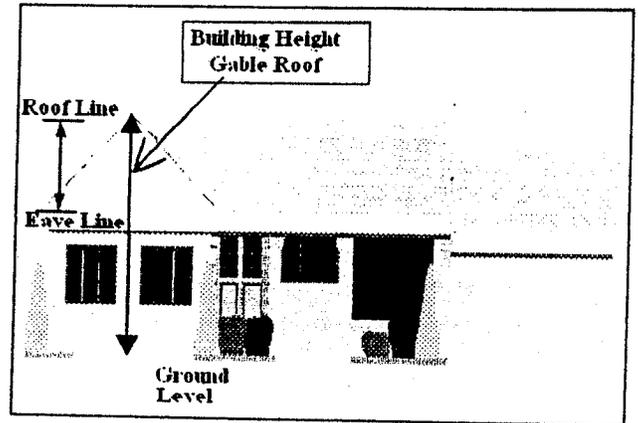
The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and top height of gable, hip and gambrel roofs, not to exceed the highest point based on the average defined grade as determined by the zoning district in which the building is located.

**BUILDING LINE**

A line formed by the eave of the building, or the most horizontal appendage of the building, except as permitted in Section 3.06.

BUILDING INSPECTOR

The person designated by the Township Board to administer the provisions of the adopted Building Codes for Silver Creek Township.

SECTION 2.04 DEFINITIONS – C**CERTIFICATE OF OCCUPANCY**

A document signed by an authorized Township official as a condition precedent to the commencement of a use or the construction of a structure or building which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

CHILD CARE CENTER

- A. A facility other than a private residence, licensed by the Michigan Department of Social Services, in which one (1) or more children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.
- B. Child care center does not include a Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.

COMMERCIAL STORAGE WAREHOUSE

A building or buildings used primarily as a commercial business for the storage of goods and materials.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES

Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public, but are not considered an essential public service.

CONVALESCENT OR NURSING HOME

A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

SECTION 2.05 DEFINITIONS – D

DAY CARE

- A. Group Day Care Home: A private residence in which the operator permanently resides as a member of the household, licensed by the Michigan Department of Social Services, in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day-care home includes a home that gives care to unrelated minor children for more than four (4) weeks during a calendar year.
- B. Family Day Care Home: A private residence in which the operator permanently resides as a member of the household, registered with the Michigan Department of Social Services, in which one (1) but less than seven (7) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

DISH ANTENNA, OR SATELLITE DISH ANTENNA

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

DISTRICT

A Zoning District as described in Section 4.01 of this Ordinance.

DRAIN COMMISSIONER

The Cass County Drain Commissioner.

DRIVE-THROUGH FACILITIES

A business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

An improved or unimproved path or road extending from a public or private road or right-of-way to a building, dwelling or structure, intended to provide ingress and egress primarily for the occupants and visitors thereto.

DWELLING, MULTIPLE-FAMILY

A dwelling, or a portion of a building, designed exclusively for occupancy by three (3) or more families living independently of each other.

DWELLING, SINGLE FAMILY

A detached dwelling designed exclusively for and occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY

A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

DWELLING UNIT

One (1) room or suite of two (2) or more rooms designed for use and occupancy by one (1) family for living and sleeping purposes, with housekeeping facilities.

SECTION 2.06 DEFINITIONS – E

ERECTED

Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment. The definition does not include buildings and storage yards necessary for the furnishing of adequate service by utilities or municipal departments for the general health, safety or welfare, or commercial wireless telecommunication services.

EXCAVATION

Any breaking of ground, except common household gardening and ground care.

SECTION 2.07 DEFINITIONS - F

FAMILY

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or

- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

FARM

A contiguous parcel of land of not less than five (5) acres in area, directly farmed or used for commercial agriculture by the owner-operator, manager, or tenant farmer by his own labor or with assistance of members of his household or hired employees. A farm includes a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, products, or animals, or used for the operation of the farm. Farms may include greenhouses, nurseries, orchards, hatcheries, dairy farms, poultry farms, piggeries, commercial feedlots,

apiaries, truck farms, and forestry operations. Fish hatcheries, stockyards, Intensive Livestock Operations, recreation parks, stone quarries, gravel, dirt or sand pits, keeping of furbearing animals or game, kennels, stables, riding academies, or mineral extraction, are not considered farms or farm uses.

FLOOR AREA,-DWELLING

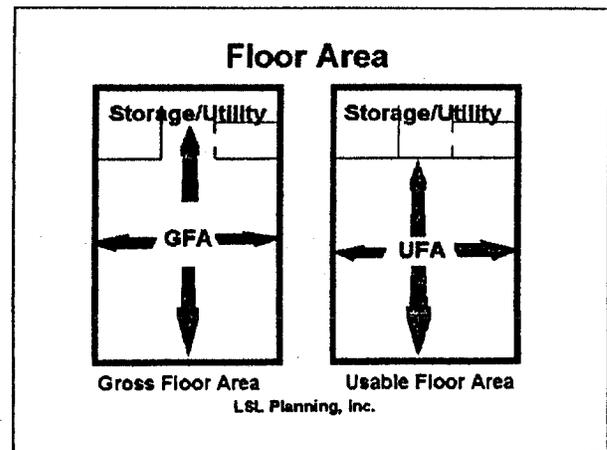
No dwelling shall hereafter be erected which encompasses less than 850 square feet of floor area at the first floor level exclusive of any area in an attached garage or other accessory building. The width of such dwelling shall be a minimum of 23 feet.-2/06

FLOOR AREA, GROSS (GFA)

The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls, but excluding porches, patios, terraces, breezeways, carports, verandas, garages, and basements.

FLOOR AREA, USABLE (UFA)

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.



SECTION 2.08 DEFINITIONS – G**GRADE**

The gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a horizontal distance of one hundred (100) feet would be expressed as a grade of twenty-five percent (25%).

GREENBELT

A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

SECTION 2.09 DEFINITIONS – H**HEIGHT (See also "Building Height")**

The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the highest point of the ridge for gable, hip, and gambrel roofs.

HOME BASED BUSINESS

A business or profession carried on by a member of the immediate family residing on the premises. A home business is one in which no commodity is sold on the premises, except that incidental to the Home Based Business; not more than one person is employed there other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except such as is permissible for purely domestic or household purposes within the dwelling, a garage or accessory building. There shall show no external evidence of change in the building or premises. A non-illuminated sign no larger than four (4) square feet is allowed.

HOME OCCUPATION

An occupation or profession carried on by a member of the immediate family residing on the premises. A home occupation is one in which no commodity is sold on the premises; no person is employed there other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except such as is permissible for purely domestic or household purposes, when engaged in by only residents entirely within the dwelling and not in a garage or accessory building or with the use of any non-residing employee. A home occupation shall occupy not more than twenty percent (20%) of the living area of the dwelling and show no external evidence of change in the building or premises.

A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

SECTION 2.10 DEFINITIONS – I

INOPERATIVE VEHICLE

A motor vehicle which can no longer propel itself.

INTENSIVE LIVESTOCK OPERATIONS

Any feedlot, piggery, or other livestock raising, breeding, or feeding facility involving more than three-hundred (300) but less than one-thousand (1,000) animal units, including any buildings, structures, or enclosed areas used for such activities, and any associated waste storage structures or areas.

SECTION 2.11 DEFINITIONS – J

JUNK

Any worn out, previously used, dilapidated, discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances, and yard debris.

JUNK YARD

An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, does include uses established entirely within enclosed buildings.

SECTION 2.12 DEFINITIONS – K

KENNEL, COMMERCIAL

Any lot or premise on which three (3) or more dogs, cats, or other household pets, six (6) months of age or older, are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or premises where household pets are bred or sold for commercial purposes.

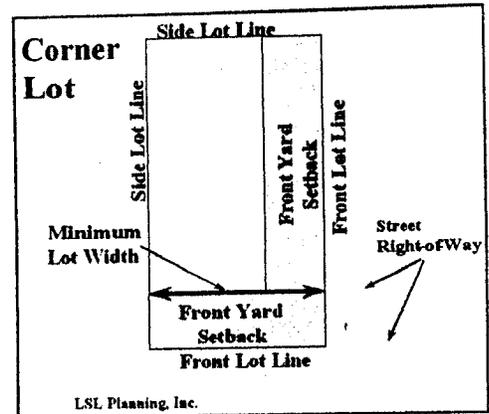
SECTION 2.13 DEFINITIONS – L

LOADING SPACE

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

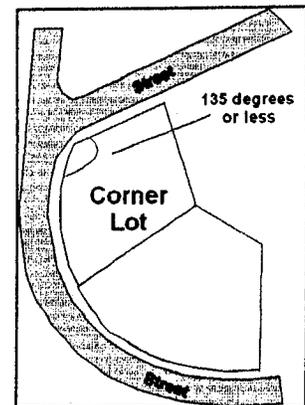
LOT

A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for the principal and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance, either platted or unplatted. A lot may or may not be specifically designated as such on public records. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of the Michigan Public Acts of 1978, as amended, designed and intended for separate ownership and use.



LOT, CORNER

Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle or less than one hundred thirty-five (135) degrees.



LOT, INTERIOR

A lot other than a corner lot or through lot.

LOT, THROUGH

Any interior lot having frontage on two (2) parallel streets. In the case of a row of double frontage lots, all yards of lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

LOT AREA

The total horizontal area within the lot lines, excluding areas within streets.

LOT COVERAGE

The part of the lot occupied by any building, including accessory buildings.

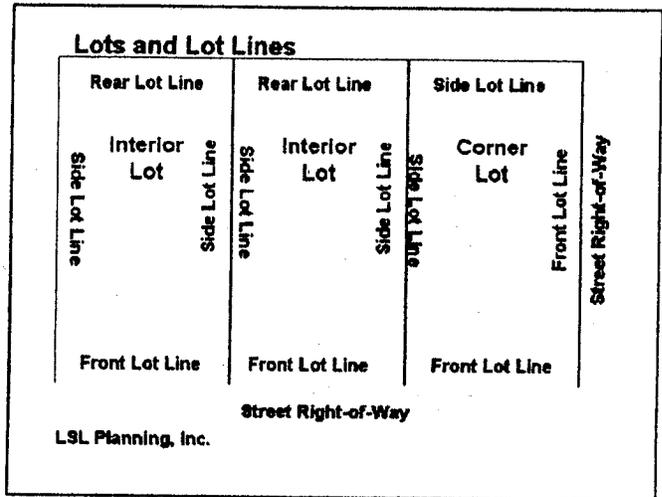
LOT DEPTH

The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES

The lines bounding a lot as defined herein:

- A. **FRONT LOT LINE:** In the case of waterfront lots and the Waterfront District, the water side is the front side. In the case of an interior lot is the line separating the lot from the street. In the case of a through lot, it is that line separating the lot from either street.
- B. **REAR LOT LINE:** That lot line opposite the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
- C. **SIDE LOT LINE:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

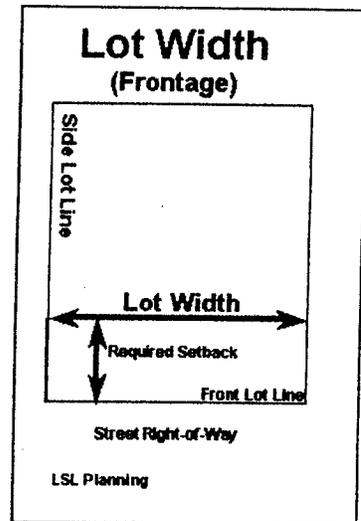


LOT OF RECORD

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 common use by Township or county officials, which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH

The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.



SECTION 2.14 DEFINITIONS – M

MAIN BUILDING

A building in which is conducted the principal use of the lot upon which it is situated.

MANUFACTURED HOME

A transportable, factory-built home, designed to be used as a year-round residential dwelling.

MANUFACTURED HOME PARK

A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis, offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

The Master Plan currently adopted by Silver Creek Township, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings, and all physical development of the township, and includes any unit or part of such plan and any amendment to such plan:

MOTEL/HOTEL

A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking spaces located on the lot and designed for, or occupied by, travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

SECTION 2.15 DEFINITIONS – N

NONCONFORMING BUILDING

A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto and not conforming to the provisions of the District in which it is located.

NONCONFORMING LOT OF RECORD

A legally recorded lot that conformed with all zoning requirements at the time of recording of the lot, but which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both.

NONCONFORMING USE

A use or activity, which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto and which does not conform to the use regulations of the District in which it is located.

NONRESIDENTIAL DISTRICT

The C and IND Districts.

SECTION 2.16 DEFINITIONS – O

OFF-STREET PARKING LOT

A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles.

OPEN AIR BUSINESS: Retail sales establishments operated substantially in the open air, including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sales, repair or rental services.
- B. Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools and similar activities, but not including farm implements or commercial construction equipment.

- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement parks or similar recreational uses (transient or permanent).

ORDINARY HIGH WATER MARK OR SHORELINE

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

SECTION 2.17 DEFINITIONS – P

PARCEL

A tract of land which can be legally described with certainty and is capable of being located by survey.

PARKING SPACE

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and fully accessible for the parking of permitted vehicles.

PERSONAL SERVICE ESTABLISHMENT

A commercial business conducting services that are performed primarily on the premises.

PLANNED UNIT DEVELOPMENT

A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PLANNING COMMISSION, OR COMMISSION

The Silver Creek Township Planning Commission.

PRIMARY ROAD

A County Primary roadway as designated in the Silver Creek Township Master Plan or by the Cass County Road Commission. For purposes of this Ordinance only, a State Trunkline shall also be considered as a County Primary.

PRINCIPAL USE

The primary use to which the premises is devoted.

- A. Any undedicated path, trail, or road which provides or is intended to provide the primary means of ingress and egress to two (2) or more parcels or two (2) or more main buildings, dwelling units, or structures, or combination thereof, whether created by a private right-of-way agreement, license joint ownership, easement or prescription. Any and all extensions, additions, or branches of or to a private road shall be considered part of the primary private road which abuts the public road.
- B. A private road shall also include:
 - 1. An access serving one (1) parcel if that parcel does not have the requisite amount of frontage on a public road as required by Silver Creek Township Zoning Ordinance, or;
 - 2. Where two (2) or more parcels or dwellings share or utilize a common access drive, even if each parcel has the required frontage on a public road.
 - 3. A private road shall also include a path, trail, or road which is privately built or maintained and which is located on a public right-of-way or easement.

PUBLIC UTILITY

A person, firm, or corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

SECTION 2.18 DEFINITIONS – R

RECREATIONAL VEHICLE OR EQUIPMENT

Vehicles or equipment used primarily for recreational purposes. For the purpose of this Ordinance, recreational vehicle shall mean:

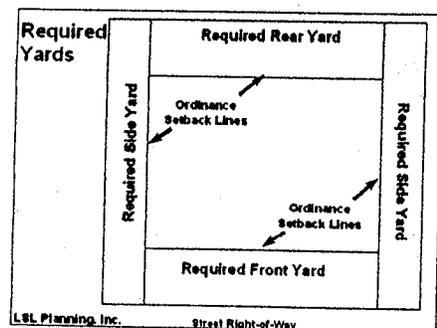
- A. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper;
- B. Boats and trailers designed to transport boats;
- C. Snowmobiles and trailers designed to transport snowmobiles;
- D. Off-road vehicles and trailers designed to transport off-road vehicles;
- E. Pop-up tent and camper trailers;
- F. Other similar vehicles deemed by the Zoning Administrator to be a recreational vehicle. This term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use.

REQUIRED YARD

The required yard shall be that set forth as the minimum yard requirement for each District.

RESIDENTIAL DISTRICT

The AR, WD, R-1, R-2, and MHP Districts, as described in this Ordinance.



Public or private land, property, or interest therein, devoted to transportation or utility purposes, and/or providing access to property.

ROAD-See Street & Road

ROAD COMMISSION

The Cass County Road Commission.

SECTION 2.19 DEFINITIONS – S

SALVAGE YARD

An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

SATELLITE DISH ANTENNA, OR DISH ANTENNA

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

SETBACK

The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

SEXUALLY ORIENTED BUSINESS

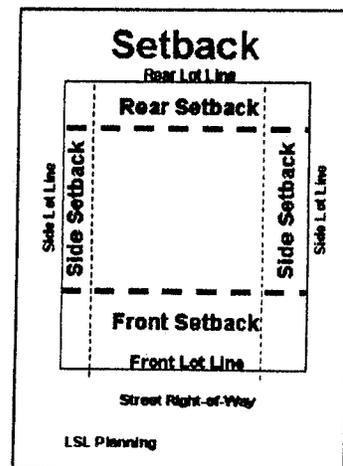
An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial enterprise that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure or display of specified sexual activities or specified anatomical areas.

SHORELINE OR ORDINARY HIGH WATER MARK

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

SIGN

A lettered board, or other notice advertising an individual, firm, profession, business or other thing and visible to the general public.



A natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Natural Resources which exhibits unique cultural, topographic, ecological, hydrological, cultural or historical characteristics such as a wetland, floodplain, water features, or other unique natural features.

SPECIFIED ANATOMICAL AREAS

- A. Less than completely and opaquely covered human genitals, pubic region, buttock or anus; or female breast immediately below the top of the areola; or,
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy; or
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STORY

That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STORY, HALF

An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet. For the purpose of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

STREET/ ROAD

A public dedicated right-of-way other than an alley, or a private access easement, which affords the principal means of access to abutting property.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something on or in the ground.

SECTION 2.20 DEFINITIONS – T

TOWNSHIP

Township shall mean Silver Creek Township, Cass County.

TOWNSHIP BOARD

The Township Board of Silver Creek Township.

A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

TRUE CASH VALUE

The value placed on a property by the Township Assessor on the last tax day, being December 31st of each year, as kept in the records of the Township.

SECTION 2.21 DEFINITIONS – V

VEGETATIVE STRIP

A strip of land at least twenty-five (25) feet bordering each bank of the waterways of this District, as measured from the ordinary high water mark, whichever is furthest inland, which is to be maintained in its natural vegetative state, except for the clearing of dead or obnoxious plants.

VEHICLE SALES:

An establishment engaged in Retail or Wholesale sales from the premises of motorized vehicles, along with incidental maintenance servicing. Typical uses include new and used automobiles or truck sales, boat sales or recreational vehicle sales.-6/05

VEHICLE SERVICE STATION

Building and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories.

SECTION 2.22 DEFINITIONS – W

WASTE DUMPSTER

A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

WATERWAY

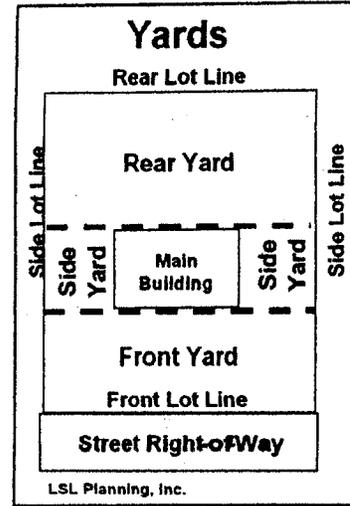
Any natural or artificial lake, pond or impoundment, river, stream, creek, or any other body of water which has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.

