

**THE CHARTER TOWNSHIP
OF BEDFORD**

ZONING ORDINANCE

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**ARTICLE 1
TITLE, PURPOSES AND LEGAL CLAUSES**

SECTION 1.01 TITLE AND ENACTING CLAUSE

The Charter Township of Bedford, County of Calhoun, State of Michigan, ordains:

This Ordinance shall be known and may be cited as the “Charter Township of Bedford Zoning Ordinance”, as amended by Michigan Zoning Enabling Act (ZEA), Public Act 110 of 2006.

SECTION 1.02 REPEAL OF ORDINANCE

Effective on the date of this Ordinance, the Charter Township of Bedford Zoning Ordinance, enacted in the year 2008, shall be repealed and replaced by this document.

SECTION 1.02 (A). The Board of Trustees of the Charter Township of Bedford, Calhoun County, Michigan, desires to continue to proceed under the terms and provisions of Michigan Public Act 168 of 1959, as amended, the Township Planning Act, and continue a Planning Commission.

SECTION 1.03 PURPOSES

- A. Promoting and protecting the public health, safety and general welfare.
- B. Protecting the character and the stability of the recreational, residential, commercial and other areas within the Township and promoting order and beneficial development of such areas.
- C. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- D. Lessening and avoiding congestion on the public highways and streets.
- E. Providing for the needs of recreation, residence, commerce and other land uses in future growth.
- F. Fixing reasonable standards to which buildings and structures shall conform.
- G. Prohibiting uses, buildings or structures, which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts.
- H. Preventing such additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.

- I. Protecting against fire, explosion, noxious fumes and odors, dust, smoke, glare, noise and other nuisances and hazards in the interest of the public health, safety and general welfare.
- J. Preventing the overcrowding of land and undue concentration of buildings and structures are possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
- K. Conserving the taxable value of land, buildings and structures throughout the Township.
- L. Providing for the completion, extension, substitution or elimination of nonconforming uses.
- M. Creating a Board of Appeals and defining the powers and duties thereof.
- N. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance.
- O. Providing for the payment of fees for building permits.
- P. Providing penalties for the violation of this Ordinance.
- Q. Donation Boxes

SECTION 1.04 VALIDITY AND SEVERALTY CLAUSE

If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect any other provisions of this ordinance not specifically included in said ruling.

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

SECTION 1.05 CONFLICT WITH OTHER LAWS

- A. Where any condition imposed by any provision of this ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this ordinance or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

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

SECTION 1.06 PERIOD OF EFFECTIVENESS

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

SECTION 1.07 EFFECTIVE DATE

This Ordinance or subsequent amendments to this Ordinance shall be filed with the Township Clerk and one (1) notice of Ordinance or amendment to this Ordinance adoption shall be published, in a newspaper of general circulation, within fifteen (15) days after adoption by the Township Board and shall take effect seven (7) days after publication. A copy of this Ordinance and future amendments may be purchased or inspected at the Bedford Township Offices, located at 115 South Uldriks Drive, Battle Creek, Michigan, and may be inspected at Willard Public Library, 7 Van Buren Street, Battle Creek, Michigan.

Joyce Feraco, Clerk
Charter Township of Bedford

Adopted the _____ day of _____

Published in the _____ on the _____ day of _____

ARTICLE 2
CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 2.01 RULES APPLYING TO TEXT

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

- A. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- B. 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.
- C. The word "building" includes the word "structure".
- D. The word "building" or "structure" includes any part thereof.
- F. The word "person" includes a corporation as well as an individual.
- G. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- H. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

SECTION 2.02 DEFINITIONS

For the purpose of this Ordinance, the following terms and words are defined as follows:

- 1. **Accessory Building** - A subordinate building on the same premises with a main building, the use of which is clearly incidental to that of the principal building or to the use of the land and which is attached securely to a permanent masonry foundation or similar permanent footings. See Section 14.02 regarding the requirement of permits for these structures. Also, see Section 21.04(A)(2) regarding portable accessory buildings.
- 2. **Accessory Use** - A use subordinate to the principal use on a lot and used for the purposes clearly incidental to those of the main use.
- 3. **Adult Foster Care Facility** - A facility defined as an "ADULT FOSTER CARE FACILITY" by the Adult Foster Care Facility Licensing Act, Act No. 218 of the Public Acts of Michigan of 1979 (MCL 400.701 *et seq.*), as amended, having as its principal function the receiving of adults for foster care, and licensed by the state under the Act. An "adult foster care facility" includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care.

4. **Adult Foster Care Family Home** - A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The ADULT FOSTER CARE FAMILY HOME licensee shall be a member of the household, and an occupant of the residence. Such facilities are permitted in all residential zones.
5. **Adult Foster Care Large Group Home** - A private home with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who are provided supervision, personal care and protection in addition to room and board for 24 hours per day, five (5) or more days per week and for two (2) or more consecutive weeks for compensation.
6. **Adult Foster Care Small Group Home** - A private home with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care and protection in addition to room and board for 24 hours per day, five (5) or more days per week and for two (2) or more consecutive weeks for compensation.
7. **Agriculture** - Land devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing cattle or bison, swine, captive cervine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.
8. **Agricultural Processing and Warehousing** - A facility where agricultural products, both plant and animal, are brought for storage, packaging, treatment, or modification. Such facilities do not raise produce or animals.
9. **Alley** - A public or legally-established private thoroughfare, other than a street, which affords a secondary means of access to abutting property, and not more than thirty feet (30') wide, and is not intended for general traffic circulation.
10. **Alterations** - Any change, addition or modification in construction, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".
11. **Animal Husbandry** - A branch of agriculture concerned with the care of domestic animals and fowl.
12. **Animated Signs** - Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.
13. **Apartment** - (See Dwelling, Multiple-Family).
14. **Area, Net Site** - The total area within the property lines of a project excluding external streets.

15. **Assisted Living Homes** - Housing constructed for the exclusive use of an individual fifty-five (55) years of age or older, or for a couple where at least one (1) of the individuals is over the age of fifty-five (55). Assisted Living Homes may include the types of facilities listed below:
 - A. **Senior apartments:** Multiple-family dwelling units where occupancy is restricted to persons fifty-five (55) years of age or older;
 - B. **Congregate or interim care housing:** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care, but not continuous nursing care;
 - C. **Dependent housing facilities:** Facilities such as convalescent homes and nursing homes, which are designed for older persons who need a wide range of health and support services, including personal nursing care, but not continuous nursing care.
16. **Automobile or Trailer Sales Area** - Any space used for display, sale or rental of motor vehicles or trailers, in new or used and operable condition.
17. **Automobile Repair** - General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service; such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.
18. **Basement** - That portion of a building, which is below the first story, the ceiling of which is less than five feet (5') above the surrounding ground elevation at all points.
19. **Bed and Breakfast Establishment** - A residential structure, which is occupied by the owner(s), and has one (1) or more of the sleeping rooms available for rent by transient people, and in which the owner(s) serves the breakfast to the transient people at no extra cost.
20. **Berm** - A mound of earth graded, shaped and improved with landscaping in such a fashion as used for visual or audible screening purposes.
21. **Billboard** - Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official court or public office notices.
22. **Building** - A permanent or temporary structure erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below the ground which is designed primarily for the shelter, or enclosure of persons, animals or property of any kind. This definition shall include tents and awnings.

23. **Building Coverage** - That percentage of the plot or lot area covered by the building area, including decks, porches and accessory buildings, cement walkways and swimming pools.
24. **Building Height** - The vertical distance measured from the established sidewalk grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided such average elevation shall not exceed the established sidewalk grade at the center of the front of the building by more than one (1) inch for each front foot that the building sets back from the front line.
25. **Building Permit** - A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of the various building and construction Ordinances of the Township. See Section 21.04.
26. **Building Inspector** - That person appointed by the Bedford Township Board of Trustees to enforce its building and construction codes and ordinances.
27. **Campground** - A publicly or privately owned establishment intended, or used for the purpose of supplying a location for overnight camping. Such areas may be open to the public and may be operated free of charge, or for profit.
28. **Child Care Center** - May be one of the following:
 - A. **Commercial Day Care Center** — A facility, other than a private residence, licensed by the State of Michigan Family Independence Agency, in which one (1) or more preschool or school age 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. Such facilities are permitted in all residential zones with a conditional use permit.
 - B. **Family Day Care Home** — A private home 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 daycare home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. Such facilities are permitted in all residential zones.

- C. **Group Day Care Home** — A private home 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. Such facilities are permitted in all residential zones with a conditional permit.
- D. **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.
29. **Church** - A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.
30. **Club or Lodge, Private** - A non-profit association of persons who are bonafide members paying annual dues, which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee or similar body chosen by the members at a meeting. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available and provided that such activity is approved by the Calhoun County Health Department. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of the alcoholic beverages is in compliance with the applicable federal, state and Township laws.
31. **Commercial** - Any use connected with, or work intended for financial gain.
32. **Commercial Storage Warehouse** - A building or buildings used primarily as a commercial business for the storage of personal goods and materials of individuals or households, but not limited to these groups. Commercial Storage Warehouses are commonly referred to as "mini-storage" or "self-storage" units.
33. **Community Center** - A building either owned and maintained publicly, or in cooperation under an owners association or manufactured home park owner, that is generally open to the public or members to rent, or as a safe haven in case of a natural or other disaster.

34. **Conditional Use** - A use, which is subject to conditional approval by the Planning Commission with final approval of the Township Board pursuant to Section 15.03. A conditional use may be granted to the property owner when specified by this ordinance and not for uses specifically mentioned. A permitted conditional use is not considered a nonconforming use.
35. **Court** - An unoccupied open space, other than a yard, on the same lot with a building, which bounds on two or more sides by the walls of such building.
36. **Court, Outer** - A court enclosed on not more than three sides by exterior walls of a building, or by external walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.
37. **Day-Care Facility** - See Child-Care Center.
38. **District** - A portion of the incorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provision of this ordinance.
39. **Donation Boxes** - A freestanding accessory structure, container, receptacle, or similar device that is used for soliciting and collecting donations of clothing or other salvageable personal property. This term excludes unattended Donation Boxes Located within a building.
40. **Drive-In** - An establishment of the "drive-in" type is one which accommodates the patrons' automobiles in the off-street parking area accessory to the business from which the occupants may receive a service or obtain a product which may be used or consumed in the vehicle, on the same premises.
41. **Dwelling Unit** - A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having independent cooking, bathroom and sleeping facilities.
42. **Dwelling, One Family** - A building designed exclusively for one dwelling unit.
43. **Dwelling, Two Family** - A building designed exclusively for two dwelling units.
44. **Dwelling, Multiple-Family** - A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.
45. **Easement** - An interest in land in possession of another which entitles the owner of such interest to a limited use or enjoyment of the land in which the interest exists, which entitles the owner to protection against third persons, which is not subject to the will of the possessor of the land, which is not a normal incident of possession of any land possessed by the owner of the interest, and which is capable of creation by conveyance.