SECTION 2.23 DEFINITIONS – Y

YARDS

The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

- A. **FRONT YARD:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building.
- B. **REAR YARD:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building.
- C. **SIDE YARD:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.



SECTION 2.24 DEFINITIONS – Z

ZONING ACT

The Township Zoning Act; Act 184 of 1943 of the Public Acts of Michigan, as amended.

ZONING ADMINISTRATOR

The person designated by the Township Board to administer the provisions of this Zoning ordinance.

ZONING BOARD OF APPEALS

The Zoning Board of Appeals of Silver Creek Township.

CHAPTER 3 GENERAL PROVISIONS

Unless otherwise indicated, the provisions of this Chapter shall be applicable to all Districts and uses.

SECTION 3.01 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS

- A. Required Area or Space: A lot or lots owned by the same person, or a yard, court, parking area, frontage, dimension, or other space shall not be divided, altered or reduced so as to make it nonconforming with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be further divided, altered or reduced so as to increase its noncompliance with such minimum requirements. Lots with land submerged for more than six (6) months in any twelve (12) month period shall not be permitted to include such lands in the calculation of required lot size.
- B. Dwellings on More Than One (1) Lot: If a structure is to be located on two (2) or more lots under single ownership, or if adjacent lots are required to maintain minimum lot area or yard requirements, the entire parcel shall be considered a lot for purposes of this Ordinance and the lots shall be legally and automatically combined into one (1) individual lot.
- C. Division of Lots: The division of a parcel of land into two (2) or more lots or parcels shall require the approval of the Township Board. The Township Board shall not approve such division of land unless it shall determine that the proposed division complies with the requirements of this Ordinance, the Michigan Land Division Act (Act 288 of the Michigan Public Acts of 1967, as amended), and all other applicable Township ordinances.
- D. Height Exceptions: The following buildings and structures shall be exempt from height regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind-powered electrical generators, essential public service towers and poles, and television and radio reception and transmission antennas and towers which do not exceed one-hundred (100) feet in height.

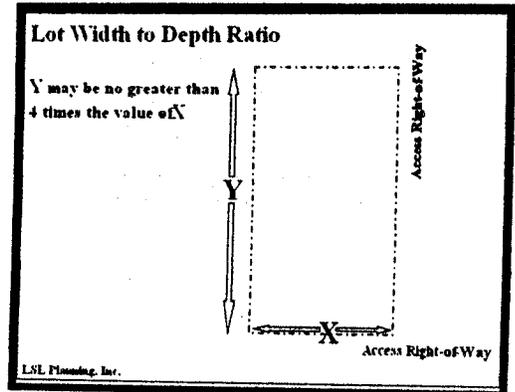
SECTION 3.02 REQUIRED LOTS, YARDS, AND FRONTAGE

- A. All lots, yards, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the District in which they are located.
- B. All lots or parcels shall have frontage upon a public street, or a private street meeting the requirements of this Ordinance, equal to the minimum lot width required by the District in which it is located, except as noted in Section 3.05 for lots on a cul-de-sac.
- C. Lot areas shall not include land located within the street right-of-way for the purposes of computing minimum lot size or densities. Lots with land submerged for more than six (6) months in any twelve (12) month period shall not be permitted to include such lands in the calculation of required lot size or density.

- D. All lots within the WD District shall have frontage on the body of water, measured along the shoreline, equal to or greater than the minimum lot width required by the underlying District in which it is located. All front yard requirements for accessory buildings, parking, fences, dish antennae, and other applicable provisions shall also be met.

E. Lot Width to Depth

1. Lots created after the effective date of this Ordinance having a lot area of less than ten (10) acres shall have a lot width which is equal to, or greater than, one fourth (1/4) the depth of the lot.
2. The lot width to depth ratio does not apply to remainders of parent parcels existing after permitted divisions. However, the remainder of the parent parcel shall contain the minimum lot area and lot width required by the District in which it is located.



SECTION 3.03 PRINCIPAL USES OR MAIN BUILDINGS ON A LOT

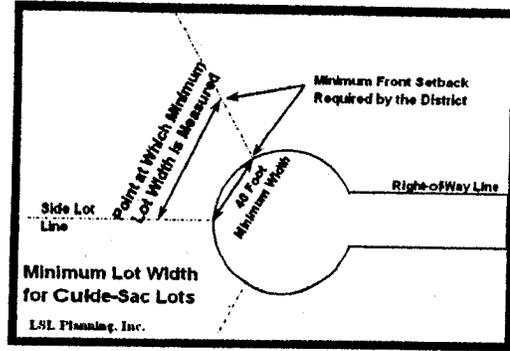
- A. In all Districts, no more than one (1) principal use or main building shall be placed on a lot, except for groups of related industrial or commercial buildings, or multiple family dwellings, contained within a single, integrated complex, sharing parking and access.
- B. If any part of any building is lawfully used for residential purposes and the remainder thereof is lawfully used for business, commercial, or other non-residential use, the part thereof used for residence purposes shall comply with all applicable requirements of the underlying District, if a Residential District, and with the requirements of the R-2 District if a Nonresidential District.

SECTION 3.04 DOUBLE FRONTAGE LOTS

- A. The front lot line of a corner lot shall be the shorter of the two (2) lot lines. Where the lot lines are of equal length, and/or the front lot line is not evident, then the Zoning Administrator shall determine the front lot line. The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line.
- B. The required front setback shall be measured from the front lot line. The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the front lot line.

SECTION 3.05 MINIMUM LOT WIDTH FOR CUL-DE-SAC LOTS

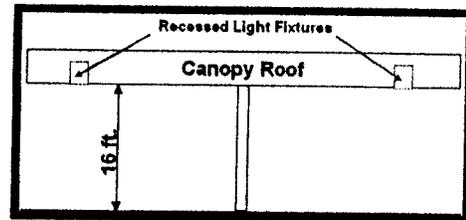
The minimum lot width for a lot on a cul-de-sac shall be measured at the minimum building line and shall not be diminished throughout the rest of the lot. These lots shall have a front lot line width of at least forty (40) feet and in no case shall the lot width within the required front yard be less than forty (40) feet.



SECTION 3.06 PROJECTIONS INTO YARDS

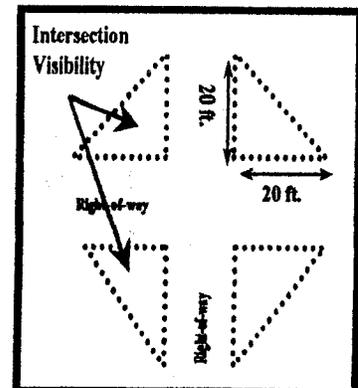
- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may not project into required front, rear, or side yard.
- B. An open, unenclosed, and uncovered porch, deck, balcony or window awning shall not project into a required front yard or required side yard. In no case shall a porch, deck, balcony or window awning shall not project into a required front yard or required side yard. In no case shall a porch, deck, balcony or awning be placed closer than thirty (30) feet to any front lot line, or closer than eight (8) feet to a rear lot line.
- C. Canopy Roofs

- 1. Canopy roofs, such as those for gas pump islands accessory to automobile service stations and other uses, drive-in restaurants, banks, and other similar uses shall be permitted to encroach into any required yard, provided that a minimum setback of twelve (12) feet is maintained from any property line.
- 2. The height of the canopy roof shall not exceed sixteen (16) feet and be open on all sides.
- 3. The colors and design of the canopy shall be compatible with the main building.
- 4. Lighting and signs on or within the canopy shall comply with the requirements of this Ordinance. Lights, including lenses and other portions of the lighting fixture, used for canopies shall be completely recessed in the canopy structure and shall not extend below the underside surface of the canopy, except that such fixtures may be surface mounted, provided that the fixtures are designed and constructed to achieve the same affect as the flush mounted fixture.



SECTION 3.07 CLEAR VISION CORNERS

- A. On any street corner or driveway intersection with a public or private street, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of thirty-six (36) inches and eight (8) feet above the established abutting road grade. 1/06



- B. For public and private street intersections, the clear vision area shall be that area within a triangle formed by the two street right-of-way lines and a line connecting them to points twenty (20) feet from the intersection of the right-of-way lines.

SECTION 3.08 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS

Every use shall be conducted and operated such that it is not obnoxious or dangerous by reason of heat, glare, dust, noise, vibration or odors beyond the lot on which the use is located.

SECTION 3.09 TEMPORARY DWELLINGS, USES, OR STRUCTURES

- A. Temporary Offices or Storage Yards
1. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six (6) calendar months and may be renewed by the Zoning Administrator for additional successive periods of six (6) calendar months or less at the same location and only if such building or yard is still incidental and necessary to construction at the site where it is located.
 2. Upon application, the Zoning Administrator may issue a permit for a temporary sales office or model home which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and shall be valid for a period of not more than six (6) calendar months. The permit may be renewed by the Zoning Administrator for up to four (4) additional successive periods of six (6) calendar months or less at the same location, if the Zoning Administrator determines that such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
- B. Temporary Dwellings
1. The Zoning Administrator may issue a permit to an individual to park and/or occupy a temporary dwelling in any District provided that the following conditions are met:
 - a. The temporary dwelling will be used only as a temporary use on the same lot while the property owner is constructing a permanent residence.
 - b. A building permit has been issued for the construction of a permanent residence to the property owner applying for the temporary dwelling permit.
 - c. The temporary dwelling is connected to an approved well and septic system, *or public sanitary sewer. *9/05.
 - d. The temporary dwelling is sufficiently secured to the ground to prevent overturning through the actions of high winds or other natural conditions.
 2. The Zoning Administrator shall determine the required size of the dwelling and placement on the lot. This determination shall be consistent with the standards of Section 3.09, C.
 3. Upon applying for a temporary dwelling approval, the applicant shall pay a fee as determined by the Township Board. The permit fee shall be remitted to the Township Treasurer. All original temporary dwelling permits shall be limited to a period of six (6) months. If the permanent residence is not approximately 50 percent (50%) complete, as determined by the Zoning Administrator, within the six (6) month period,

a six (6) month extension or less may be permitted by the Zoning Administrator only for the purpose of completing the residence. No more extensions shall be permitted, except by action of the Zoning Administrator after consideration of the standards of Section 3.09, C.

4. Upon the filing of an application for continuation of any temporary dwelling permit, the applicant shall pay a fee, as determined by the Township Board, which shall be remitted to the Township Treasurer. The fee shall be for the consideration of such application, and no refund shall be made in the event of denial.
- C. In considering authorization for any temporary uses or structures, the Zoning Administrator shall consider the following standards:
1. That the use or structure does not have an unreasonable detrimental effect upon adjacent properties;
 2. That the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
 3. That the use or structure does not impact the nature of the surrounding neighborhood;
 4. That access to the use area or structure is located at the least offensive point.
- D. The Zoning Administrator may attach reasonable conditions to temporary uses or structures to ensure that the standards of Section 3.09 are met.
- E. All temporary dwellings, buildings, and uses shall be removed from the premises following the expiration of the permit and any extensions, or upon completion of the permanent building or structure.

SECTION 3.10 ACCESSORY USES

- A. In any District, accessory uses, incidental only to a Permitted Use or Special Land Use, are permitted when located on the same property; provided that accessory uses shall not involve the conduct of any business, trade or industry. This provision shall not exclude home occupations as regulated by Section 3.15, nor shall it exclude the operation of a garage or yard sale in any Residential District, provided that the sale is not operated for more than a total of three (3) days within any sixty (60) day period.
- B. Gardening and the keeping of domestic or farm animals, as regulated by Section 3.23, shall be considered customary to, and commonly associated with, the operation of any Permitted or Special Land Use; provided any structure housing farm animals shall be located not less than fifty (50) feet from every lot line.

SECTION 3.11 ACCESSORY BUILDINGS OR STRUCTURES

- A. Accessory Buildings or Structures - General
1. When erected as an integral part of the main building, the accessory building shall comply in all respects with the requirements of this Ordinance applicable to the main building. Accessory buildings or garages shall be considered as attached to the main building when the distance between structures is enclosed by a breezeway, portico, covered colonnade, or similar architectural device.
 2. No accessory building or structure shall be erected in the required front yard.

3. No less than ten (10) feet shall be maintained between detached accessory buildings or garages and a main building.
4. No accessory building shall include residential or living quarters for human beings.
5. Accessory building may have a sink and toilet on the ground floor and must be hooked to an approved sanitary system. No kitchen or cooking appliances are allowed. -9/05
6. An accessory building in a Residential District shall not be constructed without a permit being issued for the primary residence. If the primary residence is not constructed according to the permit, the accessory building shall be considered a nuisance per se and removed. 9/05

B. Residential Accessory Buildings: Accessory buildings shall be permitted within Residential Districts or with any residential use provided that the following restrictions are met:

1. No more than two (2) detached accessory buildings shall be permitted on any residential lot, except for those used in farming operations, which shall not be counted toward this total.
2. The total area of all accessory buildings including garages (attached or detached) on lots less than one acre shall not exceed one thousand five hundred (1,500) square feet, on lots of one (1) to two (2) acres shall not exceed one thousand eight hundred (1,800) square feet, on lots over two (2) acres to three (3) acres shall not exceed two-thousand four hundred (2,400) square feet, on lots over three (3) acres to five (5) acres shall not exceed three-thousand (3,000) square feet and on lots over five (5) acres shall not exceed four-thousand (4,000) square feet except for those used in farming operations, which shall not be counted toward the total square footage. 3/06
3. An accessory building located in the rear yard shall not occupy more than twenty-five percent (25%) of the required rear yard area.
4. Accessory buildings in excess of two-hundred (200) square feet must be designed, constructed, and finished such that the exterior appearance is compatible with that of the main building, except for those used in farming operations.
5. The drip edge of any detached accessory building shall not be located closer than seven (7) feet to any side or rear lot line.
6. An accessory building matching the existing roof pitch of the primary residence shall be allowed. 3/06
7. The sidewall height of any accessory building shall be:

Acres	Max Sq.Ft.ground floor area	Max wall height
Less than 1 Acre	0(min)-1500 sq.ft.	10 Feet
Over 1 to 2 Acres	0(min)- 1800 sq.ft.	10 Feet
Over 2 to 3 Acres	0(min)- 2400 sq.ft.	14 Feet
Over 3 to 5 Acres	0(min)- 3000 sq.ft.	16 Feet
Over 5 Acres	0(min)-4000 sq.ft.	16 Feet

3/06

C. Other District Accessory Buildings: Accessory buildings shall be permitted within a Nonresidential District provided that the following restrictions are met:

1. No more than two (2) detached accessory buildings shall be permitted on any lot.
2. The total area of all accessory buildings shall not exceed 25% of the floor area of the main building(s).
3. Detached accessory buildings shall meet all setback requirements for the District in which it is located.
4. No accessory building shall exceed the permitted height for main buildings in the District in which it is located.

SECTION 3.12 FENCES

A. General

1. Except as noted below, fences erected within the required front yard in any District shall not exceed three (3) feet in height. Fences within the required front yard shall be of a type which is not more than sixty-six percent (66%) solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed. 1/06
2. Fences shall not be erected or maintained in any District in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty (20) feet from the point of intersection. Fences constructed within this area shall not exceed thirty-six (36) inches in height. 1/06
3. Any fence shall be maintained in good, safe, and sturdy condition.

B. Residential Districts or Uses

1. Fences in the Residential Districts or residential uses in other Districts shall not exceed six (6) feet in height, measured from the surface to the uppermost portion of the fence.
2. Fences in the Residential Districts or fences enclosing residential uses in other Districts shall not contain barbed wire or be electrified.

C. Other Districts - Nonresidential Districts and WD District

1. Fences in the Nonresidential Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence not be nearer than six (6) feet from the surface of the ground. The total height of fences in the Nonresidential Districts shall not exceed eight (8) feet.
2. Fences in the Waterfront District shall meet the requirements of the Section 3.12, B, except that fences erected between the main building and the shoreline shall not exceed three (3) feet in height. Fences within such setback shall be of a type which is not more than sixty-six percent (66%) solid, so as not to obscure vision at the property line of the lot or parcel on which it is placed. 9/05

SECTION 3.13 SWIMMING POOLS

- A. Pools used for swimming or bathing shall be in conformity with the requirements of this section; provided, however, these regulations shall not be applicable to any such pool less than twenty-four (24) inches deep or having a surface area less than two-hundred and fifty (250) square feet, except where such pools are permanently equipped with a water recirculation system or involve permanent structural materials.

- B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a permit has been obtained from the Zoning Administrator.
- C. The outside edge of the pool wall shall not be located closer than ten (10) feet from any rear or side property line.
- D. Each pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.
- E. All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.

SECTION 3.14 HOME BASED BUSINESSES

- A. Except as otherwise noted in the District, home based businesses shall be permitted in all Residential Districts, with the exception of the WD and R-1 Districts, upon a finding by the Zoning Administrator that all of the following conditions are and will continue to be met:
 - 1. No person other than the resident occupants and one (1) employee who need not be a resident shall be engaged on the premises as part of the operation of the home based business.
 - 2. The use of the dwelling unit for the home based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home based business shall be operated in its entirety on the same premises as the principal dwelling. Accessory buildings meeting the requirements of district in which it is located may be used in conjunction with the operation of the home based business. The area of the main building dedicated to the operation of the home based business shall not exceed a floor area equal to twenty percent (20%) of the total floor area of the dwelling unit.
 - 3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home based business other than that permitted by this Section. One (1) sign shall be permitted, not exceeding four (4) square feet in area, non-illuminated, and having a minimum setback of one-half of the setback required for the main building and be not greater than four (4) feet high.
 - 4. Any traffic generated by such home based business shall not be so great or occur at such a time so as to cause serious adverse effects within or upon the surrounding neighborhood.
 - 5. No equipment or process shall be used on the premises of such home based business which, in the opinion of the Planning Commission creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
 - 6. Parking or storage of vehicles or other equipment related to the home based business shall not be permitted in any required yard setback. In addition, such parking or storage shall be set back a minimum of forty (40) feet from any side yard. The permitted parking or storage area shall be screened from adjoining premises and adjacent streets by landscaping or screening meeting the requirements of this Section. Any outside parking or storage shall occupy no more than ten percent (10%) of the total lot area, to a maximum of two-thousand five hundred (2,500) square feet.
 - 7. Only those goods or products which are clearly incidental to the home based business shall be sold on the premises.

- 8. Home based businesses existing at the time of the adoption of this amendment shall be permitted to continue but shall be subject to the requirements. Home based businesses existing at the time of the adoption of this amendment may not be extended to occupy more land without receiving the approval in compliance with this Section.

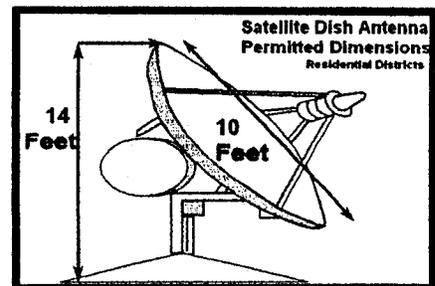
SECTION 3.15 HOME OCCUPATIONS

All home occupations shall be subject to the following restrictions and regulations:

- A. The home occupation shall be conducted entirely within the main building or accessory building and only by a person or persons residing in the structure.
- B. No equipment or process shall be used on the premises of such home occupation which in the opinion of the Planning Commission creates excessive noise, vibration, glare fumes, odors, or electrical interference.
- C. There shall be no alteration in the residential character of the premises in connection with such home occupation and no more than twenty percent (20%) of the living area of the dwelling shall be devoted to the home occupation.
- D. No merchandise or articles for sale shall be displayed outside of a building. A sign is allowed not exceeding four (4) square feet and not illuminated.
- E. Articles or materials used in connection with such home occupation shall be stored within an enclosed building.
- F. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided off the street and not within the required front yard.
- G. Only related persons living at the residence can work at the occupation, no work in accessory buildings, no commodity is sold and no visible changes to outside of residence.

SECTION 3.16 DISH ANTENNA

- A. A dish antenna may be mounted on the roof of a main or accessory building provided it shall not exceed a height of five (5) feet above the roof line of the building, including the mounting structure.
- B. Dish antennas are permitted in all Districts upon approval of the Building Inspector, provided the setback requirements of Section 3.11 for detached accessory buildings are maintained and the following conditions satisfied:



- 1. The antenna shall be permanently anchored to a foundation.
- 2. No portion of the antenna shall conduct or display any advertising, message, or other graphic representative other than the manufacturer's name.
- 3. No dish antenna shall exceed a height of fourteen (14) feet, including its mounting structure.

4. No dish antenna shall be located in the required front yard or within thirty (30) feet of a shoreline.
- C. The Zoning Administrator may approve antennas not meeting the above requirements of this Section provided that the applicant establishes to his satisfaction that the receiving functions of the antenna would be restricted or blocked if constructed or placed in compliance with the requirements of this Section.
 - D. If the antenna is to be located in the side yard, or in the rear yard on the street side of a lot, the Zoning Administrator may require that a landscape screen be installed around the antenna to obstruct the view of the antenna from adjoining properties or from the street.
 - E. These regulations shall not apply to dish antennas that are one (1) meter (39.37 inches) or less in diameter in Residential Districts or two (2) meters (78.74 inches) or less in diameter in Nonresidential Districts.
 - F. These regulations are formulated to ensure that adequate protection measures are provided in the Ordinance for ensuring that sight distance is not impaired, that such dish antennas are located and constructed in a manner which will not afford the potential for injury, and to ensure that the intent and purposes of this Ordinance are met.

SECTION 3.17 ESSENTIAL SERVICE

- A. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any District.
- B. Notwithstanding the exceptions contained above:
 1. Electrical substations, gas/oil well equipment, and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials, except through securable gates.
 2. Public utility buildings in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.
 3. Public utility facilities in any District shall be constructed and maintained in a neat and orderly manner. Buildings shall be landscaped and conform with the general character of the architecture of the surrounding neighborhood.

SECTION 3.18 ILLEGAL DWELLINGS

- A. No permit shall be issued for the construction of a building or structure with drinking water and/or sanitary facilities and located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities, as the case may be, does not comply with the applicable rules and regulations governing waste and sewage disposal of Cass County. Residential outdoor restrooms/outhouses are not permitted.

- B. Any unfinished basement or finished basement without a direct outside access shall not be considered as living area, for the calculation of required living area of a dwelling. Any dwelling without a full floor above grade shall be considered a basement dwelling.
- C. No building, structure, or recreational equipment intended for human use or habitation shall be constructed or occupied unless it meets the minimum requirements of this Ordinance, the Cass County Health Department, and the adopted Building Code of Silver Creek Township, except as otherwise permitted in this Ordinance.

SECTION 3.19 RAZING OF BUILDING

No building shall be razed until a building permit has been obtained from the Building Inspector who shall be authorized to require a performance bond in any amount not to exceed one thousand dollars (\$1,000) for each one thousand (1,000) square feet or fraction thereof of floor area of the building to be razed. The bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Building Inspector may, from time to time, prescribe, including filling of excavations, proper termination of utility connections, and other applicable building codes.

SECTION 3.20 MOVING OF BUILDING

No existing building or structure of any type or kind shall be moved into the township or moved from one lot in the township to another lot in the township unless a Zoning Compliance Permit is issued by the Zoning Administrator. All such buildings shall meet the requirements of this Ordinance and the construction code as adopted by the Township and obtain such permits as may otherwise be required.

SECTION 3.21 NONCONFORMING BUILDINGS OR STRUCTURES, USES, AND LOTS

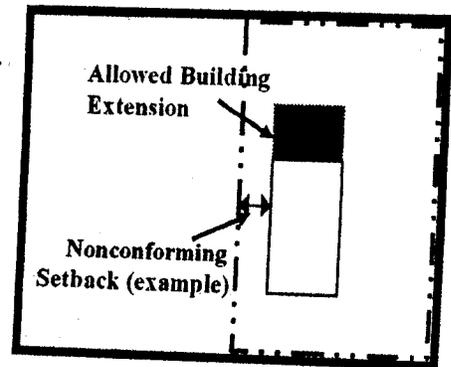
A. General Requirements

- 1. Continuance of Nonconforming Structures, Buildings or Uses
 - a. Except where specifically provided to the contrary, and subject to the provisions of this Ordinance, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or any amendment thereto.
 - b. In addition, except where specifically provided to the contrary and subject to the provisions of this Section, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.
 - c. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.

2. Building or Structure Under Construction on Effective Date of Ordinance: Any building or structure shall be considered as an existing and lawful nonconforming use, and for purposes of this Section, to have been in use for the purpose for which constructed if on the effective date of this Ordinance, a building permit has been obtained therefore, if a building permit was required, and substantial construction has occurred, which may include such operations as the pouring of foundations and other work as the Zoning Administrator may deem to be substantial, and is thereafter pursued diligently to conclusion.
 3. Nonconformance Under Previous Zoning Ordinances: Any structures or uses which fail to conform to the previous Silver Creek Township Zoning Ordinance or other law or ordinance, were not permissible uses or structures thereunder, or, which violate the provisions within this Ordinance, shall not be considered nonconforming under this Ordinance but shall be subject to the applicable provisions of this Ordinance and Section 16.08.
- B. Nonconforming Buildings and Structures

1. Enlargements or Extensions

- a. No nonconforming use of any land or structure shall hereafter be enlarged or extended beyond the area occupied when the use became nonconforming.
- b. Where the nonconforming setback of a building or structure is equal to or less than one-half ($\frac{1}{2}$) of the distance required by this Ordinance the nonconforming setback of the building may be extended along the same horizontal plane as the existing nonconforming setback, provided that in so doing, the setback distance does not become more nonconforming. This provision shall not be construed to apply to proposed extensions of buildings that are nonconforming by reason of height.
- c. Extensions of nonconforming buildings and structures shall be limited to no greater than fifty percent (50%) of the original nonconforming portion of the building or structure being extended.



2. Reconstruction or Movement

- a. A nonconforming building may be rebuilt on its same nonconforming footprint, provided it complies with as many requirements as possible, of the zone district in which it is located.
- b. Should a nonconforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this Ordinance.
- c. Should the owner of a nonconforming building or structure take any action that causes such building or structure to be removed, either partially or fully, any reconstruction of such building or structure shall be in compliance with the requirements of the Zone District in which it is located.

3. **Expansion of Nonconforming Buildings or Structures:** Buildings or structures nonconforming by reason of height, setback, and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized when the Zoning Administrator finds that the following conditions are met:
 - a. The building or structure shall comply with all height, setback, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization.
 - b. That such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure.
4. **Restoration and Repair**
 - a. Subject to the provisions of this Section, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.
 - b. None of the provisions of this Section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would strengthen or correct any unsafe condition of the building or structure.
 - c. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life except for repairs necessary to maintain public safety.
5. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful.

C. **Nonconforming Uses**

1. **Enlargements or Extensions:** No nonconforming use of any land or structure shall hereafter be enlarged or extended beyond the area occupied when the use became nonconforming except after the approval of the Zoning Board of Appeals, approval of which shall be granted only upon considering of all of the following facts:
 - a. That the enlargement or extension will not substantially extend the probable duration of such nonconforming use and that all enlargements since the use became nonconforming are upon and limited to the same parcel on which the nonconforming use was located at the time of the adoption of the existing Silver Creek Township Zoning Ordinance.
 - b. That the enlargement or extension will not become a precedent for other variations in the vicinity.
 - c. That the enlargement or extension does not, in total, exceed fifty percent (50%) of the area of the originally nonconforming area.
 - d. That the enlargement or extension will not interfere with the use of any other properties in the vicinity for the uses for which they have been zoned nor with their compliance with all of the provisions of this Ordinance.
 - e. That the enlargement or extension will not interfere with the use of other properties in the vicinity for the uses for which they have been zoned nor with their compliance with all of the provisions of this Ordinance.

2. Change or Abandonment:

- a. The nonconforming use of a building or structure or of any land or premises shall not be:
 - (1) Changed to any other nonconforming use.
 - (2) Re-established after it has been changed to a conforming use.
 - (3) Re-established if abandoned for any reason for a period of more than twelve (12) months. In such cases, any subsequent use shall conform to the requirements of this Ordinance.

- b. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be deemed by the Zoning Administrator to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - (1) Utilities, such as water, gas and electricity to the property, have been disconnected;
 - (2) The property, buildings, and grounds, have fallen into disrepair;
 - (3) Signs or other external indications of the existence of the nonconforming use have been removed;
 - (4) Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
 - (5) Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.

D. Nonconforming Lots of Record

- 1. A lot which is platted, or otherwise lawfully of record as of the effective date of this Ordinance, may be used as specified in the District, provided the lot can meet the requirements of the County Health Department.
- 2. The main building shall be located on the lot to assure maximum compliance with all yard and setback requirements for the District in which the lot is located, except that the main building shall maintain at least the following minimum required yards:

Required Yards	Lot Width - 80 feet or more	Lot Width - less than 80 feet
Front Yard	30 feet	30 feet
Rear Yard	20 feet	8 feet
Side Yard	at least five (5) feet for each side yard	

- 3. Accessory buildings and structures shall meet the setback requirements for the District in which it is located.

SECTION 3.22 KEEPING OF PETS AND RAISING AND KEEPING FOWL OR ANIMALS

- A. No more than three (3) adult dogs or cats in combination shall be kept or housed per each dwelling unit in any Residential District.

- B. Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or use of fowl or animals other than customary house pets of an occupant of the premises, is prohibited in the Residential Districts.
- C. Where such activities are pursued or conducted in any other District as it may be allowed, the following is permitted:
1. On lots of one-half ($\frac{1}{2}$) acre, but less than one (1) acre: raising and keeping fowl and/or rabbits and/or other small animals for pets, not to exceed three (3) per family;
 2. On lots of one (1) acre, but less than two (2) acres: raising and keeping fowl and/or rabbits and/or other small animals commonly raised for human consumption in numbers no greater than is required to satisfy the personal needs of the human occupiers of the premises;
 3. On lots of two (2) acres, but less than five (5) acres: the uses permitted by paragraph 2, above, plus one (1) horse or one (1) cow or one (1) pig per acre, provided that any pig pen or building or structure housing farm animals shall be a minimum of fifty (50) feet from any property line.
 4. On lots of five (5) acres or more: the uses permitted by paragraphs 2 and 3, above, plus one (1) additional head of horse, cow, pig, or other large domestic animal for each additional one-half ($\frac{1}{2}$) acre above the first five (5) acres. Provided that any pig pen or building or structure housing farm animals shall be a minimum of fifty (50) feet from any property line.

**SECTION 3.23 MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE
MANUFACTURED HOME COMMUNITIES**

- A. All dwelling units located outside of approved manufactured home communities shall comply with all of the following:
1. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one half (7.5) feet.
 2. The minimum width of any single family dwelling unit shall be twenty-three (23) feet for the entire length of the building and shall meet the square footage requirements of the District in which it is located.
 3. There shall be a foundation of concrete, block, or other approved material (wood, etc.) around the entire exterior perimeter of all dwellings.
 - a. The foundation shall have a minimum depth of forty-two (42) inches below grade. The foundation shall provide a maximum exposed foundation above grade of sixteen (16) inches and a minimum exposed foundation above grade of eight (8) inches.
 - b. The Building Inspector may permit a lesser requirement, based on soil conditions, building type, topography, and any other relevant factor.
 - c. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code currently adopted by the Township, or if a manufactured home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards."

4. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling two (2) feet in depth with a vapor barrier consisting of two (2) inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The Building Inspector may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.
 5. The wheels, pulling mechanism and tongue of any manufactured home shall be removed prior to placement on a foundation.
 6. All dwellings shall be connected to a public sewer system and water supply system and/or a well or septic system approved by the Cass County Health Department.
 7. All dwellings shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two (2) points of ingress and egress.
 8. All additions to existing dwellings shall meet all of the applicable requirements of this Ordinance.
- B. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Zoning Administrator. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this Section.
- C. All manufactured homes shall meet the standards for manufactured home construction contained in the Michigan Department of Housing and Urban Development Regulations "Michigan Manufactured Home Construction & Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township and the Michigan Construction Code for snow loading.

SECTION 3.24 PRIVATE ROADS/STREETS

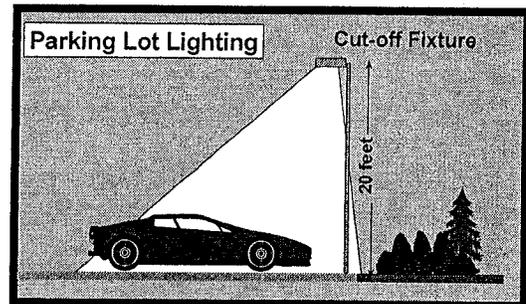
- A. The Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, maintenance, extension, relocation, and use of private roads to assure the following:
1. That private roads are designed with sufficient width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
 2. That said roads are constructed of suitable materials to ensure minimal maintenance and safe passage.
 3. That private roads will be constructed so as to protect against or to minimize soil erosion and to prevent damage to the lakes, streams, wetlands, and natural environment of the Township.
 4. That private roads are properly maintained.
- B. No private road shall be constructed, extended, used, utilized, upgraded to serve additional parcels, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and issued by the Cass County Road Commission and filed with the Township Building Inspector. (11/07)

SECTION 3.25 STORAGE AND REPAIR OF VEHICLES

- A. The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations:
1. Procedures or projects exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within a garage. Only (1) one such period shall be permitted within a single thirty (30) day period.
 2. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building.
- B. It shall be unlawful for the owner, tenant or lessee of any lot in a Residential District to permit the open storage or parking outside of a building of: mobile homes not used as dwellings (except as may be permitted in Section 3.09), semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use in construction being conducted on such lot.

SECTION 3.26 LIGHTING

- A. All lighting upon any premises, regardless of the District, shall be arranged so that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public roadways.
- B. Light fixtures shall be no higher than twenty (20) feet and shall be provided with light cut-off fixtures that direct light downward. For parking lots serving a single building or groups of related commercial, industrial, or office buildings in excess of one hundred (100) spaces the Planning Commission may permit a higher light fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.



SECTION 3.27 MAINTENANCE OF LANDSCAPING AND BUFFERS

- A. The owner of the land on which landscaping or buffers have been required by this Ordinance or by action of the Township pursuant an approval granted by this Ordinance or other Township ordinances shall initially plant or cause to be planted the landscaping and/or buffer and shall, thereafter, make and perform or cause to be made and performed all necessary maintenance and replacement for the landscaping and/or buffer.
- B. All trees or other landscape material required or used as part of the landscaping and/or buffer which is lost, dies, or is seriously damaged for any reason shall be replaced not later than the following planting season with equivalent landscape material.

SECTION 3.28 STORAGE OF RECREATIONAL EQUIPMENT

- A. Recreational equipment may be located outside of an enclosed building on any lot within a Residential District.
1. If located on an interior lot, recreational equipment shall not be located within the front yard. If located on a corner lot, recreational equipment shall not be located in the side yard facing the street. If located on a through lot, recreational equipment shall not be located in the front yard, or rear yard between a public street and rear yard setback.
 2. Notwithstanding the provisions of this Section, recreational equipment may be parked within a yard, but not within the required yard, for cleaning, loading, or unloading purposes for not more than seventy-two(72) hours within a seven(7) day period.
 3. Recreational equipment may be used for living or housekeeping purposes for a period not exceeding fourteen(14) days in any calendar year, provided that running water or indoor sewage facilities within such equipment is not utilized and provided and provided that the storage requirements of this Section are met.

SECTION 3.29 FLOOR AREAS AND GRADE LEVEL

No building or structure intended for human use or habitation shall be constructed on land which are subject to flooding or on land where a minimum of one (1) foot between finished grade level and flood level cannot be maintained. Filling to bring to grade level is not permitted.

CHAPTER 4 ZONING DISTRICTS

SECTION 4.01 DISTRICTS

The Township of Silver Creek is hereby divided into the following Zoning Districts:

LETTER	DISTRICT NAME	ORDINANCE CHAPTER
AR	Agricultural/Rural Residential	Chapter 5
WD	Waterfront District	Chapter 6
R-1	Single Family Residential	Chapter 7
R-2	Residential	Chapter 8
MHP	Manufactured Home Park	Chapter 9
C	Commercial	Chapter 10
IND	Industrial	Chapter 11

SECTION 4.02 ZONING MAP

- A. The locations and boundaries of the Zoning Districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Silver Creek Township Zoning Map" which accompanies and is hereby made a part of this Ordinance.
- B. Where uncertainty exists as to the boundaries of Zoning Districts as shown on the zoning map, the following rules of construction and interpretation shall apply.
1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow those centerlines.
 2. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.
 3. Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
 4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following the shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.
 5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of two hundred (200) feet from the front lot line.
 6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

- C. When there is any question as to the location of any boundary line between Zoning Districts which cannot be resolved by the rules stated above, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundary based upon said maps and all available information relating thereto and shall establish the boundaries to carry out the intent and purposes of this Ordinance and the Master Plan.
- D. Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two (2) different Districts, the area is divided along a line half way between them according to the adjacent District, unless the Township Board shall otherwise designate.