46. **Essential Services** - The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal department or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing or adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare not including wireless communications towers, unless located on public property and used as a part of a municipal emergency communications network.
47. **Family** - One person or group of two or more persons living together who may or may not be inter-related by bonds of marriage, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common and a single set of culinary facilities. The persons thus constituting a family may also include foster children, graduator guests and domestic servants. This definition does not include the occupants of a rooming or boarding house as a family unit.
48. **Farm** - Any parcel or the contiguous neighboring or associated parcels operated as a single unit which is used for raising agricultural products, livestock, poultry, or dairy products as a significant source of income for the owner-operator, manager, or tenant farmer, carried on by his own labor or with the assistance of members of his household or hired employees. "Farms" may include a single family dwelling, and may be considered as including establishments operated as greenhouses, nurseries, orchards, livestock and poultry farms, and apiaries; but establishments for the purpose of stock yards, or sand and gravel pits, shall not be considered farms.
49. **Flood** - A general and temporary condition of partial or complete inundation of normally dry land areas from:
- A. The overflow of inland waters;
 - B. The unusual and rapid accumulation or runoff of surface waters from any source.
50. **Floodplain** - All areas adjoining a lake, stream, river, creek, or a channel, which are subject to inundation at a high flood water level as determined by an engineer or agency designated by the Township Board, or by the Michigan Department of Environmental Quality where it has jurisdiction.
51. **Floor Area** - The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building shall include the area of any floor when more than one-half ($\frac{1}{2}$) of the room height is above the established curb level,

or above the finished lot grade level when curb levels have not been established. "Floor Area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having headroom of seven feet six inches (7'6") or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area".

52. **Frontage** - All the property fronting one (1) side of the street between intersecting or intercepting streets, or between a street intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street, which it intercepts.
53. **Garage, Commercial** - Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles on other motor vehicles.
54. **Garage, Private** - An accessory building not over one (1) story or fifteen feet (15') in height used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.
55. **Gasoline Service Station** - Any building or premises used for the dispensation, sale or offering for sale at retail of any motor fuel, oils, or lubricants. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises, are classified as a public garage.
56. **Grade** - The ground elevation 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 level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
57. **Greenbelt Buffer** - See Section 14.07.
58. **Group Housing** - Two or more multiple dwellings on a parcel of land under single ownership.
59. **Highway** - (see Street, Major).
60. **Home Occupation** - An occupation that is traditionally or customarily carried on in the home including the instruction in a craft or fine art within the home, provided:
 - A. That such operation is incidental to the residential use in the extent that not more than thirty percent (30%) of usable floor area of the principal building shall be occupied by such occupation, and no portion of such activity shall take place within any accessory building.

- B. That there be no more than one (1) employee other than members of the resident family.
 - C. That there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign, not exceeding nine (9) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
 - D. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met off the street, and not in the required front yard.
 - E. No equipment or process shall be used in such a home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
 - F. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses, and professional offices shall be used to accommodate the home occupation.
 - G. The home occupation shall be subject to periodic inspections by the Zoning Administrator, and may be terminated if it is found to no longer comply with this Section.
61. **Hospital** - An institution providing health services primarily for in-patient, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities, central services facilities and staff offices.
62. **Hotel, Motel** - A building containing primarily rooming units with the number of dwelling units being not greater than ten (10) per cent of the total number of rooming units, and with the exception of the unit occupied by the management staff, used for the accommodation of the general public for a daily or weekly rate.
63. **Industrial Park** - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.
64. **Junk Yard** - Any land or building where waste, used or second hand materials are bought and sold, exchanged, stored, baled, parked, disassembled or handled including but not limited to, scrap, iron and other metals, paper, rags, rubber tires and bottles. A "junk

yard" includes automobile wrecking yards and salvage yards and includes any area of more than fifty (50) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

65. **Kennel, Commercial** - Any lot or premise on which five (5) or more dogs are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or premises where household pets are bred, sold, or treated for commercial purposes.
66. **Linear Park** - An open space in a public easement or part of a public right-of-way that connects traditional parks, historic sites, and natural areas; is used for non-motorized travel, walking or running paths; or as a buffer strip along rivers or other natural features to prevent erosion, act as a line of defense against pollution, or to provide a wildlife habitat.
67. **Living Space** - That area within a structure intended, designed, erected or used for human occupancy; that is, the sum of the gross horizontal area of the floor in question of the building used for occupancy, measured from the exterior faces of the exterior walls, from the center line of walls separating two buildings, from the center lines of interior walls, and excluding porches, garages, breezeways not usable year round.
68. **Loading Space** - An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
69. **Lot** - A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) principal building together with its accessory buildings, and providing the open spaces, together with its accessory buildings, and providing the open spaces, parking spaces and loading spaces required by this Ordinance. Said parcel of land may consist of one or more lots of record according to any recorded plat, but for the purpose of this Ordinance shall be deemed one parcel or lot if title to the property is held under one deed.
70. **Lot Area** - The total horizontal area within the lot lines of a lot.
71. **Lot, Corner** - A lot where the interior angle of two adjacent sides at the intersection of the two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purpose of this ordinance If the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended form an interior angle of less than one hundred thirty-five (135) degrees.
72. **Lot, Interior** - Any lot other than a corner lot.
73. **Lot Lines** - The lines bounding lot as defined herein:

Front Lot Lines - In the case of an interior lot, the line separating said lot from the street, in the case of a corner lot or double frontage lot, the line separating said lot from that street which is designed as the front street in the plat and the request for zoning compliance permit. In the case of lots bordering on a lake, river or canal, the established water or shore line shall be designated as the front of such lots.

Rear Lot Lines - The lot line opposite the front lot line. In the case of the lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet (10') long lying farthest from the front lot line and wholly within the lot.

Side Lot Lines - Any lot lines other than the front lot lines or the rear lot lines.

74. **Lot Coverage** - That part or percent of the lot occupied by buildings or structures including accessory buildings or structures, decks, porches, cement sidewalks, and swimming pools.
75. **Lot Depth** - The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.
76. **Lot of Record** - A lot existing prior to the adoption of this Ordinance and recorded with the County Register of Deeds.
77. **Lot Width** - The horizontal distance between the side lot lines, measured at the two points where the building line or setback intersects the side lot lines.
78. **Manufactured Home** - A transportable, factory-built home, designed to be used as a year-round residential dwelling.
79. **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 and which is offered to the public for that purpose regardless of whether a charge is made therefore, 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.
80. **Master Plan** - The statement of policy by the Township Planning Commission relative to the agreed upon desirable physical pattern of future community development. consists of a series of maps, charts and written material representing in summary form the soundest conception to the community as to how it should grow in order to bring the very best community living conditions.
81. **Mixed Use** – Mixed Use Building means a building that contains at least one floor devoted to allowing non-residential uses and at least one floor devoted to residential uses
82. **Mobile Home** - A vehicular, portable structure built on a chassis and designed to be used

with a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than 30 consecutive days.

83. **Mobile Home Park** - Any subdivision, however designated, that is occupied or designated for occupancy by three (3) or more mobile homes.
84. **Modular Housing Unit** - A unit constructed solely within the factory in various sized modules, which are then transported by flatbed, or other means, to the site where they are assembled on permanent foundations to form single family dwellings which are either attached (in rows or clusters) stacked or detached.
85. **Nonconforming Building** - A building or portion thereof existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance nor to the use regulations of the district in which it is located.
86. **Nonconforming Lot** - A lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present lot requirements of the Zoning District in which it is located.
87. **Nonconforming Use** - A use which lawfully occupied a building or land at the time of this Ordinance or amendments thereto became effective, and which does not conform to the use regulations of the district in which it is located.
88. **Nursing Home** - A nursing care facility licensed as a “Nursing Home” by the State Department of Public Health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 *et seq.*; MSA 14.15[20101] *et seq.*), as amended. A “Nursing Home” as defined by this Section shall include extended care facility and convalescent home.
89. **Off-Street Parking Lot** - A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.
90. **Office** - A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases, and equipment for current use in the office business, including personnel engaged in executive, administrative, professional, political, informative, research or clerical duties, and other similar related or incidental furniture, equipment or personnel connected or concerned with the performance of a service.
91. **Open Air Business** - Retail sales establishments operated substantially in the open air, including:
 - A. Utility truck or trailer, motor vehicle, boats, recreational vehicles, or home service

equipment sales or rental;

- B. Outdoor display area for sale or rent of recreation vehicles, manufactured homes, swimming pools, farm implements, commercial construction equipment, and similar goods.
 - 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.
92. **Open Space** - Any space suitable for recreation, gardens or growing vegetation.
93. **Parking Space** - A land area exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street or alley.
94. **Personal Service Establishment** - A commercial business conducting services that are performed primarily on the premises.
95. **Planned Unit Development** - This is a tract of land developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding area, and where the specific requirements of a given district may be modified and where the minimum area is fixed.
96. **Private Roads** - See Section 14.19.
97. **Principal Use** - The main use to which the premises are devoted and the main purpose for which the premises exist.
98. **Public Park** - Any park, playground, beach, outdoor swimming pool or parkway within the jurisdiction and control of a governmental agency authorized by state statutes to own and maintain parks.
99. **Public Sewer System** - A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures, including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulator devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health; operated and maintained by the general public.
100. **Public Utility** - Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and, furnishing under state or municipal

regulations to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

101. **Recreation Area, Private** - All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.
102. **Recreational Vehicle** - Vehicles or equipment used primarily for recreational purposes, excluding motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use. For the purpose of this Ordinance, "Recreational Vehicle" shall also 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; and,
 - E. Pop-up campers and camper trailers.
103. **Recycling Center** - An area where used or discarded materials are brought, then disassembled or separated, and stored, baled, packed, or handled for sale or exchange to be re-processed into another useful product. These materials include, but are not limited to: scrap iron and other metals, paper, rubber, corrugated paper and paper board, glass and plastic.
104. **Retail & Retail Store** - Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.
105. **Right-of-Way** - A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
106. **Roadside Stand** - A temporary structure, which is used seasonally for the sale of produce. The use of a roadside stand shall not constitute a commercial district.
107. **Rooming House** - A building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.
108. **Rooming Unit** - Any room, or group of rooms forming a single habitable unit used for living and sleeping, which does not contain cooking or eating facilities.

109. **Row House, (Townhouse)** - An attached house in a row or group, each house containing not more than two dwelling units and each house separated from adjoining houses in the same row or group by common firewalls or fire separations.
110. **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.
111. **Satellite Dish Antenna** - An apparatus capable of transmitting to or receiving communications from an orbiting satellite.
112. **School** - A building used for the purpose of elementary or secondary education including public, religious-based and charter schools which meets all requirements of compulsory education laws of the State of Michigan, and not providing residential accommodations.
113. **Setback** - The minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or sidelines of the building. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining offsets.
114. **Shopping Center** - A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area, which the unit serves.
115. **Signs** - Any words, numbers, figures, devices, designs, or trademarks by which anything is made known, other than billboards, such as are used to show an individual, firm or professional business, and are visible from the exterior of the structure.
116. **Signs, Outdoor Advertising** - Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official court or public notices.
117. **Special Land Use** - See Conditional Use
118. **State Licensed Residential Facility (6 or fewer persons)** - A structure constructed for residential purposes that is licensed by the State pursuant to the Adult Foster Care Facility Licensing Act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 *et seq.*, as amended) or the Child Care Organizations Act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 *et seq.*, as amended), which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care. A “State Licensed Residential Facility (Six or Less Persons)” as defined by this Section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center,

a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care. Such facilities are permitted in all residential zones.

119. **Story** - That part of a building, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.
120. **Street** - A thoroughfare, which affords the principal means of access to abutting property.
121. **Street, Major** - A public way, the principal use of which is to provide an arterial route for through traffic and has as its secondary use the provision of access to abutting properties.
122. **Street, Minor** - A public way, the principal use of which is to give access to abutting properties.
123. **Structure** - Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground. See Section 21.04, regarding the requirement for permits for buildings.
124. **Structural Alteration** - The erection, strengthening, removal or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns, and the like.
125. **Swimming Pool** - Any structure located either above or below grade designed to hold water to a depth of greater than twenty-four inches (24”), intended for swimming or bathing. A “Swimming Pool” shall be considered an accessory structure for purposes of computing lot coverage.
126. **Trailer Coach** - Same as Mobile Home.
127. **Trailer Coach Park** - Same as Mobile Home Park.
128. **Usable Floor Area** - The area for the purpose of computing parking and off-street loading and unloading space, is 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. Such floor area which is used or intended to be used principally for the storage or processing of merchandise or utilities shall be excluded from this computation of "usable floor area." Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.
129. **Use** - The purpose for which land or premises of a building thereon is designed, arranged, or intended for which it is occupied, maintained or leased.
130. **Variance** - A modification of the literal provisions of this ordinance which the Zoning

Board of Appeals is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.

131. **Vehicle Sales Area** - An area used for the display, sale or rental of new or used automobiles in operable condition.
132. **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 and including the customary space and facilities for the installation of such commodities, including storage, minor repair, and servicing but not including “vehicle repair” as defined herein.
133. **Vehicle Repair** - Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision service such as body, frame or fender straightening and repair; overall painting and rust proofing; and refinishing or steam cleaning. Such activities take place in “vehicle repair establishments.”
134. **Vehicle Wash Establishment** - A building or portion thereof, the primary purpose of which is that of washing motor vehicles.
135. **Warehouse Facility** -A structure and all necessary appurtenances for the storage of merchandise or commodities.
136. **Waste Dumpster** - A container used for the temporary storage of rubbish, or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.
137. **Wind Energy Conversion Systems** - A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blade and tower as well as related equipment. Height shall be defined as the tower height including the height of the rotor blade. A "small turbine or onsite" system is intended to primarily serve the needs of the customer, with a single tower that may, or may not, be connected to the utility grid. A "large turbine or utility grid system" is designed to generate electricity from one or more towers (within an area) and is intended to serve institutions, residential communities or larger cooperative.
138. **Wireless Communications Tower, Commercial** - A structure designed and constructed to support one (1) or more antennas used for 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.
139. **Yard** - An open space on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

- A. Front Yard - A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line, of the main building.
 - B. Rear Yard - A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and nearest line of the main building.
 - C. Side Yard - A yard between the main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line, to the nearest point of the main building.
140. **Zoning Compliance Permit** - A permit for commencing construction issued in accordance with a plan for construction that meets with all the provisions of this Zoning Ordinance, which may be included within a building permit.
141. **Zoning District** - (See District)

**ARTICLE 3
GENERAL PROVISIONS**

SECTION 3.01 ESTABLISHMENT OF DISTRICTS

The Charter Township of Bedford is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this ordinance:

- AA - Agricultural District (Article 4)
- WECS - Wind Energy Conversion System (Article 5)
- RA - Low-Density Residential District (Article 6)
- RB - Medium-Density Residential District (Article 7)
- MF - Multi-Family District (Article 8)
- C - Commercial District (Article 9)
- OS - Open Space Preservation (Article 10)
- KH - Keyhole Development (Article 11)
- I - Industrial District (Article 12)
- WC - Waterfront Conservation District (Article 13)

SECTION 3.02 PROVISION FOR OFFICIAL ZONING MAP

These Districts, so established, are bounded and defined as shown on the map entitled:

"ZONING DISTRICT MAP OF BEDFORD TOWNSHIP"

"Adopted by the Township Board", and which, with all notations, references and other information appearing thereon, is hereby declared to be a part of this ordinance and of the same force and effect as if the Districts shown thereon were fully set forth by metes and bounds herein.

SECTION 3.03 CHANGES TO OFFICIAL ZONING MAP

If, in accordance with the procedures of this ordinance and of Act 184, of the Public Acts of 1943, as amended, a change is made in a zoning district boundary, such change shall be made by the Building and Zoning Administrator promptly after the ordinance authorizing such change shall have been adopted and published by the Township Board. No change of any other nature shall be made unless authorized by the Zoning Board of Appeals.

SECTION 3.04 AUTHORITY OF OFFICIAL ZONING MAP

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the official Zoning Map which shall be located in the office of the

Township Building and Zoning Administrator shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

SECTION 3.05 REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may by ordinance adopt a new official zoning map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words:

"This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of The Charter Township of Bedford," adopted October - 2013", which replaces and supersedes all prior official zoning maps.

SECTION 3.06 INTERPRETATION OF ZONING DISTRICTS

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, and bounding a parcel, section line, quarter-section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of a city, village or township shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to, or an extension of, a feature indicated in paragraphs A. through E., above, shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

SECTION 3.07 APPLICATION OF REGULATIONS

The regulations established by this ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety and general welfare and shall be uniform for each class of land or building, dwellings and structures throughout each district. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have power in passing upon appeals to grant nonuse variances to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done. The permitted and conditional uses permitted in this Ordinance are the only uses allowed. Use variances are not allowed.

SECTION 3.08 SPLIT ZONING

In the event a lot or parcel of land shall fall under more than one (1) zoning district, the permitted and conditional uses applicable to that lot or parcel as well as all dimensional and other regulations applicable to that lot or parcel shall be determined by the location of such use on said lot or parcel. The uses and regulations of the zoning district applicable to that portion of the lot or parcel being used shall govern.

ARTICLE 4
AA — AGRICULTURAL DISTRICT

SECTION 4.01 PURPOSE

The purpose of this district is to protect and stabilize the essential character of agricultural areas within the Township, and to insure proper maintenance of conditions for healthful and economically productive agricultural activities by preserving those areas which are predominately agricultural in nature, and which are most appropriate for present and future agricultural developments. The requirements of this district are designed so as not to impede necessary urban expansion, but to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, thus disrupting the agricultural resources, environment and economy, including the tax base. It is essential that development in areas, which are predominately agricultural, be based on sound principles which realize the importance of such activities to the economy and welfare of the Township.

SECTION 4.02 PERMITTED USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district:

- A. One or two family dwellings.
- B. A parcel may be used for general and specialized farming and agricultural activities, including but not limited to, the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs and any building or structure may be located thereon and used for the day to day operation of such activities for the storage or preservation of said crops, livestock, poultry or other animals, products and foodstuffs raised on said lot or in said structure, provided, however, that such activities shall comply in all respects with generally accepted agricultural and management practices for site selection and odor controls for new and expanding livestock operations as such are adopted and amended from time to time by the Michigan Agriculture commission pursuant to the Michigan Right to Farm Act, 1981 PA 93, MCL 286.471 *et seq.*; MSA 12.122(1) *et seq.*, as amended by 1999 PA 261.
- C. Public and private conservation area and structure for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- D. A parcel may be used for the growing, stripping and removal of sod.
- E. Home occupations as prescribed by Section 2.02(59), and Bed and Breakfast Establishments by Section 2.02(19).
- F. Outside storage of not more than two (2) nonresidential type recreational vehicles

provided that such units shall be completely within the side and rear yards.

- G. Adult foster care family homes (six [6] or less persons).
- H. A sign, only in accordance with the regulations specified in **Article 18**.
- I. An accessory building or structure as provided in Section 14.02.
- J. Essential public service structures, except as provided in Section 14.14.
- K. Family day care home.
- L. Roadside stands.
- M. Agricultural processing and warehousing.
- N. Saw mills.

SECTION 4.03 CONDITIONAL USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district subject to obtaining a conditional use permit as provided in **ARTICLE 15**:

- A. Adult Entertainment.
- B. Adult Foster care small group homes.
- C. Church, synagogue, cathedral, mosque, temple or other building used for public censorship or a cemetery.
- D. Community centers and municipal buildings.
- E. Commercial daycare centers.
- F. Commercial outdoor recreational facility.
- G. Greenhouses and nurseries.
- H. Group daycare homes.
- I. Mining or removal of soil, sand, gravel and other minerals.
- J. Planned Unit Developments.
- K. Public and private nursery, primary and secondary schools, business school and college

and university.