SECTION 4.03 AREAS NOT INCLUDED WITHIN A DISTRICT

In every case where land has not been included within a District on the zoning map, it shall be in the A-R Zoning District, or as determined by the Zoning Board of Appeals.

CHAPTER 5

A-R - AGRICULTURAL/RURAL RESIDENTIAL DISTRICT

SECTION 5.01 DESCRIPTION AND PURPOSE

This District is intended for large tracts used for farming, or which are idle, and single family dwellings. It is intended for agricultural uses, other uses generally associated with agriculture, single family residential development on larger lots, and related non-residential uses. The overall purpose of this District is to preserve larger tracts of land for agricultural use and to allow for residential development at appropriate densities.

SECTION 5.02 PERMITTED USES

Land and/or buildings in the A-R District may be used for the following purposes as Permitted Uses:

- A. Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms.
- B. Detached, single-family dwellings.
- C. Family day care.
- D. State licensed residential family care facilities.
- E. Home based business in accordance with the requirements of Section 3.14 and home occupations in accordance with the requirements of Section 3.15.
- F. Private schools, churches, libraries, parks, playgrounds and community center buildings.
- G. Accessory buildings, structures and uses customarily incidental to any Permitted or Special Land Use.
- H. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- I. Open Space Developments, in accordance with the provisions of Section 14.07, CC, except that the Special Land Use approval procedures shall not be required.

SECTION 5.03 SPECIAL LAND USES

Land and/or buildings in the A-R District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14:

- A. Country clubs, golf courses, riding stables, gun clubs, and publicly-owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use.
- B. Roadside stands for sale of produce.

- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- E. Public or private campgrounds.
- F. Commercial kennels.
- G. Bed and breakfast establishments.
- H. Intensive livestock operations.
- I. Planned Unit Developments.
- J. Recreational vehicle, and boat storage-8/05

SECTION 5.04 DISTRICT REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

FRONT YARD	50 feet
SIDE YARD	30 feet (each side)
REAR YARD	30 feet
BUILDING HEIGHT	35 feet
LOT COVERAGE	25%
MINIMUM LOT AREA	1 acre
MINIMUM LOT WIDTH	200 feet
MINIMUM DWELLING WIDTH	23 feet
MINIMUM DWELLING FIRST FLOOR AREA	850 square feet

SECTION 5.05 SITE PLAN REVIEW

See Chapter 12

SECTION 5.06 OFF-STREET PARKING AND LOADING/SIGNS

See Chapter 13

CHAPTER 6 WD WATERFRONT DISTRICT

SECTION 6.01 DESCRIPTION AND PURPOSE

- A. The Waterfront District are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the waterways and shorelines of Silver Creek Township.
- B. The purpose of these regulations is to recognize the unique physical, economic, and social attributes of waterfront and shoreline properties and to ensure that the structures and uses in this District are compatible with and protect these unique attributes.

SECTION 6.02 PERMITTED USES

Land and/or buildings in the WD District may be used for the following purposes as Permitted Uses:

- A. Detached, single-family dwellings.
- B. Family day care.
- C. State licensed residential family care facilities.
- D. Home occupations in accordance with requirements of Section 3.15.
- E. Schools, churches, libraries, parks, playgrounds and community center buildings.
- F. Private boat docks, accessory to residential uses shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot, unless approved as a marina, subject to the requirements of Section 6.03.
- G. Private boat docks and slips, accessory to non-residential uses shall be used only by patrons of the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, unless approved as a marina, subject to the requirements of Section 6.03.
- H. Accessory buildings, structures and uses customarily incidental to any Permitted or Special Land Use.

SECTION 6.03 SPECIAL LAND USES

Land and/or buildings in the WD Waterfront District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14:

- A. Public or private campgrounds.
- B. Public or private boat launches.

- C. Marinas.
- D. Private docks accessory to non-residential land uses.
- E. Planned Unit Developments

SECTION 6.04 DISTRICT REGULATIONS

- A. These regulations apply to all parcels or lots having frontage on a waterway and as indicated on the Zoning Map.

FRONT YARD (waterfront)		30 feet - see exception
SIDE YARD	lots greater than 40 ft.in width	7 feet
	lots 40 ft. and less in width	5 feet
REAR YARD	lots 80 ft. and greater in depth	20 feet
	lots less than 80 ft. in depth	8 feet
BUILDING HEIGHT		35 feet
LOT COVERAGE		30% Maximum
MINIMUM LOT AREA		12000 square feet
MINIMUM LOT WIDTH		60 feet
MINIMUM DWELLING FIRST FLOOR AREA		850 square feet total
MINIMUM DWELLING WIDTH		23 Feet

- B. Developments within the Waterfront District shall maintain, to a reasonable extent, open and unobstructed views to the waterway from adjacent properties, roadways, and pedestrian ways. An open, unenclosed, and uncovered porch, or deck, exceeding more than eighteen (18) inches off the ground, may not project into the required setback, or from the shoreline. A balcony or window awning shall not project into any required yard setback.
- C. Front yard setback exception. Where a yard of greater or lesser depth occurs in front of dwellings in existence on the date of enactment of this Ordinance, as amended, on the same side of the street or road, or in the same block or within 300 feet of the side lot lines of the proposed dwelling, the depth shall be not less, and need be no greater than the average depth of the front yards of existing dwellings. The front yard shall be measured from the edge of the road if a road separates dwellings from the lake. (11/07)

SECTION 6.05 SITE PLAN REVIEW

See Chapter 12

SECTION 6.06 OFF-STREET PARKING AND LOADING/SIGNS

see Chapter 13

CHAPTER 7

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION 7.01 DESCRIPTION AND PURPOSE

This District is intended for larger lots used for single family dwellings. The overall purpose of this District is to allow the use of larger lots for residential development without sewer services and certain related non-residential uses. Farming operations being conducted within this District shall be allowed to continue.

SECTION 7.02 PERMITTED USES

Land and/or buildings in the R-1 District may be used for the following purposes as Permitted Uses:

- A. Detached single-family dwellings.
- B. Family day care.
- C. State licensed residential family care facilities.
- D. Home occupations in accordance with the requirements of Section 3.15.
- E. Accessory buildings, structures and uses customarily incidental to any Permitted or Special Land Use.

SECTION 7.03 SPECIAL LAND USES

Land and/or buildings in the R-1 District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14:

- A. Country clubs, golf courses, and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use.
- B. Roadside stands for sale of produce.
- C. Private schools, churches, libraries, parks, playgrounds and community center buildings.
- D. Planned Unit Developments.
- E. Bed and breakfast establishments.
- F. Open Space Developments.
- G. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

SECTION 7.04 DISTRICT REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

FRONT YARD	30 feet
SIDE YARD	10 feet minimum (each side)
REAR YARD	30 feet
BUILDING HEIGHT	35 feet
LOT COVERAGE	25%
MINIMUM LOT AREA	12,000 sq. ft. with sewer 21,500 sq. ft. without sewer
MINIMUM LOT WIDTH	75 feet
MINIMUM DWELLING FIRST FLOOR AREA	850 square feet total
MINIMUM DWELLING WIDTH	23 Feet

SECTION 7.05 SITE PLAN REVIEW

See Chapter 12

SECTION 7.06 OFF-STREET PARKING AND LOADING/SIGNS

See Chapter 13

CHAPTER 8

R-2 RESIDENTIAL DISTRICT

SECTION 8.01 DESCRIPTION AND PURPOSE

This District is primarily intended for residential uses at higher densities than otherwise allowed in the other Residential Districts. Certain related non-residential uses are also provided. As with the other residential Districts, farming operations being conducted within this District shall be allowed to continue.

SECTION 8.02 PERMITTED USES

Land and/or buildings in the R-2 District may be used for the following purposes as Permitted Uses:

- A. Detached single-family dwellings.
- B. Family day care.
- C. State licensed residential family care facilities.
- D. Home occupations in accordance with the requirements of Section 3.15.
- E. Home based businesses in accordance with the requirements of Section 3.14.
- F. Accessory buildings, structures and uses customarily incidental to any Permitted or Special Land Use.

SECTION 8.03 SPECIAL LAND USES

Land and/or buildings in the R-2 District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14:

- A. Two-family dwellings.
- B. Multiple family dwellings.
- C. State licensed residential group care facilities.
- D. Group and commercial day care homes and facilities.
- E. Private schools, churches, libraries, parks, playgrounds and community center buildings.
- F. Planned Unit Developments.
- G. Bed and breakfast establishments.
- H. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- I. Public & Private Campgrounds

SECTION 8.04 DISTRICT REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

FRONT YARD	30 feet
SIDE YARD	Single and Two Family Dwellings - 10 feet minimum (each)
	Multiple Family Dwellings - 30 feet (each)
	Non-Residential Buildings - 30 feet (each)
REAR YARD	50 feet
BUILDING HEIGHT	35 feet
LOT COVERAGE	25%
MINIMUM LOT AREA AND WIDTH	Single Family Dwellings - Area - 12,000 sq. ft. with sewer; Lot Width - 75 feet. 21,500 sq. ft. without sewer
	Two Family Dwelling - Area- 18,000 sq. ft. with sewer; Area- 1 acre without sewer; Lot Width - 100 feet
	Multiple Family - Area - 1 acre; Lot Width - 150 feet
MINIMUM DWELLING FIRST FLOOR AREA	Single Family Dwellings - 850 square feet total
	Two Family Dwellings - 850 square feet total per unit
	Multiple Family Dwellings - 850 square feet total (1 or 2 bedroom units); 100 square feet for each additional bedroom
MINIMUM DWELLING WIDTH	23 Feet

SECTION 8.05 SITE PLAN REVIEW

See Chapter 12

SECTION 8.06 OFF-STREET PARKING AND LOADING/SIGNS

See Chapter 13

CHAPTER 9

MHP - MANUFACTURED HOME PARK DISTRICT

SECTION 9.01 DESCRIPTION AND PURPOSE

The Manufactured Home Park District is intended to provide regulations for manufactured home residential developments to provide for additional variety in housing opportunities and choices.

SECTION 9.02 PERMITTED USES

Land and/or buildings in the MHP District may be used for the following purposes as Permitted Uses:

- A. Manufactured homes located in a state-licensed manufactured home park.
- B. Manufactured home parks in accordance with the requirements of Section 9.04.
- C. State licensed residential family care facilities.
- D. Accessory buildings, structures and uses customarily incidental to any Permitted or Special Land Use.

SECTION 9.03 SPECIAL LAND USES

Land and/or buildings in the MHP District may be used for the following purpose following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14:

Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

SECTION 9.04 REGULATIONS FOR LICENSED MANUFACTURED HOME PARKS

- A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended, provided further that these developments meet the standards and conditions and all other provisions as herein established.
- B. The parking of more than one (1) manufactured home on a single parcel of land or on two (2) or more adjoining parcels of land under common ownership shall be illegal in Silver Creek Township, irrespective of the requirements of any other ordinance of Silver Creek Township, unless such parcel or parcels of land shall have been approved as a licensed manufactured home park under the provisions of this Chapter.
- C. No manufactured home shall be occupied within the park area until such time as a "Manufactured Home Occupancy Permit" shall be issued by the Building Inspector. The permit shall be for a one (1) year duration. The permit shall be issued by the Building Inspector on payment by the owner of the manufactured home park of a fee which shall be established from time to time by the Township Board for each manufactured home park lot.

- D. The Manufactured Home Park Occupancy Permit shall be issued by the Building Inspector only after inspection of the premises, and after making a finding that the conditions as set forth below have been fulfilled and complied with by the developer. A Permit may be issued if weather conditions or other temporary obstructions make complete compliance impossible. In such case, the Zoning Administrator may require the submission of a performance guarantee, in accordance with the provisions of Section 16.09, covering the cost of the necessary improvements, provided that such improvements are completed within six months from the date of the request for the Permit.
- E. All applications for manufactured home parks must be approved by the Township Board, upon the recommendation of the Planning Commission, in accordance with the provisions of this Section.
- F. The Planning Commission and Township Board shall consider the following standards when considering an application for a manufactured home park:
1. Whether the proposal is in accordance with the Master Plan.
 2. Whether the proposal meets all the design standards of this Ordinance, other applicable local codes, regulations, and ordinances, and applicable state and federal requirements.
 3. Whether the density of the proposed development could adversely affect adjacent properties and land uses.
 4. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
 5. Whether the proposed development produces excessive demands on available fire and police protection or other community services.
 6. Whether the traffic characteristics of the proposed development may create a hazard or place an excessive burden on adjacent public roads or pedestrian facilities.
- G. Manufactured Home Park Requirements: All manufactured home parks shall be designed and developed in accordance with the requirements of the Regulations of the State of Michigan, and the following:
1. Minimum site size for a manufactured home park shall be ten (10) acres.
 2. A minimum of fifty (50) manufactured home sites shall be provided in the manufactured home park.
 3. Each manufactured home park site shall have direct access to an Arterial or Collector street as defined by the Cass County Road Commission or the Silver Creek Township Master Plan.
 4. No access to the site shall be located closer than two hundred (200) feet from the centerline of the intersection of any arterial street.
 5. Minimum street pavement widths within the manufactured home park shall be in accordance with the following schedule:

Parking Permitted	Direction	Minimum Street Pavement Width
No on-street parking	one way	14 feet
	two way	20 feet
Parallel parking on one side of street	one way	20 feet
	two way	30 feet
Parallel parking on both sides of street	one way	26 feet
	two way	36 feet

6. All streets within the manufactured home park shall be of bituminous aggregate or similar surface, meeting Cass County Road Commission construction specifications. Curbing shall also be provided. Lighting shall be provided by proper posts or overhead lamps to provide adequate lighting for all streets within the manufactured home park.
7. Each lot shall front on sidewalks at least five (5) feet in width, located directly next to and parallel to the street.
8. No more than one (1) manufactured home shall be parked on any one (1) lot, and no manufactured home shall be occupied by more than one (1) family.
9. The front, rear, and side yards of every lot shall be landscaped with grass and properly maintained thereafter. At least one shade tree shall be provided for every two lots. Trees shall be located to provide shade for manufactured home park sites.
10. **Setback/Buffers**
 - a. The nearest building of the manufactured home park shall be set back a minimum of one hundred (100) feet from the right-of-way of any adjacent public street. This setback shall be properly landscaped with grass and maintained by the owner and/or operator of the manufactured home park.
 - b. The manufactured home park shall provide a minimum of a fifty (50) foot buffer strip separating the manufactured home park from adjacent property. This strip shall be landscaped with trees or shrubbery planted in such a manner as to provide a screen at least five (5) feet in height. No part of this strip shall be used for any structure, right-of-way, drive, or parking space.
 - c. The setback area and buffer strip shall be maintained by the owner and/or operator of the manufactured home park.

11. The following requirements shall be met for each lot.

Manufactured Home Park Lot Requirements			
Minimum Lot Area		6,500 square feet	
Minimum Lot Width		50 feet	
Setback	Front	20 feet, measured from inside the sidewalk	
	Side	Entry	10 feet
		Non-entry	5 feet
	Rear	10 feet	
Maximum Building Height		1 story or 25 feet, whichever is higher	
Required Parking Spaces		2 spaces	Must be off-street and paved

H. Utility Standards: The following utility standards shall apply to all manufactured home parks:

1. All utilities shall be underground.
2. All lots shall be served by an approved water and sanitary sewer service system, as determined by the Cass County Health Department, and all manufactured homes shall be connected thereto. All expense of installation and connection shall be borne by the owner or operator of the manufactured home park.
3. The manufactured home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots. On-site storm water detention or retention may be required where deemed necessary by the Township Engineer. All storm drainage and surface drainage facilities shall be approved by the Cass County Drain Commission.

I. Manufactured Home Standards

1. All manufactured homes within the manufactured home park shall be set up in accordance with the State of Michigan Manufactured Home Commission rules and regulations applicable to manufactured home pad design and set up.
2. All manufactured homes shall have a minimum width of fourteen (14) feet across any horizontal surface, exclusive of carports or overhangs.

J. Recreation and Shelter Facilities: The manufactured home park shall contain one (1) or more recreation and common playground areas intended primarily for the use of the residents of the manufactured home park residents. A minimum of two hundred and fifty (250) square feet for every manufactured home park lot shall be provided. Buffer strip areas shall not be counted toward this requirement.

K. Inspection and Permits

1. The Building Inspector or such other person designated by the Township Board shall inspect the manufactured home park at least once each year. The fee for such inspection shall be determined by the Township Board.
2. In the event that the Building Inspector or such other designated person find that the condition of the manufactured home park is such that it does not comply with the safeguards and conditions as set out in this resolution, he shall serve written notice upon the owner or operator of such manufactured home park of such defects. The notice shall include a demand that such defects or deficiencies be corrected within thirty (30) days of receipt of the notice.
3. In the event that the owner or operator of the manufactured home park does not correct the deficiencies within the thirty (30) day period, either the owner or operator of the manufactured home park or the Building Inspector may request that the Township Board set a date for a public hearing on the defects or deficiencies. The hearing shall be held by the Township Board, provided that the notice is given to the owner and operator of the manufactured home park, and that such notice is posted in three prominent places within the manufactured home park at least thirty (30) days prior to the hearing.
4. At the date of the hearing, the Township Board may amend or modify the terms of the original notice, or if the modifications thereof shall not be corrected within the thirty (30) days allowed for corrections to be made, or any extension thereof, the Township, in order to preserve the health and welfare of the residents of the Township and the value of the properties of the residents within the manufactured home park, and to prevent the manufactured home park from becoming a public nuisance, may enter upon the manufactured home park and correct the defects and/or deficiencies, or may revoke the approval for the manufactured home park and order it closed.

L. Manufactured Home Sales

1. No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price, or other such requirements as may be required by any reasonable manufactured home park rules and regulations.
2. Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home lot by the individual owner or his agent, or those home occupants as permitted in this Ordinance, provided that a manufactured home sales lot shall not be permitted in conjunction with any manufactured home park.

- M.** All persons, including but not limited to Township officials or police officers, whose entry upon the manufactured home park property is necessary, proper or advisable in the execution of their governmental duties, or to the execution of work authorized by a governmental body, or for the preservation of the peace, shall have the right to enter upon and inspect the manufactured home park at all reasonable times.

CHAPTER 10

C - COMMERCIAL DISTRICT

SECTION 10.01 DESCRIPTION AND PURPOSE

This District is intended to accommodate uses which can provide office, personal services, and commercial goods for visitors to and residents of Silver Creek Township, including auto-related uses which would ordinarily be incompatible with the character of Residential Districts. It is intended to serve primarily traffic along major county roadways and to contain uses which require access to and frontage on such roadways.