- L. Public and private parks and recreation areas, such as: forest preserve, game refuge, recreation park and reservations and similar public and private use of low-intensity use.
- M. Public and private park camping grounds, country clubs, golf course, golf driving range, clubs, hunting lodge.
- N. Riding Stables.
- O. Sale of farm implements and commercial construction equipment.
- P. Transportation Terminals
- Q. Veterinary hospitals, animal clinics and commercial kennels.
- R. Wind Energy Conversion Systems
- S. Wireless communication towers and radio and television broadcast towers.

SECTION 4.04 REGULATIONS

The following dimensional regulations shall apply in all AA - Agricultural Districts:

- A. **LOT AREA:** No building or structure shall be established on any lot less than five (5) acres in area on which livestock operations are conducted. Otherwise, the minimum lot area for buildings and structures shall be two (2) acres.
- B. **LOT WIDTH:** The minimum lot width shall be three hundred feet (300') on lots wherein livestock operations are conducted. Otherwise, the minimum lot width shall be two hundred feet (200').
- C. **LOT COVERAGE:** The maximum lot coverage shall not exceed twenty percent (20%).
- D. **MINIMUM FIRST FLOOR AREA:** The minimum first floor area shall not be less than eight hundred (800) square feet.
- E. **YARD AND SETBACK REQUIREMENTS:**
 - 1. **Front Yard:** not less than sixty feet (60') from the right-of-way line.
 - 2. **Side Yards:** least width of either yard shall not be less than fifty feet (50'); Except in the case of a corner lot where the side yard on the road or street shall not be less than sixty feet (60').

3. Rear Yard: not less than fifty feet (50’).
 4. The above requirements shall apply to every lot, building or structure.
- F. HEIGHT: Except for detached accessory buildings, as governed by Section 14.02.
- G. REQUIRED OFF-STREET PARKING: As required in **ARTICLE 19**.

ARTICLE 5
WIND ENERGY CONVERSION SYSTEMS

SECTION 5.01 PURPOSE

- A. The regulation of Wind Energy Conversion Systems, including the height, minimum lot area and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of Township residents.
- B. Definition: Wind Energy Conversion Systems: A system, which converts, wind energy into electricity by a wind turbine generator and includes the turbine, blades and tower as well as related equipment. Height shall be defined as the tower height including the height of the rotor blade. A "small turbine or on-site" system is intended to primarily serve the needs of the customer, with a single tower that may, or may not, be connected to the utility grid. A "large turbine or utility grid system" is designed to generate electricity from one or more towers (within an area) and is intended to serve institutions, residential communities or larger cooperatives. On-site wind energy system - a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumers at this site.
- C. Conditional Use: Due to the concerns related to health, safety and welfare, such systems shall be regulated as conditional uses within all zoning districts, provided such land area is sufficient to support their development and operation. The following requirements shall be met and the Planning Commission may impose additional conditions where appropriate.

SECTION 5.02 CONVERSION SYSTEMS

- A. All conversion systems shall be equipped with manual and automatic overspeed controls to limit rotation of blades to speeds below the designed limits of the conversion system. The certified registered engineer and authorized factory representative shall certify that the rotor and overspeed control design and fabrication conforms to good engineering practices. No changes or alterations from the certified design shall be permitted unless accompanied by a certified registered engineer's and the authorized factory representative's statement of certification.
- B. All electrical compartments, storage facilities, wire conduit and interconnections with utility companies shall conform to national and local electrical codes.
- C. A visible warning sign of "high voltage" would be placed at the base of all conversion systems. The sign shall have at a minimum six (6) inch letters with 3/4

inch stroke. The sign shall include a twenty-four (24) hour emergency phone number.

- D. All towers or poles must be unclimbable by design or protected by anti-climbing devices such as:
 - 1. Fences with locking portals at least six (6) feet high.
 - 2. Anti-climbing devices twelve (12) feet from base of pole.
- E. Tubular towers are required for wind turbine generators.
- F. Engineering data concerning construction of the tower base must be submitted with an application and site plan. The base of the wind turbine must be constructed in such a manner that upon removal of said tower, the soil would be restored to its original condition to a depth of four (4) feet.
- G. "Up wind turbines" are required.
- H. Constant velocity turbines are preferred. Variable speed turbines must submit additional data concerning noise when their revolution per minute exceeds twenty-five (25) RPMS.
- I. Visual appearance and its impact on nearby dwellings would be limited by using muted colors, based on industry standards that minimize visibility, and by using turbines that are consistent in their appearance.
- J. No advertising of any kind shall be allowed on the wind turbines.
- K. The electrical wires used to connect the turbine tower to its step-up transformer shall be installed at a depth of forty-eight (48) inches or more below ground.

SECTION 5.03 AVIAN STUDY

- A. At the time of application, the applicant shall submit a wildlife study, completed by a qualified professional to assess the potential impacts of the proposed wind energy system upon bird and bat species. The wildlife study shall include the results of an environmental review request from the Michigan Department of Natural Resources, a literature review for threatened and endangered species for birds and bats, the result of supplemental environmental surveys conducted by the applicant to provide information related to critical flyways, migratory routes, feeding areas, and/or nesting sites for protected species. It is the intent of this ordinance to reasonably consider and protect avian and bat species, not just those that are endangered or threatened. The applicant must identify any plans for post-construction monitoring and studies. The analysis

shall also include the explanation of potential impacts and proposed mitigation plans, if necessary.

- B. A qualified third party review of the applicant's wildlife studies and/or environmental surveys may be required by the Planning Commission.
- C. The Planning Commission may require a post-construction bird and bat mortality study completed by a third-party professional selected by the Planning Commission. The timing of such a study shall be specified as a condition of the Conditional Use Permit.
- D. The compatibility of the tower structure with the rotors and other components of the conversion systems shall be certified by a certified, registered engineer or by the authorized factory representative. In addition, the lowest point of the blade shall be a minimum of thirty feet (30') above the ground.

SECTION 5.04 HEIGHT AND SETBACK REQUIREMENTS

- A. Wind energy generators may exceed the height limitations of the zoning district in which they are located, subject to the limitations provided in this Section 5.04.
- B. In the case of a "pooling of parcels" no wind turbine generator shall be located such that the distance between the center of the base of the tower and any outside boundary line of the area comprising the Conditional Use Permit in which the pooled parcels are located is less than two (2) times the height of the wind turbine generator, as measured from the ground at the center of the base of the tower to the highest reach of the blade.
- C. In the case of a single (unpooled) parcel, no wind turbine generator shall be located such that the distance between the center of the base of the tower and any property line is less than two (2) times the height of the wind turbine generator, as measured from the ground at the center of the base of the tower to the highest reach of the blade.
- D. No wind turbine generator shall be located such that the distance between the center of the base of the tower and the nearest point of any existing building designed or used for human occupancy or assembly (including but not limited to a dwelling, school, foster care facility, church and the like) is less than two (2) times the height of the wind turbine as measured from the ground at the center of the base of the tower to the highest reach of the blade.
- E. No wind turbine generator shall be located such that the distance between the center of the base of the tower to the nearest point of any existing building or structure that is not designed or used for human occupancy or assembly (including but not limited to a garage, other accessory building, barn, storage building and the like) or road right-of-way is less than one and one half times the height of the wind turbine generator, as

measured from the ground at the center of the base of the tower to the highest reach of the blade.

- F. No wind turbine generator shall be located such that the distance between the nearest point of the blade while in rotation and the nearest boundary line of any individual land parcel comprising the pooled parcel is less than fifty feet (50'); provided, however, that the Planning Commission may approve a lesser setback distance if written consents for such lesser distance are obtained from the owners of all lands located, in whole or in part, within one rotor-diameter of the wind turbine generator measured from the center of the base of the wind turbine generator. In determining whether such lesser setback may be approved, the Planning Commission shall consider the technical needs of the applicant, the feasibility of alternate locations, the nature and proximity of the nearby building and structures, and the potential for adverse impacts that noise, shadow Flicker Study, and other features may have on adjacent land uses.
- G. The certified registered engineer and authorized factory representative shall certify that the construction and installation of the conversion system meets or exceeds the manufacturer's construction and installation standards.

SECTION 5.05 MAINTENANCE AND OPERATION

- A. A Wind Energy System must be maintained and kept in good working order or shall be removed by the owner of the Wind Energy System. Any Wind Energy System, or part of a Wind Energy System such as a wind turbine generator, that has not produced electrical energy for twelve (12) consecutive months shall be deemed to be abandoned; provided, however, that the owners or operator of the wind turbine may apply to the Planning Commission, not less than three (3) months prior to the expiration of said twelve (12) month period for one (1) additional extension of up to twelve (12) months upon establishing, to the satisfaction of the Planning Commission, that the lack of production was caused by reasons beyond the control of the owner or operator. In determining whether such abandonment has occurred, the Planning Commission or Zoning Administrator may request, and the operator, system owner, or property owner shall provide written documentation accurately indicating the amount of electrical energy produced by the Wind Energy System during said twelve (12) month period. It shall be the obligation of the wind energy system owner to remove the abandoned Wind Energy System.
- B. To insure that the abandoned Wind Energy System is removed, a performance bond or letter of credit, in an amount determined by the Planning Commission to be sufficient to cover the entire cost of removal, shall be submitted by the applicant prior to the issuance of the Conditional Use Permit. To assist the Planning Commission in

determining the amount of the performance bond, or letter of credit, the applicant may submit information regarding the estimated cost to remove a Wind Energy System.

- C. The performance bond, or letter of credit, shall be conditioned upon the timely and faithful performance of the requirements of this ordinance and the Conditional Use Permit. The performance bond or letter of credit shall remain in effect for the duration of the Conditional Use Permit. The amount of the performance bond or letter of credit shall be adjusted at least every three (3) years to reflect changes in the estimated cost of removal, based on the most recent inflation index for the cost of comparable services, as published by the U.S. Bureau of Labor Statistics or other applicable federal agency or other commonly accepted index.