SECTION 10.02 PERMITTED USES

Land and/or buildings in the C District may be used for the following purposes as Permitted Uses:

- A. Office buildings for any of the following occupations: executive, administrative, professional, accounting, drafting, and medical and dental offices and clinics.
- B. Banks, credit unions, savings and loan associations, including those with drive-through facilities.
- C. Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, and travel agencies.
- D. Retail stores, providing goods within a completely enclosed building.
- E. Drug stores and pharmacies.
- F. Restaurants, exclusive of drive-through facilities.
- G. Private clubs, fraternal organizations, and lodge halls.
- H. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations.
- I. Indoor recreational facilities.
- J. Commercial child care centers.
- K. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- L. Accessory buildings, structures and uses customarily incidental to any Permitted or Special Land Use.

SECTION 10.03 SPECIAL LAND USES

Land and/or buildings in the C District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14:

- A. Commercial greenhouses and nurseries.
- B. Commercial kennels.
- C. Funeral homes and mortuary establishments.
- D. Hotels and motels.
- E. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.
- F. Restaurants with drive-through facilities.
- G. Vehicle service stations, with or without mechanical repair.
- H. Open air businesses.
- I. Veterinary hospitals and animal clinics.
- J. Commercial storage warehouses.
- K. Churches.
- L. Planned Unit Developments.
- M. Marinas.
- N. Light Industrial Processing-7/03
- O. Vehicle Sales-8/05

SECTION 10.04 DISTRICT REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

- A. The outdoor storage of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties.

FRONT YARD	75 feet
SIDE YARD	30 feet on each side
REAR YARD	30 feet
BUILDING HEIGHT	35 feet
LOT COVERAGE	40%
MINIMUM LOT AREA	1 acre
MINIMUM LOT WIDTH	150 feet

CHAPTER 11 IND - INDUSTRIAL DISTRICT

SECTION 11.01 DESCRIPTION AND PURPOSE

This District is intended to accommodate wholesale, warehousing, light manufacturing, storage, and other industrial-related uses which have minimum potential impact on surrounding property.

SECTION 11.02 PERMITTED USES

Land and/or buildings in the IND District may be used for the following purposes as Permitted Uses:

- A. Research and development facilities, including production activities.
- B. Wholesale establishments.
- C. The manufacture, compounding, processing, packaging, warehousing, or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, pharmaceuticals, pottery or other ceramic products, musical instruments, toys, furniture, molded rubber products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, excluding stamping operations.
- D. Laboratories (experimental, film, or testing).
- E. Dry-cleaning and laundry establishments performing cleaning operations on the premises, excluding retail/service operations.
- F. Utility and public service buildings, including storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- G. Contractor's showrooms and storage yards.
- H. Body shops.
- I. Accessory buildings, structures, and uses.

SECTION 11.03 SPECIAL LAND USES

Land and/or buildings in the IND District shall be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 14:

- A. Sexually Oriented Businesses.
- B. Lumber and planing mills.
- C. Metal plating, buffing, and polishing.
- D. Commercial storage warehouses.

- E. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- F. Junk yards, salvage, or impound yards.

SECTION 11.04 DISTRICT REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

- A. The outdoor storage of goods or materials shall be screened from the view from the street or from abutting properties.
- B. All industrial activities shall be conducted wholly within a completely enclosed building, except for loading and unloading operations and on-site parking of vehicles.

FRONT YARD	100 feet
SIDE YARD	Side abutting A-R, R-1, R-2, or MHP lot - 75 feet
	Side abutting other Districts - 50 feet
REAR YARD	Abutting A-R, R-1, R-2, or MHP lot - 100 feet
	Abutting other Districts - 50 feet
BUILDING HEIGHT	40 feet
LOT COVERAGE	50%
MINIMUM LOT AREA	2 Acres
MINIMUM LOT WIDTH	200 feet

SECTION 11.05 SITE PLAN REVIEW

See Chapter 12

SECTION 11.06 OFF-STREET PARKING AND LOADING/SIGNS

See Chapter 13

CHAPTER 12

SITE PLAN REVIEW

SECTION 12.01 PURPOSE

The intent of this Chapter is to provide for consultation and cooperation between the applicant and the Silver Creek Township Planning Commission in order that the objectives of the applicant may be accomplished in the utilization of the land which is the subject of the site plan within the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity.

SECTION 12.02 SITE PLANS REVIEWED

- A. The Zoning Administrator shall not issue a Zoning Compliance Permit for any principal use until a site plan has been reviewed and approved by the Planning Commission under the following circumstances:
1. Site Condominiums.
 2. Special Land Uses in any District.
 3. Expansions, alterations, and additions to Permitted Uses and Special Land Uses allowed by this Ordinance, unless otherwise accepted in A.
- B. As otherwise might be required in this Ordinance.
- C. All plans not reviewed by the Planning Commission shall be approved by the Zoning Administrator, who shall ensure that the site plan is in conformance with the Zoning Ordinance.
- D. Review of a site plan for Open Space Developments, Planned Unit Developments and private roads is also required in accordance with the procedures noted in this Ordinance.

SECTION 12.03 APPLICATION PROCEDURES

- A. An application for Site Plan Review, plus either a preliminary or final site plan (nine [9] copies), shall be submitted at least fifteen (15) days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application and plans for completeness, then transmit them to the Planning Commission.
- B. An application for Site Plan Review shall consist of the following:
1. Nine (9) copies of the Preliminary or Final Site Plan.
 2. A completed application form, as provided by the Township.
 3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
 4. A legal description of the entire property which is the subject of the Site Plan Review.
 5. Other materials as may be required by the Planning Commission.

SECTION 12.04 PRELIMINARY SITE PLAN REVIEW

- A. A Preliminary Site Plan (nine [9] copies) may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
- B. Preliminary Site Plans shall include the following, unless deemed unnecessary by the Zoning Administrator.
1. Small scale sketch of properties, streets and use of land within one half ($\frac{1}{2}$) mile of the area.
 2. A Site Plan at a scale of not more than one (1) inch equals one-hundred (100) feet showing all existing or proposed arrangement of:
 - a. Existing adjacent streets and proposed streets.
 - b. Lots.
 - c. Parking lots and access points.
 - d. Proposed buffer strips or screening.
 - e. Natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets both on the subject property and within one-hundred (100) feet of the property lines.
 - f. Location of any signs not attached to the building.
 - g. Existing and proposed buildings.
 - h. General topographical features including contour intervals no greater than ten (10) feet.
 3. A narrative describing:
 - a. The overall objectives of the proposed development.
 - b. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 - c. Dwelling unit densities by type, if applicable.
 - d. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - e. Proposed method of providing storm drainage.
- C. The Planning Commission shall review the Preliminary Site Plan and make such recommendations to the applicant that will likely cause the Plan to be in conformance with the review standards required by Section 12.06

SECTION 12.05 FINAL SITE PLAN REVIEW

- A. The Planning Commission shall approve, deny, or approve with conditions, the Final Site Plan, based on the purposes, objectives and requirements of this Ordinance and specifically the considerations listed in Section 12.06.

- B. The site plan shall include the following information, unless deemed unnecessary by the Zoning Administrator, for Planning Commission review:
1. Legal description of the property.
 2. Small scale sketch of properties, streets and use of land within one half (1/2) mile of the area.
 3. A narrative describing the items indicated in Section 12.04, B,3.
 4. Nine (9) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet. The following items shall be shown on the plan:
 - a. Date of preparation/revision.
 - b. Name and address of the preparer.
 - c. The topography of the site at a minimum of five (5) foot intervals and its relationship to adjoining land.
 - d. Existing man-made features.
 - e. Dimensions of setbacks, locations, heights and size of buildings and structures.
 - f. Street rights-of-ways, indicating proposed access routes, internal circulations, and relationship to existing rights-of-ways. All driveways or access points within one-hundred (100) feet of the property lines of the subject property shall also be shown.
 - g. Proposed grading.
 - h. Natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets both on the subject property and within one-hundred (100) feet of the property lines.
 - i. Location and type of drainage, sanitary sewers, storm sewers, and other utilities.
 - j. Location and type of fences, landscaping, buffer strips, and screening.
 - k. Location and type of signs and on-site lighting.
 - l. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of Chapter 14, Off-Street Parking and Loading.
 - m. Easements, if any.
 - n. Dimensions and number of proposed lots.
- C. The Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.

SECTION 12.06 SITE PLAN REVIEW STANDARDS

The Planning Commission shall review the Preliminary and Final Site Plans and approve, approve with conditions, or deny the Site Plan based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:

- A. The uses proposed will not harm the public health, safety, or welfare. All elements of the site plan shall be designed to take into account the site's topography, the size and type

of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

- B. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.
- C. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets in the area.
- D. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- E. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
- F. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department and Sheriff's Department.
- G. All off-street parking, loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent properties.
- H. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- I. The general purposes and spirit of this Ordinance and the Master Plan of the Township.

SECTION 12.07 APPROVED SITE PLANS

- A. Upon approval of the Preliminary or Final Site Plan, the Chairman or Secretary of the Planning Commission shall sign and date three (3) copies thereof. One (1) signed copy shall be made a part of the Commission's files; one (1) shall be forwarded to the Building Inspector for issuance of a building permit; and one (1) copy shall be returned to the applicant.
- B. Time limits on site plans.
 - 1. Each development shall be substantially under construction within one (1) year after the date of approval of the Final Site Plan by the Planning Commission.

2. The Planning Commission may grant one (1) six (6) month extension provided the applicant applies in writing for the extension prior to the date of the expiration of the Final Site Plan.
 3. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, but is then ready to proceed.
 4. Should neither of the aforementioned provisions be fulfilled or a six (6) month extension has expired without construction underway, the Final Site Plan approval shall be null and void.
- C. Amendments to an approved site plan may occur only under the following circumstances:
1. The holder of a valid site plan shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 2. Minor changes may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering this determination, the Zoning Administrator shall permit the following to be a minor change:
 - a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet.
 - c. Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
 - d. Changes of building materials to a higher quality, as determined by the Zoning Administrator.
 - e. Changes in floor plans which do not alter the character of the use.
 - f. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - g. Changes required or requested by the Township for safety reasons shall be considered a minor change.
 3. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

CHAPTER 13 PARKING AND SIGNS

SECTION 13.01 PARKING - GENERAL REQUIREMENTS

- A. Unless otherwise provided for in this Ordinance, off-street parking shall not be located within the required front yard.
- B. Off-street parking for all Nonresidential Districts and uses shall be either on the same lot or within three-hundred (300) feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
- C. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
- D. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Parking spaces shall be constructed with an asphalt or Portland cement binder, graveled, or compacted earth so as to provide a durable and dustless surface, and shall occupy no greater than thirty-three percent (33%) of the required front yard.
- E. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Chapter.
- F. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- G. Two (2) or more buildings or uses may collectively provide the required off-street parking.
- H. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
 - 1. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 - 2. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval by the Zoning Administrator of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.
- I. Overnight parking of semi-truck tractors and trailers, and commercial vehicles exceeding one and one-half (1½) tons shall be prohibited in any Residential District.

SECTION 13.02 PARKING LOT DESIGN STANDARDS

- A. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Parking Space Width	Parking Space Length
Parallel Parking	18 Ft.	12 Ft.	9 Ft.	25 Ft.
30-75 degree angle	24 Ft.	12 Ft.	9 Ft.	21 Ft.
76-90 degree angle	26 Ft.	15 Ft.	9 Ft.	18 Ft.

- B. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.
- C. All parking lots shall be paved or provided with permeable, durable, dustless surface and shall be graded & drained so as to dispose of all surface water.
- D. All parking lots shall be constructed so as to permit proper drainage and prevent puddling or storage of water within the lot. Drainage shall be in accordance with the requirements of Silver Creek Township and the Cass County Drain Commissioner.
- E. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent Residential Districts or uses.

SECTION 13.03 OFF-STREET PARKING REQUIREMENTS

- A. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Planning Commission or Zoning Administrator considers similar in type.
- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.
- C. The minimum number of off-street parking spaces shall be determined in accordance with the following tables:

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Single family dwellings	2 for each dwelling unit
Two family dwellings	2 for each dwelling unit
Multiple family dwellings	2 for each dwelling unit plus 1 additional space for each 2 units
Housing for the elderly	1 space for each 2 dwelling units, plus 1 for each employee, plus 1 space for each 5 dwelling units to be marked as visitor spaces
Institutional	
Group day care homes and group state licensed care homes	1 space for each 4 clients, plus 1 space for each employee
Churches, theaters, assembly areas, auditoriums, gymnasiums	1 space for each 4 seats or each 8 feet of pew length or 1 space for and each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Private schools, elementary and middle	2 spaces for each 3 employees, plus amount required for auditorium or gymnasium seating
Private schools, secondary and institutions of higher learning	1 space for each 8 students, plus 1½ spaces for each classroom, plus amount required for auditorium or gymnasium seating
Commercial	
Vehicle wash (self service)	1 space for each 5 stalls
Vehicle wash (automatic)	1 space per each employee
Beauty/barber shop	3 spaces for each chair
Bowling alleys	4 spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants - without drive-through facilities	1 space for each 100 square feet of UFA or 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	1 space for each 100 square feet of UFA or 1 space for each 1½ persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	1 space for each service stall, plus 1 space for each pump island, plus 1 space for each maximum number of employees on the premises at any one time
Personal service establishments	1 space for each 50 square feet of UFA
Retail furniture, appliance and household goods	1 space for each 1,000 square feet of UFA

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Commercial	
Funeral homes and mortuary establishments	1 space for each 50 square feet of UFA
Open air businesses	1 space for each 200 square feet of indoor UFA plus 1 space for each 1,000 square feet of outdoor display area
Retail stores not otherwise specified	1 space for each 200 square feet of UFA
Boat launch sites	50% of the total area devoted to the launch site shall be devoted to parking, in accordance with the requirements of Section 13.20
Marinas	1½ spaces per boat slip or rack storage bin, plus required spaces for any accessory uses
Hotels and motels	1 space for each guest room, plus required spaces for any accessory uses
Video rental stores	1 space for each 100 square feet of UFA plus 1 space for the maximum number of employees on the premises at any one time
Offices	
Banks, credit unions, savings and loan associations and other similar uses	1 space for each one-hundred and fifty (150) square feet of UFA plus three (3) spaces for each non-drive through automatic teller machine
Offices not otherwise specified	1 space for each three-hundred (300) square feet of UFA
Medical and dental offices and clinics	1 space for each seventy-five (75) square feet of waiting room area plus 1 space for each examining room, dental chair, or similar use area
Industrial	
Manufacturing, processing, and research establishments	1 space for each one-thousand (1000) square feet of gross floor area plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	1 space for each two-thousand (2000) square feet of gross floor area plus those spaces required for offices located on the premises

SECTION 13.04 OFF-STREET LOADING REQUIREMENTS

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. All loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.

- C. Loading spaces for non-residential uses in Residential Districts shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- D. IND District
1. In the IND District at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
 2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- E. All dedicated loading spaces shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service.

SECTION 13.05 SIGNS – INTENT

The sign regulations of this Chapter are intended to protect and further the health, safety, and welfare of the residents of Silver Creek Township; to maintain and improve the appearance of Silver Creek Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs.

SECTION 13.06 SIGNS – DEFINITIONS

- A. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that project from the exterior wall of a building.
- B. Awning sign: A sign affixed flat against the surface of an awning.
- C. Balloon sign: A sign composed of a non-porous bag of material filled with air.
- D. Banner sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- E. Billboard: A sign which advertises an establishment, product, service, or activity not available on the lot on which the sign is located.
- F. Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- G. Directional Sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
- H. Freestanding Sign: A sign supported on poles not attached to a building or wall.
- I. Government Sign: A temporary or permanent sign erected by Silver Creek Township, Cass County, or the state or federal government.

- J. **Ground Sign:** A sign resting directly on the ground or supported by short poles not attached to a building or wall.
- K. **Marquee:** A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- L. **Marquee Sign:** A sign affixed flat against the surface of a marquee.
- M. **Mural:** A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
- N. **Placard:** A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
- O. **Political Sign:** A temporary sign used in connection with an official Silver Creek Township, school district, county, state, or federal election or referendum.
- P. **Portable sign:** A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- Q. **Projecting Sign.** A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.
- R. **Reader Board:** A portion of a sign on which copy is changed manually.
- S. **Real Estate Sign:** A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- T. **Roof Line:** The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- U. **Roof Sign:** A sign erected above the roof line of a building.
- V. **Sign:** A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
- W. **Special Event Sign:** Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
- X. **Wall Sign:** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
- Y. **Window Sign:** A sign installed inside a window and intended to be viewed from the outside.

SECTION 13.07 GENERAL SIGN PROVISIONS

- A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, except as noted in Section 13.07, B.
- B. The following signs shall not require a building permit:
1. Directional signs of six (6) square feet in size or less.
 2. Government signs.
 3. Placards.
 4. Temporary sale signs of four (4) square feet in size or less.
 5. Window signs.
 6. Political signs.
- C. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility. Broken or damaged parts of signs shall be repaired as soon as possible after the damage has occurred.
- D. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- E. Signs may be internally or externally illuminated, except for home occupation signs which shall not be illuminated. External light fixtures shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- F. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Section.
- G. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- H. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- I. No commercial vehicles, which, in the opinion of the Zoning Administrator, has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
- J. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, except that variable time-temperature signs may be permitted.
- K. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- L. Balloons, strings of light bulbs, pennants, streamers, or flags (other than those of a governmental nature not used for the purpose of commercial advertisement) hung overhead to draw attention to a business or its merchandise on display shall be prohibited.

- M. No wall sign shall extend beyond the edge of the wall to which it is affixed or extend above the roof line of a building.
- N. No sign shall be erected above the roof line of a building.

SECTION 13.08 EXEMPTED SIGNS

The following signs shall be exempt from the provisions of the Silver Creek Township Zoning Ordinance, except for the provisions of Section 13.07:

- A. Government signs
- B. Historical markers
- C. Window signs
- D. Memorial signs or tablets
- E. Murals
- F. Signs not visible from any street
- G. Signs for essential services
- H. Placards
- I. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall
- J. Flags or insignia of any nation, state, township, community organization, or educational institution

SECTION 13.09 NON-CONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NON-CONFORMING USES

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
- B. Non-conforming signs may not be altered, expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. For purposes of this Chapter, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use.
- D. Any non-conforming sign destroyed by fire or other casualty loss may be restored or rebuilt to original dimensions.

- E. Any sign which for a period of one year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.

SECTION 13.10 SIGNS - UNITS OF MEASUREMENT

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- B. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

SECTION 13.11 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS

- A. Any sign not expressly permitted by this Chapter is prohibited.
- B. All ground, wall and freestanding signs may include reader boards.
- C. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
- D. Political signs shall be removed within ten (10) days after the official election or referendum to which such sign pertains.
- E. Real estate signs shall be removed within (30) days after completion of the sale or lease of the property.
- F. Construction signs are permitted within any District, subject to the following restrictions:
1. Construction signs shall be no larger than thirty-two (32) square feet and not exceed eight (8) feet in height.
 2. Construction signs not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
 3. Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.

- G. Special event signs, including banner signs, are permitted in any District, subject to the following restrictions:
1. No more than five (5) such signs shall be displayed for each special event. The signs may be located either on or off the lot on which the special event is held.
 2. Display of the signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
 3. Signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of five (5) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.
 4. Signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.
- H. Directional signs are permitted subject to the following restrictions:
1. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
 2. No sign shall exceed six (6) square feet in area and four (4) feet in height.
 3. Directional signs shall be limited to traffic control functions only.
- I. Garage and estate sale signs are permitted subject to the following restrictions:
1. One (1) sign per premises is permitted, located on the premises on which such sale is being conducted, and set back a minimum of five (5) feet from any property line.
 2. The sign shall not exceed six (6) square feet in area.
 3. The sign shall be erected no more than ten (10) days prior to the day(s) of the sale and shall be removed within 1 day after the completion of the sale.
- J. Temporary and portable signs are permitted subject to the following restrictions:
1. No more than one (1) sign shall be displayed on the premises. Any sign shall be located on the same lot as the business to which the sign pertains.
 2. The display of signs shall be limited to seven (7) days in any thirty (30) day period and no more than fourteen (14) days in any six (6) month period.
 3. Signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of six (6) feet and shall be set back from any property line a minimum of fifteen (15) feet.
 4. Signs shall not be located in any required parking space or located so as to interfere with the vision of motorists or pedestrians, as determined by the Zoning Administrator.

SECTION 13.12 DISTRICT SIGN REGULATIONS

A. Signs in each District shall be subject to the following regulations:

AR, WD, R-1, R-2 and MHP DISTRICTS - PERMITTED SIGNS	
Ground signs for residential subdivisions, private road entrances to public streets when serving more than three (3) dwelling units, manufactured home communities, multiple family complexes, schools, or other non-residential uses allowed in the District	
Number	1 per major entrance
Size	No greater than 32 square feet
Location	Minimum of 5 feet from any property line
Height	No higher than 6 feet
Wall signs for home occupations and signs for home based businesses	
Number	1 per lot or parcel
Size	No greater than 4 square feet
Location	On wall of house facing street or in front yard.
Wall signs for non-residential uses	
Number	1 per street frontage
Size	No greater than 5% of the wall area to which the sign is affixed
Location	On wall of building facing street
Political signs	
Number	1 per issue or candidate per parcel
Size	No greater than 6 square feet
Location	Minimum of 5 feet from any property line
Height	No higher than 6 feet
Real estate signs	
Number	1 per lot or parcel; plus 1 for the waterfront side of lots with waterfront frontage
Size	No greater than 6 square feet for unoccupied properties or lots; 16 square feet for vacant lots or parcels over 1 acre
Location	Minimum of 5 feet from any property line
Height	No higher than 6 feet.
COMMERCIAL DISTRICT - PERMITTED SIGNS	
Ground signs	
Number	1 per lot or parcel (not allowed if seeking a freestanding sign)
Size	No greater than 32 square feet

COMMERCIAL DISTRICT - PERMITTED SIGNS	
Ground signs	
Location	Minimum of 10 feet from any property line and separated from any other sign by a minimum of 10 feet
Height	No higher than 6 feet
Wall signs	
Number	1 per street frontage
Size	No greater than 10% of the wall area facing the street
Location	On wall of building facing street
Political signs	
Number	1 per issue or candidate per lot or parcel
Size	No greater than 16 square feet
Location	Minimum of 5 feet from any property line
Height	No higher than 6 feet
Real estate signs	
Number	1 per lot or parcel
Size	No greater than 32 square feet
Location	Minimum of 5 feet any property line
Height	No higher than 10 feet
Freestanding signs	
Number	1 per lot or parcel (not allowed if seeking a ground sign)
Size	Maximum of 100 square feet of signage.
Location	Minimum of 5 feet from any property line and separated from any other sign by a minimum of 10 feet
Height	No higher than 20 feet
INDUSTRIAL DISTRICT - PERMITTED SIGNS	
Ground signs for individual uses, and entrances to industrial parks or subdivisions	
Number	1 per lot or parcel; except for entrances to industrial parks or subdivisions, which shall be permitted an additional sign at the entrance to the park or subdivision
Size	No greater than 32 square feet
Location	Minimum of 10 feet from any property line
Height	No higher than 6 feet
Wall signs	
Number	1 per street frontage

INDUSTRIAL DISTRICT - PERMITTED SIGNS	
Wall signs	
Size	No greater than 5% of the wall area to which the sign is affixed
Location	On wall of building facing street
Political signs	
Number	1 per issue or candidate
Size	No greater than 16 square feet
Location	Minimum of 5 feet from any property line
Height	No higher than 6 feet
Real estate signs	
Number	1 per lot or parcel
Size	No greater than 32 square feet
Location	Minimum of 5 feet from any property line
Height	No higher than 10 feet

CHAPTER 14 SPECIAL LAND USES

SECTION 14.01 PURPOSE

Special Land Uses are those uses of land which are not essentially incompatible with uses permitted in a District, but possess characteristics or location qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses. The criteria for decision and requirements provided for under the provisions of the Chapter shall be in addition to those required elsewhere in this Ordinance which are applicable to the Special Land Use under consideration.

SECTION 14.02 APPLICATION AND REVIEW PROCEDURES

- A. An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures:
1. Applications for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application for completeness, then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.
 2. An application for a Special Land Use approval shall consist of the following:
 - a. Nine (9) copies of a Final Site Plan meeting the requirements of Section 12.05, B.
 - b. A completed application form, as provided by the Township.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
 - d. A legal description of the entire property which is the subject of the Special Land Use.
 - e. A statement with regard to compliance with the criteria required for approval in Sections 14.03 and 14.04, and other criteria imposed by this Ordinance affecting the Special Land Use under consideration.
 - f. Other materials as may be required by the Planning Commission.
- B. Public Hearing
1. Upon receipt of an application for a Special Land Use, the Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the Special Land Use application.
 2. Notice of the public hearing shall be as required by the Township Zoning Act.
 3. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.
 4. If denied, the Planning Commission, in its minutes, shall state the reasons for such denial and provide the applicant with a copy.
 5. The Planning Commission shall videotape all of its public hearing meetings and provide a copy of the tape to any person paying the fee for copying. A

transcription of the tape, by certified court reporter shall be required for any appeal to Circuit Court. A copy of said transcription shall be provided to the Township at no cost.

6. If, during the course of a public hearing, expert testimony is required for the Planning Commission to make a decision, and the applicant has not provided expert evidence on the matter, the Planning Commission can require the applicant to hire an expert, approved by the Commission, at a continued public hearing before making its decision.

SECTION 14.03 BASIS OF DETERMINATION

Prior to approval of a Special Land Use application, the Planning Commission shall ensure that the standards specified in this Section as well as other applicable standards of this Ordinance are satisfied by the completion and operation of the Special Land Use under consideration.

- A. The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use only upon a finding of compliance with each of the following standards:
 1. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 2. The Special Land Use shall not change the essential character of the surrounding area.
 3. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, smoke, fumes or glare.
 4. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
- B. The Planning Commission and/or Township Board may require the submission of a reasonable review fee which the Township may use to pay for the services of a qualified attorney, engineer, planner, inspector, or other individual which the Planning Commission and/or Township Board deems necessary. Said fees shall only be used for the review of any proposal covered under the terms of this Ordinance. All such fees shall be held in escrow and any unused fees shall be returned to the applicant.
- C. The Planning Commission may impose conditions with the approval of a Special Land Use which are necessary to insure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use application and shall be enforced by the Zoning Administrator.
- D. If, after the establishment of the Special Land Use, the approved use is found not to be in compliance with the approval granted by the Planning Commission, said use shall have sixty (60) days to correct any problems as determined by the Planning Commission. If infractions are not corrected within the sixty (60) days, the provisions of Section 14.05 shall be initiated.

SECTION 14.04 APPROVAL TERM AND EXPIRATION

- A. A Special Land Use approval shall be valid for one (1) year from the date of approval, unless approval is revoked as provided in Section 14.05, or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely, unless the use is abandoned or discontinued for six (6) consecutive months.
- B. If, by the end of this one (1) year period, the Special Land Use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the Special Land Use shall be deemed expired and no longer valid.
- C. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.
- D. Application for approval of an expired Special Land Use approval shall be considered as a new application.

SECTION 14.05 REVOCATION OF SPECIAL LAND USE APPROVAL

The Planning Commission may revoke any Special Land Use approval, or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval by the Planning Commission, or any other applicable provisions of this Ordinance. Prior to revoking a Special Land Use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with the Zoning Act.

SECTION 14.06 EXISTING SPECIAL EXCEPTIONS

Uses of land and/or development projects granted special exception status by the Township prior to the adoption of this Zoning Ordinance may continue this status provided the rules, regulations, requirements, and conditions of the special exception are met.

SECTION 14.07 RESUBMISSION

No Special Land Use request, or substantially similar request, which has been decided by the Planning Commission shall be submitted for reconsideration within a one (1) year period from the date of the original application. After the one (1) year period, the application will only be considered if the applicant first demonstrated the following:

- A. That the conditions involving all of the reasons for the original denial have been significantly altered;
- B. That new conditions or circumstances exist which change the nature of the original request.

SECTION 14.08 SPECIFIC SPECIAL LAND USE STANDARDS

The following Special Land Uses shall be subject to the requirements of the District in which it is

located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

- A. Country clubs, golf courses, riding stables, gun clubs, and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resource.
- C. Public or private campgrounds.
- D. Two-family dwellings.
- E. Multiple family dwellings.
- F. Planned Unit Developments.
- G. Funeral homes and mortuary establishments.
- H. Group and commercial day care homes and facilities.
- I. Hotels and motels.
- J. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.
- K. Restaurants with drive-through facilities.
- L. Vehicle service stations, with or without mechanical repair.
- M. Vehicle wash establishments, either self-serve or automatic.
- N. Open air businesses.
- O. Veterinary hospitals, animal clinics, and commercial kennels.
- P. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- Q. Body shops.
- R. Lumber and planing mills.
- S. Metal plating, buffing, and polishing.
- T. Commercial storage warehouses.
- U. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- V. Junk yard, salvage yards and impound yards.
- W. Public or private boat launches.
- X. Marinas.

- Y. Sexually Oriented Businesses.
- Z. Bed and breakfast establishments.
- AA. Private schools, churches, libraries, parks, playgrounds, and community center buildings.
- BB. Intensive Livestock Operations.
- CC. Open space developments.
- DD. Vehicle Sales 06/05

SPECIFIC STANDARDS

- A. **Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.**
 - 1. The use shall be located on property with direct access to a public street.
 - 2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any Residential District or use property line.
 - 3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
 - 4. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.

- B. **Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resource.**

The Planning Commission shall not approve such use until the following information is provided and the Commission finds that the proposed use will not adversely impact surrounding properties and the Township in general, in accordance with the following.

- 1. The size of the property from which such topsoil, sand, gravel or other such materials are to be removed.
- 2. The amount of topsoil, sand, gravel or other materials which is to be removed.
- 3. The purpose of such removal.
- 4. The effect of such removal on adjoining property; all removal activities shall be set back a minimum of one-hundred (100) feet from any adjoining Residential District.
- 5. The effect such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table.
- 6. The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas.
- 7. The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resources.
- 8. Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the material removed.
- 9. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained in a safe condition; all contours and elevations shall be restored when the operation is abandoned or ceases.

10. No business or industrial building or structure of a permanent nature shall be erected, except where such building is a permitted use within the District in which the extraction activity is located.
11. No storage or truck parking shall be located within two hundred (200) feet of any adjacent residence or within fifty (50) feet of any other adjacent property.
12. All of the operations shall be screened with an evergreen screen planting on any side adjacent to Residential District or use of occupied property.
13. As the natural resources are being removed, the property shall be restored by the placement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than thirty (30) degree slope and the contour be caused to blend as nearly as possible with the natural surroundings.
14. All truck operations shall be directed away from residential streets and utilized county primary roads whenever possible.
15. The Planning Commission may require such performance guarantee, or bond, as deemed necessary to insure that requirements are fulfilled, in accordance with the provisions of Section 16.08, and may revoke permission to operate at any time specific conditions are not maintained.
16. Topsoil or sand may be removed from a lot for the purpose of erecting or constructing a building or structure on the lot, provided a permit is first obtained from the Zoning Administrator. If any removal from a parcel shall exceed five hundred (500) cubic yards of material, then the applicant shall comply with the provisions of this Section. In addition, topsoil or sand may be moved from one part of a lot to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs or possible future injury to adjoining properties.
17. The applicant shall secure all necessary permits from the Township, county and State authorities.
18. Any change in the operation or activity conducted on the premises shall require reapplication for a Special Use permit.

C. Public or private campgrounds.

1. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.
2. The applicant shall secure all necessary permits from Township, county and State authorities.
3. Minimum lot area shall be five (5) acres.
4. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
 - a. All commercial uses allowed shall occupy no more than five percent (5%) of the lot for building and parking areas.
 - b. No merchandise for display, sale or lease shall be located in any manner outside the main building.

D. Two-family dwellings.

1. All dwelling units in the building shall have a minimum of seven-hundred and fifty (750) square feet per unit.
2. Such uses shall be permitted only if they will not materially alter the existing character of the neighborhood.

E. Multiple family dwellings.

1. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
2. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.
3. Buildings shall not be constructed closer than a distance equal to one and one-half (1½) times the height of the tallest building.

F. Planned unit developments.

1. Description and purpose.
 - a. The purpose of a Planned Unit Development is to permit greater flexibility in development than is generally possible under standard District regulations. It is further intended to promote more efficient use of land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open space.
 - b. These PUD provisions are not intended as a device for ignoring the other requirements of this Ordinance. These provisions are intended to result in land development substantially consistent with the underlying zoning.
2. Qualifying conditions.
 - a. The tract of land for which a PUD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all properties.
 - b. The property which is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area.
 - c. To be considered as a PUD the proposed development must fulfill one (1) of the following conditions:
 - (1) The PUD contains two (2) or more separate and distinct uses, for example, single family and multiple family dwellings;
 - (2) The PUD site exhibits significant natural features which will be preserved as a result of the PUD plan.
 - (3) The PUD is designed to preserve at least seventy-five percent (75%) of the total area of the site in active agriculture or open space.
3. Review procedures.
 - a. Preliminary Sketch Plan
 - (1) To be considered as a PUD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this Section.
 - (2) Applications for sketch plan approval for PUDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
 - (3) The application materials shall include all the following

information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:

- (a) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
 - (b) Written documentation that the proposal meets the standards of Section 14.07, H, 6.
 - (c) If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase.
 - (d) A completed application form, supplied by the Zoning Administrator, and an application fee.
- (4) The Planning Commission shall either deny, approve, or approve with conditions, the sketch plan.
 - (5) Changes in the sketch plan shall be submitted to the Planning Commission pursuant to the above procedures applicable to the original application.
- b. Final Site Plan Approval
- (1) After receiving approval of a sketch plan from the Planning Commission, the applicant shall within one (1) year submit a final site plan to the Planning Commission.
 - (2) The final site plan may be for either the entire project or for one (1) or more phases. Site plan approval shall be conducted in accordance with the requirements of Section 12.05.
 - (3) Failure to submit a final site plan for approval within the one (1) year period shall void the previous sketch plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.
 - (4) The Planning Commission shall either deny, approve, or approve with conditions, the final site plan.
 - (5) Changes in the final site plan shall be submitted to the Planning Commission pursuant to the above procedures applicable to the original application.

4. Permitted uses.

- a. The following uses shall be permitted in accordance with the applicable PUD requirements:

- (1) Single-family dwellings
- (2) Two-family dwellings
- (3) Multiple-family dwellings
- (4) Permitted Uses in the C District, subject to the standards noted for non-residential uses in the PUD
- (5) Site condominiums

5. Site development requirements.

a. Residential Uses.

- (1) The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use may be established by the Planning Commission, subject to the following considerations:
 - (a) Character of the neighborhood in which the development is proposed.
 - (b) The proximity of other Residential Districts or uses.
 - (c) Unique site conditions, such as the presence of drainage ways, significant natural features, soil conditions, etc.

b. Non-Residential Uses

- (1) All non-residential uses allowed in the PUD, shall occupy no more than ten percent (10%) of the PUD project's developable area.
- (2) All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
- (3) Such uses shall be permitted only if they will not materially alter the existing character of the neighborhood and/or the PUD.
- (4) All merchandise for display, sale or lease shall be entirely within an enclosed building.
- (5) Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - (a) If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75 %) of these units must be constructed prior to construction of any non-residential use.
 - (b) If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.

c. Open Space.

- (1) The amount of open space set aside for common use of the PUD shall be determined by the Planning Commission subject to the following considerations and requirements:
 - (a) Open space may be established to separate use areas within the PUD.
 - (b) Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access such that all properties within the entire PUD may utilize the available open space.
 - (c) Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
 - (d) Open space will be provided where natural features may be preserved and/or be used for passive or active

recreation.

- d. All electric and telephone transmission wires shall be placed underground.
- e. Parking is required in accordance with Chapter 13.
- f. Signs are permitted in accordance with the requirements of Chapter 13. The least intensive District in which the use is permitted shall be used in determining sign requirements.

6. Approval standards.

a. The Planning Commission shall consider and find that the standards noted below have each been satisfied before granting approval of any PUD.

- (1) The standards of Section 12.06.
- (2) The standards of Section 14.03, a, 1, (a)-(d).

G. Funeral homes and mortuary establishments.

- 1. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
- 2. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
- 3. No waiting lines of vehicles shall extend off-site or onto any public street.
- 4. Access driveways shall be located no less than twenty-five (25) feet from the centerline of the intersection of any street or any other driveway.

H. Group and commercial day care homes and facilities.

- 1. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
- 2. Fencing no less than four (4) feet nor more than six (6) feet in height shall be provided around all outdoor areas accessible to children.

I. Hotels and motels.

- 1. Minimum lot area shall be four (4) acres and minimum lot width shall be two-hundred (200) feet.
- 2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
- 3. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.

J. Theaters or similar places of public assembly, as determined by the Zoning Administrator.

- 1. Main buildings shall be set back a minimum of one-hundred (100) feet from any residential property line.
- 2. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which

describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.

3. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.

K. Restaurants with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Access driveways shall be located no less than twenty-five (25) feet from the centerline of the intersection of any street or any other driveway.

L. Vehicle service stations, with or without mechanical repair.

1. Minimum lot area shall be one (1) acre and minimum lot width shall be two-hundred and fifty (250) feet.
2. Pump islands shall be a minimum of twenty-five (25) feet from any public right-of-way or lot line.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
4. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
5. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of fifteen (15) feet is maintained and further provided that the fascia of the canopy is a minimum of fifteen (15) feet above the average grade.
6. Access driveways shall be located at least twenty-five (25) feet from the centerline of the intersection of any street or any other driveway.
7. Where adjoining Residential District, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
8. Adequate parking for vehicles awaiting repair shall be provided in addition to any other required parking.
9. Inoperative vehicles left on the site shall, within forty-eight (48) hours, be stored within an enclosed building, or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.