- D. If the Wind Energy System owner fails to remove the Wind Energy System as required by this section, then the Township is entitled to use the proceeds from the performance bond or letter of credit to have the Wind Energy System removed. Such removal by the Township shall not relieve the owner of the Wind Energy System from its removal obligation.
 - 1. A condition of the performance bond or letter of credit shall be written notification by the issuing company or institution to the Zoning Administrator when the performance bond or letter or credit is about to expire or be terminated.
 - 2. The Wind Energy System owner or operator shall provide the Zoning Administrator with a copy of the yearly maintenance inspection.
 - 3. Failure to keep the performance bond, letter, or credit in effect while a Wind Energy System or weather-testing tower is in place would be a violation of the Conditional Use Permit approval. If a lapse in the performance bond or letter of credit occurs, the Township would use all available remedies including revocation of the Conditional Use Permit.
 - 4. If there is a mechanical failure resulting in an abnormal sound emission lease of pollutant, or a public safety hazard, the Zoning Administrator shall be notified of the event the next day of business following the event. The applicant shall provide the Township, at the time of application, with an operational procedure for this event, a mitigation strategy, and appropriate emergency contact information. A written report describing the failure and the owner's response to the failure shall be submitted to the Zoning Administrator within ten (10) business days of the event. Sound emitted from a wind turbine generator that is the result of a mechanical failure or lack of maintenance may not be subject to the complaint resolution procedure outlined in Section 5.13. Emergency contact information and a turbine reference number shall be placed in an appropriate location near the

site of the turbine, such as at the gate for the access road, so it can be viewed without trespassing on private property.

SECTION 5.06 NOISE LEVELS- SOUND LEVEL LIMITS

- A. The a-weighted equivalent sound level (LA) measured at the property line of an unpooled (single) parcel upon which there is an occupied building or dwelling shall not exceed forty-five (45) dBA. If the unpooled parcel does not have an occupied principal building or dwelling on it, then the forty-five (45) dBA sound limit may be exceeded at the property line; provided that when an occupied principal building or dwelling is built on such unpooled parcel after the Conditional Use Permit has been issued, the sound level shall not exceed forty-five (45) dBA measured at the nearest wall of the occupied building or dwelling located on the unpooled parcel and in compliance with the minimum required front, side or rear yard setbacks then in effect within the zoning district in which the occupied building or dwelling is located.
- B. On a pooled parcel, the ten (10) minute LA sound level measured at the wall of an occupied building nearest to the wind turbine or turbines shall not exceed fifty-five (55) dBA.
- C. These sound level limits are to be evaluated using the a-weighted equivalent sound level (LA) description. The LA should be measured using a ten (10) minute time interval.
- D. The sound level limits above apply to the contribution from the Wind Energy System only and do not include contributions from background ambient sounds.

SECTION 5.07 STUDIES REQUIRED

- A. Preconstruction noise background survey. The applicant shall provide a noise background study at the time of application which indicates Leq, L10 and LGO the (10) minute sound level using a-weighting. Measurement procedures should generally follow the most recent versions of ANSI, S12.18 and ANSI 12.9, part three (3) (with or without an observer present) guidelines. The selected test locations shall be described with GPS coordinates or some other level of detail such that the location can be used by others to repeat or verify sound measurement. Measurements shall be taken using an ANSI or 1 EC type 1 precision integrating sound level meter (whatever is currently approved). The noise background study shall report for the period of monitoring topography, temperature, weather patterns, sources of ambient sound and prevailing wind direction. The study shall include a map showing proposed wind turbine locations, pooled and unpooled parcels, and all occupied buildings.
- B. Sound Modeling Study. A predictive sound study of turbine noise shall accompany

an application for a Wind Energy System to verify that ordinance requirements can be met for ABA sound levels. The applicant shall present the maximum sound power level of the proposed turbine on both the dBA and dBC scales, and will calculate the difference (dBC-dBA) in decibels and compare it to the twenty (20) decibel threshold in 1EC61400-11, ANNEX A, as an indicator of whether the turbine is likely to produce low-frequency noise that could create annoyance, for assessing potential low frequency problems, referring to Section 5.06. The sound modeling must follow the most recent version of international standard, ISO 9613-2 "acoustics - attenuation of sound during propagation outdoors part 2: general method of calculation." The sound modeling study shall use wind turbine sound power levels determined according to the most recent version of 1EC 61400 - part 2. The sound study shall include a map with sound contour lines for both dBA sound emitted from the proposed Wind Energy Systems. The study shall include a map showing sound contours at five (5) dBA intervals, proposed wind turbine locations, pooled and unpooled parcels, and all occupied buildings. The predicted values must include sound levels created by all proposed turbines from the applicant's project. The sound study shall extend out to the thirty (30) dBA sound contour line or one (1) mile from a wind turbine generator, whichever is closer to the nearest wind turbine.

- C. Post construction sound survey documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third party qualified professional selected by the Planning Commission and at the expense of the Wind Energy System owner within twelve (12) months of the commencement of the operation of the project. The post construction study shall be performed at the same locations as the reconstruction study unless additional locations are required by the Planning Commission. The study should generally follow the procedures in the most recent versions of ANSW S 12.9 part 3 (with or without an observer present) and ANSW W 12.18. All sound pressure levels shall be measured with instruments that meet ABSI IR 1 EC type 1 precision integrating sound level meter performance specifications. In addition to measuring a-weighted sound levels, at least one (1) monitoring location shall collect one-third octave ABNd data down to 6.3 hertz. As part of the study octave band data must be measured as addressed in Section 5.07. The post construction test shall verify equivalent sound level limits in dBA are in compliance with the standards of this ordinance. The compliance test procedure will use an alternating series of turbine-on and turbine-off ten (10) minutes Leq measurements when wind speeds are fairly constant. Measured levels (turbine on and turbine off) for similar hub height wind speeds will be compared to determine the sound level from only the wind turbines. The firm conducting the study shall collect LA go and LA 10 data. The study shall address noise complaints on file with the Township (as indicated in Section 5.07) and may require additional study locations as deemed necessary by the Planning Commission. The firm conducting the post construction sound survey shall consult with the Planning Commission, or their representative, prior to conducting the study to agree on the compliance testing locations. The study shall delineate pooled and unpooled parcels as well as occupied buildings. Should the sound study indicate a noncompliant measurement, the owner of the Wind Energy System would be required to obtain compliance through mitigation or other measures.

D. Wind Rose Chart

The applicant shall submit a wind rose chart at the time of the application. This is a chart or graph that describes twelve (12) months (or more) of wind data collected from the proposed project area. This graph or chart will demonstrate direction, duration and intensity of the wind (pooled or not). This data will be for each height of wind sensor mounted on the meteorological tower

E. Low frequency sound and/or vibration: the applicant shall provide acoustic modeling at the time of application to assess potential low frequency or vibration problems. The modeling study of low frequency sound and vibration shall demonstrate meeting (1) ANSI S 12.9/part 4 annex D threshold for minimal annoyance and beginning of rattles from outdoor low frequency noise as summarized in Section 2.22 of the March-April, 2011 Noise Control Engineering Article by O'Neal et al. and (2) the ANSI S 12.2 sound level limits for moderately perceptible vibration and rattles within homes as modified to equivalent outdoor sound limits in table 2 of the March-April, 2011 Noise Control Engineering Journal Articles by O'Neal et al. The ANSI S 12.2 interior sound level limits for low frequency sound and perceptible vibration within homes as modified to equivalent outdoor sound limits in table 2 of the March-April, 2011 Noise Control Engineering Journal Article by O'Neal et al. shall be utilized to determine if outdoor sound levels will create perceptible vibration or low frequency problems indoors. If the post construction sound survey outdoor octave band sound level measurements reveal that low frequency sound from wind turbines at the exterior of an unpooled, occupied or non-occupied building may create a vibration or low frequency noise problem, then further studies should be conducted to assess the problem. The further studies shall use the above referenced standards (ANSI S 12.2 and ANSI S 12.9/part 4 annex D). If the further study indicates that the low frequency sound/vibration exceeds acceptable levels, mitigation may be required by the Planning Commission. Mitigation may include operational changes to the Turbine, modifications to the subject building(s), or other measures as determined by the Planning Commission.

F. Any lighting required by the FAA shall be of the lowest intensity and of the slowest pulse allowed.

SECTION 5.08 POOLING OF PARCELS

A. If two or more parcels of land are included in the Conditional Use Permit, they shall be pooled into a single unit (the "pooled" unit) for purposes of the Conditional Use Permit, in accordance with this Paragraph A.

- B. The applicant shall attach to its application the pooling instrument and copies of all leases, easements or other instruments which constitute the applicant's land use rights for all parcels comprising the pooled unit, and which together with the pertinent facts in the application and Site Plan establish that the applicant will not be required to release or terminate its lease, easement, or other land use rights with respect to any parcel being pooled for the purpose of obtaining a single Conditional Use Permit for the duration of the Special Land Use if and to the extent that such a release or termination would result in a conflict with or a violation of the Conditional Use Permit or any other provisions of the Zoning Ordinance. The pooling instrument shall be executed and recorded by the applicant with the county register of deeds prior to the issuance of the Conditional Use Permit.
- C. The pooling instrument shall be the form of declaration of pooling, and shall contain the content thereof, as prepared and furnished by the Township for use by all applicants requesting a Conditional Use Permit, with the appropriate land descriptions provided by the applicant and other specific references applicable to the lands involved. The form of declaration of pooling furnished by the Township shall include a statement that the lands are being pooled for the purpose of operations under the approved Conditional Use Permit upon each parcel of land comprising the pooled unit.
- D. The form of declaration of pooling furnished by the Township as completed by the applicant with the relevant legal descriptions and other matters specific to the lands involved shall be subject to final approval by the Planning Commission prior to the instrument being recorded with the Register of Deeds.
- E. The form of declaration of pooling furnished by the Township shall be enforceable by the Township to the applicant and to the owner of the parcels comprising the pooled unit.
- F. As a condition of the Conditional Use Permit, the Planning Commission may require the applicant to submit a last owner of record search, at the applicant's expense, certified to the date of the commission, to the date of recording of the applicable pooling instrument, lease, easement or other recorded instrument, by an approved examiner or title insurance company, covering the proposed pooled unit, and disclosing the then owners of the lands comprising the pooled unit.
- G. Neither the applicant nor the property owner, may release or terminate the declaration of pooling, or other pooling instrument, or any lease, easement or other instrument executed in compliance with the Conditional Use Permit, as to the entire pooled unit or any part thereof, for the duration of the Conditional Use Permit, in whole or in part, if and to the extent that such a release or termination would result in a conflict with or a violation of the Conditional Use Permit or other applicable provision of the Zoning Ordinance.
- H. The applicant shall record with the register of deeds a memorandum of the Conditional Use Permit issued with respect to all parcels pooled as part of the

Conditional Use Permit obtained hereunder. The memorandum shall consist of the form of memorandum prepared and furnished by the Township for use by applicants for the Conditional Use Permit, and shall contain the content thereof as prepared by the Township, except for legal descriptions and other references specific to the lands involved, which shall be included by the applicant. Prior to the memorandum being recorded with the Register of Deeds, the applicant shall submit to the Planning Commission for approval, consistent with the provisions of this section, the proposed memorandum as completed by the applicant with the land descriptions and other references specific to the land involved.