M. Vehicle wash establishments, either self-serve or automatic.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
2. Vacuuming activities, if outdoors, shall be at least one-hundred (100) feet from any Residential District. Wash bays shall be located at least fifty (50) feet from any Residential District.
3. Should wash bays be located with openings parallel to an adjacent street, they shall be screened by a solid wall or fence, six (6) feet in height shall be erected along any common lot line. The fence or wall shall be continuously maintained in good condition.
4. Only one (1) access driveway shall be permitted on any single street. All access driveways shall be located at least twenty-five (25) feet from the centerline of the intersection of any street or driveway.
5. Where adjoining a Residential District, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. The fence shall be continuously maintained in good condition.

N. Open air businesses.

1. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
2. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
3. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or driveway.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

O. Veterinary hospitals, animal clinics, and commercial kennels.

Buildings, dog runs, and/or exercise areas, or any other area where animals are kept shall be set back one-hundred (100) feet from any property line.

P. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

1. Any buildings shall be generally compatible with the surrounding neighborhood.
2. Any building shall comply with the yard setback requirements of the District in which it is located.

Q. Body shops.

1. The main and accessory buildings and structures shall not be located within one-hundred (100) feet of any Residential District.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Inoperative vehicles left on the site shall, within forty-eight (48) hours, be stored within an enclosed building, or in an area screened by an opaque fence not less than six (6) feet in height. The fence shall be continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
6. Access driveways shall be located at least twenty-five (25) feet from the centerline of the intersection of any street or driveway.
7. Where adjoining a Residential District or use property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. The fence or wall shall be continuously maintained in good condition.

R. Lumber and planing mills.

The main and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District.

S. Metal plating, buffing, and polishing.

The main and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District or use property line.

T. Commercial storage warehouses.

1. Minimum lot area shall be two (2) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family dwelling in the R-2 District.
3. Parking and circulation:
 - a. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
 - b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
 - c. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.
 - d. The following parking lanes and access aisles shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.

Lane/Aisle	Aisle/Lane Width (ft)		# Lanes/Aisles Required	
	One-Way	Two-Way (each lane or aisle)	One-Way	Two-Way
Parking Lane	10	10	1	1
Access Aisle	15	12	1	2

- e. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

U. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.

The main and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District.

V. Junk yard. Salvage yards, and impound yards.

1. Requests for a Special Land Use approval for establishment of a salvage, junk, or impound yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall be provided with suitable access to a collector or arterial road to ensure safe, direct transport of salvage to and from the site. All portions of the storage area shall be accessible to emergency vehicles.
3. No portion of the storage area shall be located within five hundred (500) feet of any Residential District or use, nor shall it be located within one-thousand (1,000) feet of any body of water.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least eight (8) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. The fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than eight (8) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall. The fence or wall enclosing the storage area shall meet the applicable building setback requirements provided that all fences shall be setback a minimum of fifty (50) feet from any Residential District.
6. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
7. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.

8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of fluid. No fluids removed from vehicles shall be applied as a dust control method.
9. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard. The area used for any dismantling or any other activity associated with removing body parts or components shall be paved with an asphalt or Portland cement binder and equipped with a drainage system that will allow the capture of any fluids or other materials. Any captured fluids shall be disposed of in a safe and sanitary manner.
10. The property shall include at least six (6) acres.
11. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
12. The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

W. Public or private boat launches.

1. No building, structure, dock, or parking area which is part of a boat launch site shall be located nearer than thirty-five (35) feet to any lot in a Residential District.
2. Required parking facilities shall not be used for storage of boats or trailers for periods exceeding seventy-two (72) hours, from May 1st to September 15th.
3. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or driveway.
4. The lot area used for parking or other activity using motor vehicles shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
5. Public boat launches and access sites shall be served by a public road.

X. Marinas.

1. Storage provisions for gasoline, fuel oil, or other flammable liquids or gases shall be approved by Fire Department.
2. No building, structure, dock, or parking area which is part of a marina shall be located nearer than thirty-five (35) feet to any lot in a Residential District.
3. Required parking facilities shall not be used for storage of boats or trailers for periods exceeding seventy-two (72) hours, from May 1st to September 15th.
4. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or driveway.
5. The lot area used for parking or other activity using motor vehicles shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
6. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

Y. Sexually Oriented Businesses.

1. Purpose and Intent

- a. The purpose and intent of these provisions is to regulate sexually oriented businesses and related activities to promote the health, safety, and welfare of patrons and employees of such businesses, and to promote the health, safety, and welfare of the citizens of Silver Creek Township.
- b. In the development and execution of this subsection, it is recognized that there are some uses which, because of their nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. These controls are for the purpose of preventing deterioration or blighting of a surrounding residential neighborhood.
- c. These provisions are not intended, nor shall they have the effect of, imposing a limitation or restriction on the content of any communicative materials including, but not limited to, sexually oriented materials that are protected by the First Amendment to the United States Constitution or by Article I, Section 5 of the Michigan Constitution of 1963.
- d. Additionally, it is not the intent of the provisions of this Ordinance, nor shall it have the effect of, restricting or denying access by adults to sexually oriented materials that are protected by said Federal and State constitutions.
- e. Further, it is not the intent of these provisions, nor shall they have the effect of, denying access by the distributors and exhibitors of sexually oriented entertainment to their target market.
- f. These regulations shall not be interpreted as intending to legitimize any activities which are prohibited by Federal or State Law, or by any other Ordinance of Silver Creek Township.

2. Use Requirements

- a. The use is located within a zone district in which sexually oriented businesses are specifically permitted as a Special Land Use.
- b. The use is not located within a 1,000 foot radius of any other such use, measured in a straight line from the nearest lot line to the nearest lot line, except that such restrictions may be waived by the Township Board, if the following findings are made:
 - (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this subsection will be observed.
 - (2) That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - (3) That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.

- (4) That all applicable state laws and local ordinances will be observed.
 - (5) Prior to the granting of any waiver as herein provided, the Township Board may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- c. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by local, county, state, fire, health, or building codes.
 - d. No adult use shall remain open at any time between the hours of eleven o'clock (11:00) P.M. and ten o'clock (10:00) A.M. and no such use shall be open on Sundays.
 - e. No alcohol shall be served at any adult use.
 - f. No adult use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that such minors are not allowed.
 - g. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
 - h. The use shall be located more than five hundred (500) feet from any Residential District boundary, measured to the nearest lot line of the proposed use.

Z. Bed and breakfast establishments.

1. The establishment shall be serviced by adequate water and sanitary sewer services, as approved by the Cass County Health Department.
2. The establishment shall be located on property with direct access to a public street.
3. No such use shall be permitted on any property where there exists more than one (1) other bed-and-breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
4. Parking shall be located to minimize negative impacts on adjacent properties.
5. The number of guest rooms in the establishment shall not exceed seven (7).
6. Exterior refuse storage facilities beyond what might normally be expected for a single family dwelling shall be prohibited.
7. Signs for bed and breakfast establishments shall be limited to one (1) ground sign, or one (1) wall sign. A ground sign shall not exceed ten (10) square feet in size, and must be set back at least five (5) feet from all property lines. A wall sign shall not exceed five percent (5%) of the wall area to which it is attached.
8. The establishment shall contain the principal residence of the operator.
9. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and so forth. Meals shall be served only to the operator's family, employees, and overnight guests.

AA. Private schools, churches, libraries, parks, playgrounds, and community center buildings.

1. Such uses shall require a minimum lot size of two (2) acres, except for parks and playgrounds, which shall meet the lot requirement of the District in which it is located.
2. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or driveway.
3. The main and accessory buildings and structures shall not be located within fifty (50) feet of any Residential District.
4. Lighting for parking or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District.

BB. Intensive livestock operations.

1. Any intensive livestock operation (ILO) shall be located at least one (1) mile from any other ILO, as measured from the nearest lot lines of each use.
2. All buildings, structures, enclosed areas, or storage areas for wastes, feed, or other associated materials, associated with an ILO shall be located at least two-hundred (200) feet from any lot line.
3. ILOs shall be established on a lot or lots totaling at least twenty (20) contiguous acres.
4. All buildings, structures, enclosed areas, or storage areas for wastes, feed, or other associated materials, associated with an ILO shall be located at least five-hundred (500) feet from any water body or floodplain.
5. The ILO shall provide comply at all times with any applicable federal, or state regulation.

CC. Open Space Developments.

1. Intent. It is the intent of this subsection to promote the goals of the Silver Creek Township Master Plan to permit the development of single-family dwellings in patterns that will:
 - a. Protect rural character and productive agricultural lands. Minimize demand for public service.
 - b. Encourage a more creative approach to single family residential development than conventional land division and allow greater flexibility in the placement of units.
 - c. Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, water bodies, and other natural assets.
 - d. Reduce the number of driveways accessing County primary and local roads.
 - e. Encourage the provision of open space.
2. The open space preservation developments shall be located on a minimum of ten (10) contiguous acres.
3. Criteria: In the review of a proposed development under this subsection, the Planning Commission shall make the following findings:

- a. That the intent of the open space preservation option, as set forth in this Section is met;
 - b. The parcel contains natural assets that would be preserved through the use of open space development. These assets may include natural stands of large trees; land which serves as a natural habitat for wildlife; wetlands; bodies of water (i.e., streams, rivers, and lakes); unusual topographic features; major topographic conditions which make development under normal zoning impractical; or other natural assets that would be preserved; or the parcel contains productive agricultural lands which would be preserved through the use of an open space development;
 - c. Due to the size and shape of the parcel, utilization of the open space preservation option would result in the more creative and efficient use of the property and would not create a negative effect upon surrounding properties.
4. Site Design Requirements: All open space developments shall conform to the following site design requirements.
- a. Open Space: When completed, the development shall have a minimum of fifty percent (50%) of area devoted to open space for the use and enjoyment of residents of the development or the public, as applicable, subject to the following standards:
 - (1) Designated open space shall remain either in its natural state and/or used for specifically designed recreational purposes.
 - (2) Designated open space may include area within the development setback as required by subsection h, below.
 - (3) Designated open space shall not include: rights-of-way or easements designated for road purposes; areas within lots; or, land which is under water (lakes, streams, water courses, and other similar bodies of water).
 - (4) The reservation of open space areas under this subsection shall be conditioned upon the recording of appropriate conservation easements or other instruments for the purpose of providing for long term maintenance and preservation of common areas, open space areas, wooded areas and/or other areas with natural resources or features to be preserved on the property. Any easement and/or other instrumentation shall be in a form and contain the content approved by the Township attorney.
 - (5) Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire development may utilize the available open space.
 - (6) Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units.

b. Development Setback

- (1) Any building area, which for the purposes of this Section shall mean the area within any lot lines on a lot on which a principal use is located, shall be located at least two hundred (200) feet from any public street right-of-way not constructed as part of the development.
- (2) No native or natural vegetation shall be removed from the (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
- (3) The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the Intent of the open space development.
- (4) The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen. In any case, the setback shall be not less than one hundred (100) feet. The landscape screen shall meet all of the following minimum requirements:
 - (a) Occupy at least seventy percent (70%) of the lineal distance of the property line abutting any public street right-of-way.
 - (b) Have a depth of unoccupied land of at least fifty (50) feet.
 - (c) Have at least fifty percent (50%) opacity from the roadside view at the time of planting.
 - (d) Consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
- (5) Sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.

- c. Transition from Adjacent Parcels: To provide an orderly transition of density when an open space development abuts a Residential District of equal or lower density, the Township may require open space along the common boundaries; screening in accordance with the requirements of this Ordinance, and/or an area or row of lots generally equal or nearly equal in size and character with neighboring residential lots.

DD. VEHICLE SALES 5/04**1. Location Requirements**

- a. The minimum lot area shall be one(1.) acre, and minimum lot width shall be one-hundred fifth(150') feet.
- b. The proposed site shall front on a paved primary road. All ingress and egress shall be either from the road, or from an approved shared access drive to that road.
- c. Access driveways shall be located no less than fifty(50') feet from the centerline of the intersection of any street or driveway.
- d. The main building shall be at least thirty(30') feet from any property line.

2. Buffering Requirements

- a. Any portion of the site immediately adjacent to a residential district shall be screened with a minimum five (5') feet fence or wall.
- b. A landscaped, planted open space of a minimum of ten (10') feet in depth shall be provided along the full street frontage of the site.
- c. The Planning Commission may require a five (5') foot fence or wall to be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

3. Performance Standards.

- a. The site shall be kept in a neat and orderly fashion.
- b. The lot area used for parking shall be hard surfaced. All parking, display, or storage area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water on site.
- c. Any vehicle stored or displayed outside of an enclosed building shall not be located within the required front yard, within twenty (20') feet of any side or rear lot line, or occupy any required parking or maneuvering areas for vehicles.
- d. No vehicle which is inoperative shall be stored on the premises for more than one (1) week. Inoperative vehicles must be screened from view from public streets or residential districts by a minimum six (6') foot obscuring fence.
- e. All repair, assembly, disassembly, or maintenance, of vehicles shall occur within a closed building, except for minor maintenance, including tire replacement, adding oil, and wiper replacement.
- f. The facility shall meet all pertinent licensing requirements of the State of Michigan, Cass County, and Silver Creek Township.

CHAPTER 15

CONDITIONAL REZONING 5/06

SECTION 15.01 INTENT

It is recognized that there are certain instances where it would be in the best interest of Silver Creek Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Chapter to provide a process consistent with the provisions of Section 16.01 of the Township Zoning Act (MCL 125.286i) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and or development of land as part of the rezoning request.

SECTION 15.02 APPLICATION AND OFFER OF INTENT

- A. An owner of land may voluntarily offer in writing conditions relating to the use and or development of land for which a rezoning is filed or may be made at a later time during the rezoning process.
- B. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Chapter.
- C. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested zoning district.
- D. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- E. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such development is ultimately granted in accordance with the provisions of the Ordinance.
- F. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with provisions of this Ordinance.
- G. Any use or development proposed as part of an offer of conditions that would require site plan approval under terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted according with the provisions of this Ordinance.
- H. The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of it's offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

SECTION 15.03 PLANNING COMMISSION REVIEW

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 15.02 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

SECTION 15.04 TOWNSHIP BOARD REVIEW

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberation shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 15.02 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 11 of the Township Zoning Act (MCL 125.281), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

SECTION 15.05 APPROVAL

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

B. The Statement of Conditions shall:

1. Be in a form recordable with the Register of Deeds of Cass County, or in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
2. Contain a legal description of the land to which it pertains.
3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
4. Incorporate by attachment or reference and diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the documents may be examined.
5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Cass County.
6. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

C. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new Zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

D. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Cass County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and /or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

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

SECTION 15.06 COMPLIANCE WITH CONDITIONS

A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

SECTION 15.07 TIME PERIOD FOR ESTABLISHING DEVELOPMENT OR USE

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. The time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

SECTION 15.08 REVISION OF ZONING

If approved development and/or use of the rezoned land does not occur within the time frame specified under Section 15.07 above, then the land shall revert to its former zoning classification as set forth in MCL 125.266i. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former rezoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning request.

SECTION 15.09 SUBSEQUENT REZONING OF LAND

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different Zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of Cass County a notice that the Statement of Conditions is no longer in effect.

15.10 AMENDMENTS OF CONDITIONS

- A. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
- B. The Statement of Conditions may be amended thereafter in the same manner as was Prescribed for the original rezoning Statement of Conditions.

15.11 TOWNSHIP RIGHT TO REZONE

Nothing in the Statement of Conditions nor in the provisions of any section of this Chapter shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Township Zoning Act(MCL 125.271 et seq.)

15.12 FAILURE TO OFFER CONDITIONS

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

CHAPTER 16

ZONING BOARD OF APPEALS

SECTION 16.01 CREATION AND MEMBERSHIP

- A. There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its powers and jurisdiction as provided in the Zoning Act, and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare secured and substantial justice done.
- B. Membership
1. The Zoning Board of Appeals shall consist of five (5) members appointed in accordance with the requirements of the Zoning Act. The term of each member shall be three (3) years and until a successor has been appointed and qualified, which successor must be appointed not more than one (1) month after the expiration of the preceding term.
 2. One (1) member of the Board shall be a member of the Planning Commission. One (1) member of the Township Board may also be a member of the Board. Members from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board at the time of appointment.
 3. No employee of the Township shall be a member of the Zoning Board of Appeals.
 4. Vacancies of the Board for unexpired terms shall be filled for the remainder of the term.
 5. Members of the Board may be removed by the Township Board for misconduct in office upon written charges and after public hearing.
- C. Alternate Members
1. The Township Board may appoint not more than two (2) alternate members to the Zoning Board of Appeals for the same term as regular members. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member.
 2. An alternate member may also be called to serve in the place of a regular member when such member has abstained for reasons of conflict of interest or in the case of an absence of thirty (30) days or more, or absence from two (2) or more consecutive meetings. The alternate member having been appointed shall serve in the case until a final decision has been made.
 3. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall only serve to discuss or vote upon a case in the absence of or upon the declaration of a conflict of interest of a regular member.
- D. The Zoning Board of Appeals shall fix rules and regulations to govern its procedures.
- E. The Zoning Board of Appeals shall not conduct business unless a majority of the membership of the Zoning Board of Appeals is present, including alternates when sitting as a regular member.

SECTION 16.02 JURISDICTION

- A. The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications for interpretations of this Ordinance, and may make decisions on any other questions on which the Board is authorized by this Ordinance or the Zoning Act to pass. In exercising all of its powers the Zoning Board of Appeals shall apply the standards of Section 15.04.
- B. When there is any question as to the location of any boundary line between Districts, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundary based upon said maps and all available information relating thereto and shall establish such boundaries in such ways as to carry out the intent and purposes of this Ordinance and the Master Plan.
- C. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official or body charged with the enforcement of any provisions of this Ordinance.
- D. The Zoning Board of Appeals shall act upon all questions as may arise in the administration of this Ordinance, including the interpretation of the language of this Ordinance.
- E. The Zoning Board of Appeals shall not be permitted to hear appeals from Special Land Use decisions.

SECTION 16.03 APPLICATION AND HEARING PROCEDURE

- A. An application to the Zoning Board of Appeals shall be submitted in accordance with the following procedures:
 - 1. Applications shall be submitted to the Zoning Administrator who will review the application for validity, then transmit it to the Zoning Board of Appeals. Applications not meeting the requirements shall be returned to the applicant for completion.
 - 2. A valid application for to the Zoning Board of Appeals shall consist of the following:
 - a. Five (5) copies of a site plan drawn to scale which is sufficient to describe the nature of the request, if applicable.
 - b. A completed application form, as provided by the Township.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
 - d. A legal description of the entire property which is the subject of the request.
- B. The Zoning Board of Appeals shall give written notice of the hearing to all persons to whom real property is assessed within three-hundred (300) feet of the property to be affected by an application for a variance at least five (5) days prior to the hearing. The Zoning Board of Appeals shall maintain satisfactory evidence that notices have been mailed.

SECTION 16.04 STANDARDS OF REVIEW

- A. Granting of Non-Use Variances: A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are addressed:

1. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 2. The variance will not impair the intent and purpose of this Ordinance.
 3. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant or predecessor.
 4. That the variance requested is the variance necessary to meet the purpose and intent of the Ordinance and to meet the other standards of review in this Section.
- B. Granting of Use Variances: A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing that all of the following conditions are addressed:
1. That the proposed use will not alter the essential character of the neighborhood.
 2. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 3. The variance will not impair the intent and purpose of this Ordinance.
 4. That the unnecessary hardship causing the need for the variance request was not created by any action of the applicant or predecessor.

SECTION 16.05 DECISIONS OF THE ZONING BOARD OF APPEALS

- A. The concurring vote of at least a majority of the total number of members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the appellant on any matter.
- B. All decisions of the Zoning Board of Appeals shall become final after the date of the meeting at which the decision is made and the record of the meeting shall be the video recording of said meeting.
- C. All decisions of the Zoning Board of Appeals shall become final after the date of the meeting at which the decision is made and the record of the meeting shall be the video recording of said meeting.

SECTION 16.06 RESUBMISSION

No variance request, or substantially similar request, which has been decided by the Zoning Board of Appeals, shall be submitted for reconsideration within a one (1) year period from the date of the original application. After the one (1) year period, the application will only be considered if the applicant first demonstrates the following:

- A. That the conditions involving all of the reasons for the original denial have been significantly altered; or
- B. That new conditions or circumstances exist which change the nature of the original request.

CHAPTER 17 ADMINISTRATION AND ENFORCEMENT

SECTION 17.01 ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, or such other Township official as may be designated by the Township Board by resolution, who shall be appointed by the Township Board.

SECTION 17.02 DUTIES OF THE ZONING ADMINISTRATOR

- A. This Ordinance shall be enforced by the Zoning Administrator, Building Inspector, or such other Township official as may be designated by the Township Board by resolution, who shall, in no case, issue any Building Permit nor grant any occupancy permit where the proposed structure, alteration, or use would be in violation of any provisions of this Ordinance, except under written order of the Board of Appeals or a court of competent jurisdiction.
1. **Violations:** The Zoning Administrator shall investigate any alleged violation of this Ordinance as may be discovered. If a violation is found to exist, the Zoning Administrator shall serve written notice upon the owner to cease said violation as provided by law. If said owner fails to act diligently to correct said violation and does not correct such violation within thirty (30) days or any extension of time required by the Zoning Administrator, the Township shall serve notice upon the owner, and the Township shall determine what method of enforcement is warranted.
 2. **Inspections:** The Building Inspector shall inspect all new construction or alterations at the time footings are placed, when framing is underway, and at the completion of the construction or alterations authorized. The Building Inspector shall make such additional inspections deemed necessary to insure compliance with the provisions of this Ordinance. The Zoning Administrator shall make periodic inspections of the Township to ascertain that all the requirements of this Ordinance are being complied with.
- B. **Records:** The Zoning Administrator and Building Inspector shall keep records of all inspections, applications, and permits issued, with a notation of all special conditions involved. They shall file with the Township and safely keep copies of all plans, other than for single family dwellings, and records of all fees submitted with applications. The same shall form a part of the records of the Township and shall be available to the Township Board and all other officials of the Township.

SECTION 17.03 ZONING COMPLIANCE AND BUILDING PERMITS

- A. No structure or part thereof shall be constructed, reconstructed, erected, moved, enlarged, or altered, nor shall any use on any property be commenced or changed to another use, until a Zoning Compliance permit has been granted by the Zoning Administrator. Application for a Zoning Compliance permit shall be filed by the owner or an agent of the owner and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans and specifications, a plot plan, a

site plan where required, and such other information as may be necessary to provide for the enforcement of this Ordinance.

- B. Plans shall be drawn to scale and shall show dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as established by the Township Board from time to time to defray the costs of administration and inspections shall accompany any plans or applications for a Zoning Compliance or Building Permit.
- C. A Zoning Compliance permit shall only be issued if the plans and intended use conform in all respects to the provisions of this Ordinance and all other applicable Township ordinances. All Zoning Compliance permits shall expire one (1) year from their date of issuance.
- D. A Zoning Compliance Permit shall be issued prior to the issuance of any required Building Permit. A copy of all approved Building Permits shall be sent to the Assessor.
- E. A Zoning Compliance permit shall not be issued until the owner provides sufficient documentation that the lot involved has been created in conformance with this Ordinance and/or State and Township Subdivision Regulations and all other applicable Township ordinances.
- F. The Zoning Administrator shall review all plans and specifications within a reasonable period of time, prior to taking appropriate action thereon.
- G. The Zoning Compliance permit and Building Permit shall be displayed at all times so as to be visible from a public street at the site where authorized action is being undertaken.

SECTION 17.04 PROPERTY SURVEYS

If the Zoning Administrator in the performance of his duties under this Ordinance (or the Planning Commission, Zoning Board of Appeals, and Township Board pursuant to their zoning review and approval powers under this Ordinance) shall deem it necessary that a survey be done by a professional surveyor or engineer for property at issue (including a written drawing and stakes set on the property boundaries or corners) in order to insure that all requirements of this Ordinance will be met, such survey and related information may be required by the Township and shall be paid for and provided by the property owner or applicant and no building permit or other Township permit(s) shall be issued or approved until and unless such survey and related information has been provided to the Township.

SECTION 17.05 CERTIFICATE OF OCCUPANCY

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy shall have been issued by the Building Inspector stating that the premises or building complies with the provisions of approved plans and all ordinances of the Township. Where any special land use or site plan review conditions are applicable, said conditions shall be stated on the Certificate of Occupancy. A record of all Certificates of Occupancy shall be kept on file in the Township. A fee as established by the Township Board from time to time shall be charged for each Occupancy Permit. A copy shall be sent to the Township Clerk and Assessor.

SECTION 17.06 ZONING ORDINANCE AMENDMENTS**A. Initiation**

1. An amendment to the Zoning Map, which is a part of this Ordinance, may be initiated by the Township Board or Planning Commission on a motion by either body, or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed, or by a person authorized in writing by the property owner to submit such application.
2. An amendment to the text of the Zoning Ordinance may be initiated by the Township Board or Planning Commission on a motion by either body or by a verified application of any person affected by the provision requested to be changed.
3. Any proposed use not addressed by this Ordinance shall be subject to the provisions of this Section as an amendment to the Ordinance. The Township Board, upon recommendation of the Planning Commission, shall determine the appropriate District and whether the use shall be a Permitted Use or Special Land Use.

B. Procedure for Changes

1. Applications for Zoning Ordinance Map or text amendments shall be submitted to the Planning Commission upon forms supplied by the Township, along with the following:
 - a. A legal description of the property to be affected by a proposed change to the Zoning Map; or a typewritten copy of the proposed text amendment, including specific references to the portions of the existing Ordinance section and language.
 - b. A drawing or map showing, at a suitable scale, the property to be changed by an amendment to the Zoning Map and the location of properties within five hundred (500) feet of the property affected by the amendment.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
 - d. Any other information which may be required by the Township.
2. Before submitting its recommendation to the Township Board, the Planning Commission shall hold at least one (1) public hearing, notice to be given in accordance with the requirements of the Zoning Act.
3. The Planning Commission shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission, to the Township Board. The Township Board may hold additional hearings if it considers it necessary, in accordance with the requirements of the Zoning Act.

C. Resubmission

1. Whenever a proposed Zoning Map or text change has been denied by the Township Board, the Planning Commission shall not reconsider a map or text change for at least one (1) year following the date of the original application

unless the Planning Commission finds that at least one (1) of the following conditions exist:

- a. That the conditions involving all of the reasons for the original denial have been significantly altered.
 - b. That new conditions or circumstances exist which change the nature of the original request.
2. If the Planning Commission has conducted a public hearing on the same application, the Planning Commission shall not process an application or conduct a hearing unless it finds that the requirements of a or b, above, are satisfied.

SECTION 17.07 SCHEDULE OF FEES

- A. No action shall be taken on any application for any variance, ordinance amendment, site plan review, special land use, or any other review required by this Ordinance by the Township Board, Planning Commission, or Board of Appeals, unless or until fees connected with such application, as determined from time to time by the Township Board, have been paid.
- B. Where structures have begun construction or are occupied before any required approval is granted, the fees for such application approval shall be doubled. Payment of such fees shall not relieve any person from fully complying with the requirements of this Ordinance, nor shall it prohibit the Township from pursuing the enforcement procedures and remedies provided by this Ordinance.
- C. The Planning Commission and/or Township Board may require the submission of a reasonable review fee which the Township may use to pay for the services of a qualified attorney, engineer, planner, inspector, or other individual which the Planning Commission and/or Township Board deem necessary. Said fees shall only be used for the review of any proposal covered under the terms of this Ordinance. All such fees shall be held in escrow and any unused fees shall be returned to the applicant.

SECTION 17.08 PENALTIES

- A. Penalties
 1. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or used; or any use of a lot or land which is begun, maintained, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se.
 2. Civil Infractions:
 - a. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.

- b. The civil fine for a municipal civil infraction shall be not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the Court, in addition to all other costs, damages, expenses and remedies provided by law.
 - c. For purposes of this Section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which the person admitted responsibility or was adjudged to be responsible.
 - d. Each day during which any violation continues shall be deemed a separate offense.
- 3. The duly authorized attorney for the Township is empowered to prosecute violations.
 - 4. Stop Work Orders
 - a. Upon notice from the Zoning Administrator, Building Inspector, or other such person as designated by resolution of the Township Board, that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance or in an unsafe and dangerous manner, that work or use shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions, if any, under which the work or use will be permitted to resume.
 - b. Any person who shall continue to work in or about the structure or building or use after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this Ordinance.
 - B. Procedure: The Township Board and/or Township Supervisor may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.
 - C. Fines, penalties or cost of enforcement including reasonable attorney fees are collectable as a judgment or may be levied against the property and collected as a property tax.

SECTION 17.09 PERFORMANCE GUARANTEES

- A. The Planning Commission, Zoning Board of Appeals and Township Board are empowered to require a performance bond, letter of credit or cashier's check, or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project.
- B. A performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan; if the

improvement(s) is not completed, or is partially completed, the performance bond or cashier's check shall be forfeited in the amount necessary to complete the improvement.

C. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.

D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the required improvements. The balance, if any, shall be returned to the applicant.

SECTION 17.10 RECORDING OF MEETINGS

The Planning Commission or Zoning Board of Appeals may video tape or otherwise record its public hearings or other meetings. A copy of the tape or recording shall be provided to any person requesting a copy. The fee for the copying shall be paid by the person requesting it. For any appeal taken of a Township action by an applicant or other person, a transcription of the tape, if provided, by a certified court reporter shall be required and provided to the Township at no cost by the appellant.

SECTION 17.11 REPEAL

Any Ordinance or any provision of any Ordinance inconsistent with the terms hereof shall be and is hereby repealed. This Ordinance repeals any prior Zoning Ordinance of the Ordinances of Silver Creek Township, adopted February 8th, 1979, as amended.

SECTION 17.12 SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance shall be found to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Ordinance which shall be in effect.

SECTION 17.13 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the publication date of the notice of adoption. The effective date shall be August 19, 2004.

DISCRIPTIONS OF THE ZONING DISTRICTS;

By District and by Sections where that zoning district is designated.

A/R-Agricultural/Rural Residential District:

All the unincorporated area of Silver Creek Township shall be zoned Agricultural/Rural Residential except those Plats, Parcels and Subdivisions that are defined following as other Zoning Districts.

WD-Waterfront District All Plats & Parcels abutting on the principal Lakes of the township, including all contiguous parcels of those lots and all Plats or Parcels abutting the above having the same Property ID. numb or having the same ownership. Principal Lakes are Indian Lake, Little Crooked Lake, Cable Lake, Dewey Lak Priest Lake & Magician Lake.

Waterfront District by Sections.—Section 3.—All Plats & Parcels from the intersection of the shoreline of Magician Lake., with the County line, Westerly along shoreline to the West Section Line. Including that part of the Subdivision Plat of Gilmore Beach lying in Silver Creek Township, Magician Beach, Rainbow Park, -(except Lots 40-69), Rainbow Park #1, & Lot 35 except the South 600 feet of said lot.

Section 4.-All Plats & Parcels abutting the shorelines of Magician Lake & Dewey Lake, and any channel or water access. Including all of subdivisions, Currans Beach #1, #2 #3 & #4, Boathouse Addition, Maple Island Resort, Hemlock Island, Rattlesnake(Strawberry) Island, Supervisor's Plat of So. Bay Park, Orchard Hills, Magician Bay Park, Dewey Brook Blocks 1 & 2, Magician Lake Park, Orchard Hills, Lakeshore, Lakeview Sub. except Lots 1-60 & 113-124, Oaklands Sub. Woodlawn Sub. Krohn's Peninsula, and all Plated land from the East line of Krohn's Peninsula along the County Line to the East Section line.

Section 5-All Plats & Parcels abutting the shorelines of Dewey Lake, Cable Lake & Little Crooked Lake. Including subdivisions Sister-Cable Shores, & #1, Sister-Cable Lakeshores #1, #3 & #4, Wildwood, except Blocks 1-7, Cable Park Beach, Cable Park Beach #1(except lots 60-85), Deweymore and all Platd land within 300 feet of any lakeshore.

Section 6- All Plats & Parcels abutting the shoreline of Little Crooked Lake. Including subdivisions Supervisor's Plat of Sommers Beach, Sister-Cable Shores #2, Plate 83, 83A-300 feet from lakeshore & Plat 83D

Section 8. All Plats & Parcels abutting the shoreline of Dewey Lake. Including subdivisions Dewey Beach, Dewey Terrace, Swisher's Landing, Sandy Beach Resort, Plates 40C within 300 feet depth of Dewey Lake shoreline, 44,67,86,109,111, 111A-C, and Outlot A.

Section 9.-All Plats & Parcels abutting Dewey Lake. Including subdivisions Sandy Beach Resort , Sandy Beach Resort #1 except all lots South of Birch St. & East of Elm St., Sandy Beach Estates, Sandy Beach Resort #1, & Sleepy Hollow.

Section 11. All Plats & Parcels abutting the shoreline of Priest Lake(Long Lake), for a depth from the lake of 300 feet.

Section 14 All Plats & Parcels abutting the shoreline of Priest Lake. Including subdivisions Priest Lake Hills Misty Pines,& Plat lots for a depth of 300 feet from Priest Lake shoreline.

Section 29-Maple Side Sub. & Plats 430A-434C & 458A

Section 30 All Plats & Parcels abutting the shoreline of Indian Lake. Including subdivisions Oak Grove, Oak Grove #1, Revised Plat of Oak Grove #1, Love Estates Lots 8-23 only, Indian Lake Estates, Highland Beach, Burkett Park, Beechwood, Loeb's Oakwood, Tice Beach, & Plates 446 all subscripts, 448A-D, & 478,480-485.

Section 31-All Plats & Parcels abutting on Indian Lake. Including subdivisions, Forest Beach(all blocks), All of Plat #s 486, 487, 488D & D1, & 502A thru 568-9, except Plats 515-6, 517 & 517A.

R-1 Single Family Residential.

Section 4- Subdivisions, Ina Curran's Sub., Midway Sub. except those Lots Zoned Commercial Lakeview Sub. #1, Lakeview Sub. Lots 1-60 & 113-114, Plate #s 43-43A-3, 45-47, except 47A-1 & 47H & all subscripts.

Section 5- Subdivisions Cable Park Beach Lots 60-85, Wildwood Sub. Blocks 1-7, Plats 48-48G, & 58 except that zoned Commercial.

Section 6-Plate 83B, B1 & B2.

Section 8-Plate 40C-except part designated WD, & 100A.

Section 9-Subdivisions Sandy Beach Estates Lots 1-10, Sandy Beach Resort #1 those Lots South of Birch Street and those Lots East of Elm Street, & Plates 124-127GH.

Section 10-The North 330 feet of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, & the North 330 Feet of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$.

Section 25- Subdivisions Sedlar's Blue Skies, Meadowbrook, Oak Park Association, & Plats 367-368C.

Section 30.All Plats & Parcels East of Washington St to Indian Lake Road and North of the WD District including-Plats 449-449C, 450 & 467-467A

Section 31-Plats 488A, 488D2-D5, & Plates 500-502.

R-2-Residential-Multi Family

Section 8.-Swisher's Landing #1, & Plat 110.

Section 9- All Plats in the South $\frac{1}{2}$ of the N/E $\frac{1}{4}$ of Sec. 9, North of Swisher Street excluding Plate 123, and those Plats otherwise zoned.

Section 11-All Plats in the North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Section.

MHP-Manufactured Home Park.

Section 2.-Parcils 25 & 25C-1 through 25F

Section 30- Subdivisions Indian Lake Estates, Love Estates Lots 1-7, & Plat 448 except 300 feet from Indian Lake shoreline.

C- Commercial

Section 1.-The South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$.

Section 4-Subdivisions Magician Lake Park Lots 17-20, Midway Sub. Lots 17-50, Lakeview Sub. Lots 122-124, & Plat 43A-3

Section 5- That part of Plat #58 measuring 30feet by 20 feet at the Southeast corner of said Plat, being a Lift Station for SLAUA.

Section 9- The Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$.

Section 12-The East $\frac{1}{2}$ of the East $\frac{1}{2}$, The Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$

Section 13- The East $\frac{1}{2}$ Of the East $\frac{1}{2}$.

Section 31- Plats 517, 517-A & the South 300 Feet of Plat 564-6

Section 32-The South 400 feet of the SE $\frac{1}{4}$ of Plat 579 & The South 400 feet of the South $\frac{1}{2}$ of Plat 581.

Section 35-Plats 622-626

Section 36-Plats 650-652

I-Industrial

Section 10- The East $\frac{1}{2}$ of the West $\frac{1}{2}$ except the North 330 feet thereof, The West $\frac{1}{2}$ of the East $\frac{1}{2}$ except the North 330 feet thereof. The Southeast Quarter of the Southeast Quarter.

Section 26- The East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ lying North of Middle Crossing Road.

Section 34- Plats 606, 610A & B.

Section 35- Plats 621, 621A & B.

Section 36-Plats 646 & 11, that part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ lying SW of Middle Crossing Road