SECTION 5.09 SIGNAL INTERFERENCE

- A. No Wind Energy System shall be installed in any location where its proximity with existing fixed broadcast, transmission, or reception antennas for AM or FM radio, 911 Emergency Systems, internet broadband satellite reception, off-air television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
- B. An application shall include a licensed microwave search and worst case Fresnel Zone (WCFZ) analysis. The application shall include an electromagnetic interference mitigator plan. All wind turbine generators shall be sited in accordance with the findings of electromagnetic interference mitigation plan and approved by the Planning Commission. The applicant shall eliminate any electromagnetic interference and line of sight interference such as, but not limited to, internet, radio, emergency services/radio and television.
- C. The Planning Commission of the Charter Township of Bedford has the specific right to hire an engineering firm to assist them with making decisions referencing Section 5.09 A and Section 5.09 B, and/or for any Articles and Sections for technical advice.

SECTION 5.10 SHADOW FLICKER STUDY

- A. Flicker Study: A Shadow Flicker Study shall be required, and shall be submitted by the applicant with the application. The purpose of the Shadow Flicker Study is to examine the duration and location of Shadow Flicker Study on unpooled parcels. The model study area shall include all land extending a minimum of ten (10) rotor diameters in all directions beyond the exterior boundaries of the pooled parcels. The model shall be calculated using the following minimum inputs: turbine locations, Shadow Flicker Study receptor locations, existing topography, rotor diameter and hub height, joint wind speed and direction distribution (wind rose table, and hours of sunshine (long term monthly references). The model shall calculate the locations and durations of shadow Flicker Study caused by the proposed wind energy system within the study area, and the total number of hours anticipated per year of Shadow Flicker Study. Assumption regarding the percentage of time that Shadow Flicker Study is likely to occur shall be clearly explained and subject to approval of the Planning Commission. The Shadow Flicker

Study shall include a map that indicates pooled and unpooled parcels, all dwellings, and the exterior boundary of the pool. Estimates for Shadow Flicker Study shall be to the nearest tenth of an hour.

- B. Shadow Flicker Study Limits: The allowable Shadow Flicker Study measured at the nearest external wall or walls of an occupied building or dwelling located on an unpooled parcel shall be a maximum of ten (10) hours per year. If the Shadow Flicker Study is created by more than one wind turbine generator, the cumulative total of all Shadow Flicker Studies shall not exceed ten (10) hours per year. If an occupied building or dwelling is built on an unpooled parcel after the issuance of a Conditional Use Permit for a utility grid Wind Energy System and the occupied building or dwelling is in compliance with the minimum required front, side and rear yard setbacks then in effect within the zoning district in which the occupied building or dwelling located, the owner of the Wind Energy System shall adhere to the above permissible Shadow Flicker Study limit at the nearest external wall or walls of such occupied building or dwelling to a maximum of ten (10) hours per year.
- C. Mitigation: Mitigation measures for each receptor site shall be described, including but not limited to, styling changes, operational procedures, grading, modifications to a dwelling, and/or landscaping. If landscaping is used as a mitigation procedure, the planting of mature trees shall be required. The Planning Commission may require a performance guarantee, in the case of landscaping and/or mitigation measures, to assure the long term viability and effectiveness of the mitigation.

SECTION 5.11 ROADS

- A. The utilization of roads and the road right of way for the construction of a wind energy system must meet the requirements set forth by the Calhoun County Road Department.

SECTION 5.12 PERFORMANCE REVIEW

- A. The Planning Commission shall require a performance review of the Conditional Use Permit use on a three (3) year basis or as it may be required. The three-year time period commences after the first turbine of the Wind Energy System becomes operational. The Planning Commission shall provide the performance review and the Township shall perform, where reasonably practicable, investigation regarding a complaint or other matter requiring a performance review. In its sole discretion, the Township may require the assistance of an independent third party due to the specialized nature of the complaint, conflicting evidence, or other condition. The reasonable cost of an independent third-party consultant shall be at the expense of the Wind Energy System owner. Failure to maintain compliance with Section 5.12, of the Ordinance, shall result in enforcement action which may include the termination of the Conditional Use Permit, or portions of the Conditional Use Permit. The purpose of the performance review is to evaluate the status:

1. Compliance with the Conditional Use Permit. Compliance with the conditions set forth by the Conditional Use Permit, such as specific mitigation measurements or operational procedures.
2. Ownership Change: Changes in ownership or operation of the Wind Energy System.
3. Avian or Bat Mortality: A significant avian or bat mortality event that exceeds projected impacts described in the wildlife study as required in Section 5.03 of this Ordinance.
4. Other matters as determined by the Planning Commission.
5. Unresolved and/or repeated Complaints: A complaint taking longer than thirty (30) days to be resolved may require a performance review unless otherwise specified in the ordinance. If after the performance review and further investigation, the Planning Commission verifies that the alleged ordinance violators are the result of the operation or condition of the wind energy system. The owner/operator shall eliminate the non-compliance by mitigation or other measures which may include temporary operational changes. The Planning Commission shall establish the effective Date of the mitigation measure based on the nature of the mitigation.
6. As a condition of the Planning Commission conducting a performance review, the complainant shall be required to allow Township staff, the wind energy system owner or designated staff, or other authorized personnel such as an engineer or acoustic professional, on the property of the complainant for further investigation and testing.
7. Actions taken by the Planning Commission to terminate or modify the Conditional Use Permit, portions of the Conditional Use Permit, or conditions of the Conditional Use Permit shall require a public hearing and notification to the Wind Energy System owner pursuant to the conditions of the original permit and accordance with Section 5.02 of this ordinance.

SECTION 5.13 COMPLAINT RESOLUTION

- A. The purpose of this section is to provide the public with a mechanism to file a complaint with the Wind Energy System owner and the Zoning Administrator and receive a timely response from the Wind Energy System owner regarding alleged wind energy system ordinance violations. The applicant shall submit procedures which it intends to implement for receiving, acting upon, and resolving complaints or allegations that the Wind Energy System is not in compliance with this ordinance.
- B. Complaint resolution procedures must be presented at the time of application and

must meet the approval of the Planning Commission prior to approval of a Conditional Use Permit. Those procedures, at a minimum, shall:

1. Require the system owner to accept complaints regarding noncompliance with the ordinance from all property owners within the project boundary and up to one mile radius of a wind turbine generator.
 2. Provide a telephone number and mailing address at which the operator can be contacted for purposes of submitting complaints or allegations of non-compliance.
 3. Require that all such complaints or allegations be submitted in writing.
 4. As a condition of the system owner acting on the complaint, require that a complainant allow the Wind Energy System owner or designated staff, or other authorized personnel such as an engineer or acoustic professional, on the property of the complaint for further investigation and testing.
 5. Set forth information that must be included in the complaint or allegation.
 6. Require that a complaint is acknowledged in writing by the wind turbine owner to both the complaint and the Zoning Administrator within five (5) business days of receipt of said complaint.
 7. Set forth the number of days, not to exceed thirty (30), in which the operator shall investigate and resolve any and all complaints or allegations, either by way of correction or formal denial of non-compliance.
 8. Require the operator to advise the Zoning Administrator in writing of the resolution of any complaint or allegation of non-compliance within thirty (30) days of receipt of the same.
- C. Any complaint not resolved within thirty (30) days shall result in a performance review by the Planning Commission as described in Section 5.13. Resolution or mitigation of a complaint that involves construction, landscaping, testing or other significant alteration/operational condition that is dependent on seasonal or other conditions, may exceed thirty (30) days if approved by the Planning Commission.
- D. It shall be a violation of this ordinance to modify the approved complaint resolution procedures without the prior approval of the Planning Commission.

SECTION 5.14 ON SITE WIND ENERGY SYSTEMS OVER SIXTY-SIX (66) FEET

- A. Setbacks: The distance between a Wind Energy System structure and the owner's property lines shall be at least 1 1/2 times the height of the Wind Energy System tower

including the top of the blade in its vertical position. No part of the Wind Energy System structure, including guy wire anchors, may extend closer than twenty-five (25) feet to the owner's property lines.

- B. **Sound Pressure Level:** Sound pressure level shall not exceed 55 dB(A) at adjacent property lines to the Wind Energy System. The sound pressure level may exceed during short-term events such as utility outages and/or severe windstorms. If the ambient pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- C. **Sound Pressure Proof of Compliance:** Proof of compliance with sound pressure standards is required within ninety (90) days after the system becomes operational. Sound shall be measured by a third party, qualified professional according to the standards outlined in Section 5.06.
- D. **Sound Pressure Mediation:** Should an aggrieved property owner call into question the sound pressure level of a wind tower, the aggrieved property owner shall follow the following procedure:
 - 1. Notify the Township in writing regarding concerns about sound pressure and ask the Township to perform a sound pressure test at the aggrieved owner's property line.
 - 2. The Township will request the aggrieved property owner to deposit funds in an amount sufficient to pay for a sound measurement test according to the specifications of Section 5.06.
 - 3. If the sound test indicates that the sound pressure level is within ordinance guidelines, the Township will use the deposit to pay for the sound pressure test.
 - 4. If the wind tower owner is in violation of the ordinance sound standards, the tower owner shall reimburse the Township for the sound pressure test and take immediate action to bring the wind tower into greater compliance, which may include ceasing operation of the wind turbine until ordinance violations are corrected. The Township will refund the deposit to the aggrieved property owner.
 - 5. **Construction Codes and Other Standards:** On site use, Wind Energy Systems shall comply with all applicable state construction and electrical codes and local building permit requirements. On site use, Wind Energy Systems shall comply with federal administration requirements, the Michigan Airport Zoning Act (PA 23 of 1950, MCL 259.431 et. seq.) The Michigan tall

structures Act (PA 259 of 1959, MCL 259.481 et seq.) and airport overlay zone regulations.

6. Safety: An onsite use Wind Energy System shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have an automatic transfer switch. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly marked with brightly colored tubing to a height of at least six (6) feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing horizontal axis rotor.
7. Lighting: Lighting required by the FAA shall be the lowest intensity and of the slowest pulse allowed.
8. Visual Impact: Visual impact will be limited by using muted colors, industry standards that minimize visibility, and by using turbines that are consistent in the appearance. No advertising of any kind shall be allowed on the wind turbine with the exception of the manufacturer's name or logo.

SECTION 5.15 ABANDONMENT:

- A. If a wind tower has been abandoned for over one (1) year and poses an immediate risk to health and safety due to lack of maintenance, poor structural integrity, noise, or vibration, it shall be considered a nuisance and a violation of this ordinance.
- B. Lack of Maintenance: If at any time, the wind tower poses an immediate risk to health and safety due to lack of maintenance, poor structural integrity, noise, or vibration it shall be considered a nuisance and a violation of this ordinance.
- C. Applications: Application for onsite Wind Energy Systems with a tower height greater than sixty-six (66) feet shall include:
 1. A site plan, drawn to scale, indicating property lines, dimensions and location of all structures, and all structures within one hundred (100) feet of the applicant's property lines.
 2. Information regarding the height of the tower and turbine blade length.
 3. Manufacturer's modeling and analysis confirming that the wind energy system will not exceed the maximum permitted sound pressure levels.
 4. The location of the wind turbine, guy wires, and accessory structures.

5. Documentation that construction code, tower interconnection (if applicable), electrical code, airport overlay zoning, and safety requirements have been met.
6. The applicant shall provide visual simulations of how the completed project will look from four (4) viewable angles.
7. Proof of applicant's liability insurance.
8. Applicant shall provide a copy of that portion of the applicant's lease with the landowner granting authority to install a met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind assessment.
9. An aerial photograph indicating property lines and the location of the wind turbine or anemometer and all support apparatus.
10. A survey of the applicant's property, if the applicant has an existing survey.

ARTICLE 6
RA - LOW DENSITY RESIDENTIAL DISTRICT

SECTION 6.01 PURPOSE

It is the purpose of this District to protect and stabilize the essential characteristics for low density family life until such time as it may be in the public interest to promote development of greater intensity requiring higher levels of public services and utilities.

SECTION 6.02 PERMITTED USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this District:

- A. One-or two-family dwellings.
- B. General and specialized farming and agricultural activities including the raising or growing of crops and other farm products and foodstuffs, but not including the raising of any livestock, poultry or other farm animals.
- C. A sign, only in accordance with the regulations specified in **ARTICLE 18**.
- D. An accessory building or structure as provided in Section 14.02.
- E. Essential service structures except as provided in Section 14.14.
- F. Home occupations as prescribed by Section 2.02(59) and Bed and Breakfast establishments Section 2.02(19).
- G. Adult foster care family homes (six [6] or less persons).
- H. Family day care home.

SECTION 6.03 CONDITIONAL USES

The following buildings and structures and uses of parcels, lots, buildings, and structures are permitted in this District subject to obtaining a conditional use permit as provided in **ARTICLE 15**.

- A. Commercial outdoor recreational facilities, public and private parks and recreation areas, playgrounds, golf courses and country clubs.
- B. Public or private campgrounds.
- C. Funeral homes and mortuaries.

- D. Churches, municipal buildings and community centers.
- E. Public and private nursery, primary and secondary school.
- F. A planned unit development.
- G. Commercial day care centers and group day care homes.
- H. Cemeteries.
- I. Adult foster care small group homes.

SECTION 6.04 REGULATIONS

The following regulations shall apply in all “RA” Low Density Residential Districts:

- A. No building or structure shall be established in this District on any lot less than two (2) acres.
- B. The minimum lot width shall be two hundred feet (200').
- C. The maximum lot coverage shall not exceed twenty percent (20%).
- D. The minimum first floor area shall not be less than eight hundred (800) square feet.
- E. Yard and Setback Requirements:
 - 1. Front Yard — Not less than fifty feet (50').
 - 2. Side Yards — Least width of either yard shall not be less than thirty feet (30'). In the case of a corner lot, the side yard on the road or street must be a minimum of fifty feet (50').
 - 3. Rear Yard — Not less than fifty feet (50'), except when the rear yard abuts a water body, then not less than one hundred fifty feet (150').
 - 4. The above requirements shall apply to every lot, building or structure, except for detached Accessory Buildings, which shall be governed by Section 14.02.
- F. Height: Except for detached Accessory Buildings, which shall be governed by Section 14.02, no building and no structure shall exceed a height of two and one-half (2½) stories or thirty-five feet (35').
- G. Required Off-Street Parking: As required in **ARTICLE 19**.

ARTICLE 7
RB - MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 7.01 PURPOSE

The purpose of this District is to provide a stable environment for medium to high density residential areas with suitable open space. This District shall generally be located on the fringe of urban-type development. The District allows flexibility of lot size dependent upon the availability of public sewer and water services.

SECTION 7.02 PERMITTED USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this District:

- A. Single-family dwelling.
- B. Two-family dwelling.
- C. A sign, only in accordance with the regulations specified in **ARTICLE 18**.
- D. An accessory use building or structure as provided by Section 14.02.
- E. Essential service structures except as provided in Section 14.14
- F. Vegetable and flower gardens.
- G. Home occupations as prescribed in Section 2.02(59).
- H. Adult foster care family homes (six [6] or less persons).
- I. Family day care home.
- J. Assisted living homes and nursing homes.

SECTION 7.03 CONDITIONAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in **ARTICLE 15**.

- A. Country club and golf course.
- B. Private and public parks and recreation areas.
- C. Church and municipal buildings.

- D. Public and private nursery, primary and secondary school.
- E. Commercial outdoor recreational facilities.
- F. Group day care homes and commercial day care centers.
- G. Mobile home park/manufactured home park.
- H. A planned unit residential development.
- I. Adult foster care small group homes and adult foster care large group homes.

SECTION 7.04 REGULATIONS

The following regulations shall apply in all “RB” Medium Density Residential Districts:

- A. Lot Area - Where a lot is served with a public water supply system and a central sanitary sewerage system there shall be provided a minimum of ten thousand (10,000) square feet of lot area for each single-family dwelling unit and fifteen thousand (15,000) square feet of lot area for each two-family dwelling unit. Where a lot is not so served, there shall be provided a minimum of fifteen thousand (15,000) square feet of lot area for each single-family dwelling unit and thirty thousand (30,000) square feet of lot area for each two-family dwelling unit. The minimum lot area for all other buildings and structures shall be two (2) acres.
- B. Lot Width - The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall be seventy feet (70'). Otherwise, the minimum lot width shall be ninety feet (90').
- C. Lot Coverage - The maximum lot coverage shall not exceed twenty percent (20%).
- D. Minimum First Floor Area - The minimum first floor area shall not be less than eight hundred (800) square feet.
- E. Yard and Setback Requirements:
 - 1. Front Yard - Not less than twenty-five feet (25').
 - 2. Side Yards - Least width of either yard shall not be less than eight feet (8'), but the sum of the two side yards shall not be less than twenty feet (20'); except in the case where the side yard on the road or street side shall not be less than twenty-five feet (25').
 - 3. Rear Yard - Not less than thirty feet (30').

4. The above requirements shall apply to every lot, building or structure, except for detached Accessory Buildings, which shall be governed by Section 14.02.
- F. Height: Except for detached Accessory Buildings which shall be governed by Section 14.02, no building and no structure shall exceed a height of two and one-half (2 ½) stories or thirty-five feet (35').
- G. Required Off-Street Parking - As required in **ARTICLE 19**.

ARTICLE 8
MF - MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECTION 8.01 PURPOSE

The purpose of this district is to provide for various types of multiple family residential dwellings and group developments at a high density, but under specific density controls. The requirements of this district are intended to recognize that various forms of site development are desirable in order to provide a wide range of choices of living environments, but at the same time to regulate such developments in order to prevent congestion of the public streets, reduce hazards to life and property, provide desirable light and air and to provide for adequate open spaces and basic amenities. These districts will generally be located in areas of concentrated urban development on or near major streets and will be served by public water and sewage systems, if available, and other appropriate urban facilities and services, particularly fire protection systems. There is no intent to promote by these regulations, a district of lower quality or desirability than any other residential district, although a higher density of population and a greater variety of dwelling types are permitted herein.

SECTION 8.02 PERMITTED USES

The following buildings and structures and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Multiple dwellings, two-family dwellings, group housing and condominiums, including site plan condominiums subject to submission to and approval by the Bedford Township Planning Commission of the site plan as provided in Section 14.21 and, in the case of condominiums, subject to the requirements of Article 16.
- B. A sign in accordance with the requirements specified in **ARTICLE 18**.
- C. A detached Accessory Building as provided in Section 14.02.
- D. Adult foster care family homes (six [6] or less persons).
- E. Family day care home.
- F. Assisted living homes and nursing homes.

SECTION 8.03 CONDITIONAL USES

The following buildings and structures and uses of parcels, lots and structures are permitted subject to obtaining a conditional use permit as provided in **ARTICLE 15**:

- A. Country club and golf course.

- B. Private and public parks and recreational areas.
- C. Churches and municipal buildings.
- D. Public and private nursery, primary and secondary school.
- E. Commercial outdoor recreational facility.
- F. Funeral homes and mortuaries.
- G. Group day care homes and commercial day care centers.
- H. Adult foster care small group homes and Adult foster care large group homes.
- I. Planned unit development.

SECTION 8.04 REGULATIONS

The following regulations shall apply in MF Multiple-Family Residential Districts:

- A. Lot Area - There shall be provided a minimum of one (1) acre of lot area for the first dwelling unit within each multiple dwelling structure with an additional two thousand (2,000) square feet for each additional one bedroom unit and three thousand (3,000) square feet for each additional unit containing two (2) or more bedrooms.
- B. Minimum Lot Width - All lots shall have a minimum width of three hundred feet (300') along the street upon which such lot principally fronts, except in the case where a curvilinear street pattern results in irregularly shaped lots with non-parallel side lot lines, a lesser frontage width at the street line may be permitted, provided that in no case shall the frontage width be less than two hundred feet (200') nor shall the lot width at the building line be less than three hundred feet (300').
- C. Maximum Lot Coverage - All buildings, including accessory buildings shall not cover more than thirty-five percent (35%) of the net area of land. In determining net area, the area used for private access drives shall not be included, but parking areas shall be.
- D. Minimum Yard Dimensions -
 - 1. Front Yard: There shall be a front yard having a depth of no less than thirty-five feet (35'), provided that where established buildings on adjacent lots vary from this minimum, a new building shall be constructed with a front yard of no less depth than the average front yards for those buildings located on each side of the

proposed building: provided further that this provision shall not be interpreted to require a front yard of more than forty feet (40') nor less than twenty-five feet (25').

- 2. Side Yard: There shall be a minimum side yard of twenty feet (20'), provided that no building shall be located less than forty feet (40') from the boundary of the single family residential district, except in the case of a corner lot where the street side yard shall be no less than the minimum residential front yard requirement along such street.
- 3. Rear Yard: There shall be a rear yard of no less than thirty-five feet (35').

E. No building or structure shall exceed thirty-five feet (35') in height.

F. The above requirements shall apply to every lot, building, or structure, except for detached Accessory Buildings, which shall be governed by Section 14.02.

G. Required Off-Street Parking - As required in **ARTICLE 19**.

H. Minimum Interior Living Space - The minimum square footage of interior living space, exclusive of any area contained within attached garages, porches, balconies, or common hallways, required for each family shall be as specified in the following schedule:

- 1. Two Family Dwellings: Six hundred (600) square feet of floor area at ground level per family for single story dwellings, and three hundred sixty (360) square feet of floor area at ground level per family for dwellings over one story in height, provided that the total area shall not be less than six hundred (600) square feet per family.
- 2. Multiple Family Dwellings of three (3) or more dwelling units: The minimum square footage of living space shall include the following, in addition to a bath, utility room, storage space, and other general space requirements, and exclusive of closets, halls and offset entrances:

<u>NUMBER OF BEDROOMS</u>	<u>SQUARE FEET OF FLOOR AREA</u>
0 Bedrooms	350 square feet
1 Bedroom	450 square feet
2 Bedrooms	600 square feet
3 Bedrooms	800 square feet
4 Bedrooms	1,000 square feet

I. Yard Requirements for Multiple Dwellings Not Provided With Public Water and Sewer Services - In the MF Multiple Family Residential District, every multiple dwelling or two-family dwelling not served by public sewer services shall be located on lots of not less area than specified as follows:

1. MINIMUM LOT AREA:

One (1) acre for the first dwelling unit of the first multiple dwelling structure.

Six thousand five hundred (6,500) square feet for each additional dwelling unit containing two (2) or more bedrooms. Five thousand five hundred (5,500) square feet for each additional dwelling unit containing less than two (2) bedrooms.

2. OTHER YARD REQUIREMENTS: All other yard requirements are as previously stated in this section.

ARTICLE 9
C - COMMERCIAL DISTRICTS

SECTION 9.01 PURPOSE

The purpose of this district is to accommodate the wide range of retail business, and personal service establishments which are intended to serve the entire township and surrounding areas. These districts will be conveniently located to provide retail and personal service establishments within immediately accessible neighborhoods and in relation to the highest concentrations of urban development on or near major thoroughfares to provide easy access to the outlying areas which they will serve. Planned community shopping centers will be encouraged.

The Charter Township of Bedford desires to permit, rather than mandate, a mix of commercial and residential uses within the same property. The new mixed use overlay district will augment the C-Commercial District with the intent of promoting a more complete and realistic district that limits sprawl and integrates shopping and services within the main corridors mixed with living units.

The intent is to accommodate a physical pattern of development often found along village main streets and in neighborhood commercial areas of our Township. In all instances the approval to change any existing or new property into a mixed use property will require a conditional use permit so this change can be managed to meet the intent of the Township Zoning Ordinances.

SECTION 9.02 PERMITTED USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Clothing and Apparel services, including laundry pickup, dressmaking, millinery, tailor shop and shoe repair shop.
- B. Food services including grocery, meat market, bakery, restaurant, catering service, delicatessen and fruit market, ice-o-mats and similar self-serve units but not including any business of a drive-through nature.
- C. Personal services, including barber shop and beauty salon, tanning salon, medical and dental clinics, music studios, banks and savings and loan associations, attorneys, accountants and other professional offices.
- D. Retail services, including drug stores, hardware, gift shop, antique stores, and dry goods and notions store, treatment, or manufacturing what takes place on site.
- E. Hotels and motels.

- F. Hospitals.
- G. Business and professional offices, including, but not limited to medical, legal, engineering, accounting, financial and insurance offices.
- H. Equipment sales and services, including repair of radios, televisions, VCRs and the like, electrical appliance shops, plumbers, electricians and other similar services and trades.
- I. A sign only in accordance with the regulations specified in **ARTICLE 18**.
- J. An accessory use, building or structure as provided in Section 14.02.
- K. Publicly owned museum, libraries, fire stations, administrative buildings, and other municipal buildings.
- L. Essential service structures as provided in Section 14.14.

SECTION 9.03 CONDITIONAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in **ARTICLE 15**:

- A. Commercial storage warehouses (mini-storage or self-storage units).
- B. Drive-through facilities for uses including, but not limited to, restaurants, banks, and other financial institutions, and personal service establishments such as dry-cleaning, pick-up stations and pharmacies.
- C. Funeral home or mortuary.
- D. Service station, including minor repair services.
- E. Greenhouses and nurseries.
- F. Laundromats (self-serve).
- G. Lumber yards and building material sales area.
- H. New and used vehicle sales, service and/or wash establishments.
- I. Offices and showrooms for building and general construction contractors.
- J. Places of assembly or amusement, including entertainment or recreation, such as

dance halls, bowling alleys, miniature golf and drive-in theaters.

- K. Planned Unit Development.
- L. Rental shops for equipment, tools, cars, trailers, trucks and recreational products.
- M. Sale of farm implements and commercial construction equipment.
- N. Transportation terminals.
- O. Veterinary Hospital.
- P. Warehousing facilities.
- Q. Wind Energy Conversion Systems.

SECTION 9.04 REGULATIONS AND PERFORMANCE STANDARDS

The following regulations shall apply in all “C” - Commercial Districts:

- A. LOT AREA - No building or structure shall be established on any lot less than one (1) acre in area, except where a lot is served with a public water supply and a central central sanitary sewage system, in which case there shall be provided a minimum lot area of ten thousand (10,000) square feet..
- B. LOT WIDTH - The minimum lot width for lots served with a central water supply system and a central sanitary sewage system shall be eighty feet (80’). Where a lot is not so served, the minimum lot width shall be one hundred fifty feet (150’).
- C. LOT COVERAGE - The maximum lot coverage shall not exceed twenty-five percent (25%).
- D. YARD AND SETBACK REQUIREMENTS -
 - 1. Front Yard: Not less than thirty-five feet (35’).
 - 2. Side Yard: Least width of either yard shall not be less than twenty feet (20’), except in the case of a corner lot or parcel where the side yard on the road or street side shall not be less than thirty-five feet (35’).
 - 3. Rear Yards: Not less than twenty feet (20’).
 - 4. The above yard requirements shall apply to every lot, building or structure except for detached Accessory Buildings which shall be governed by Section 14.02.

- E. HEIGHT - Except for detached Accessory Buildings which shall be governed by Section 14.02, no building or structure shall exceed a height of forty-five feet (45').
- F. REQUIRED OFF-STREET PARKING - As required in **ARTICLE 19**.
- G. GREENBELT BUFFER -
 - 1. A "Greenbelt Buffer" shall be provided in accordance with the regulations specified in SECTION 14.07.
 - 2. A use or structure on any lot in this district fronting a public road, street, or way shall provide in addition to and as an integral part of any site development, on the front yard, a landscaped strip of land twenty feet (20') or more in depth; such landscaped strip to be defined and designed to provide access to the lot and separate off-street parking areas from the public right-of-way.

ARTICLE 10
OPEN SPACE PRESERVATION

SECTION 10.01. Article 10 of the Charter Township of Bedford Zoning Ordinance is hereby added to read as follows:

- A. To encourage the preservation of larger tracts of land in an undeveloped state whereby natural resources, natural features, scenic or wooded conditions, agricultural use, open space, and similar uses or conditions are preserved.
- B. To conserve area containing unique and sensitive features such as steep slopes, floodplains and wetlands, by setting them aside from development.
- C. To protect areas of the Township with productive agricultural and forestry soils for continued future agricultural/forestry uses, by conserving blocks of land large enough to allow for efficient farming/forestry operations unimpeded by other types of development.
- D. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs and the amount of paving required for new development.
- E. To reduce erosion and sedimentation by retention of existing vegetation, and the minimization of development on steep slopes.
- F. To provide for adversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential references, so that the community's population diversity may be maintained.
- G. To implement the policies in the Bedford Township Land Use Plan to conserve a variety of aesthetically and environmentally sensitive resource lands, including provisions to create a network of conservation lands for the benefit of present and future residents.
- H. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
- I. To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents.
- J. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive land such as wetlands, flood plains, and steep slopes) and disturbance of other natural or cultural features.

- K. To provide standards reflecting the varying circumstances and interests of landowners, and the individual characteristics of their properties.
- L. To conserve scenic views and elements of Bedford Township's rural character, and to minimize perceived density, by minimizing views of new developments from existing roads and bodies of water.

SECTION 10.02 DEFINITIONS.

- A. "Agricultural Land" means substantially undeveloped land devoted to the production of plants and animals useful to humans, including forage and sod crops; grains, feed crops, and field crops; dairy products; poultry and poultry products; livestock including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.
- B. "Conservation Easement" means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act 1994 PA 451, MCL 324.2140.
- C. "Development Rights" means the rights to develop land to the maximum intensity of development authorized by law of 1943 PA 184, as amended (MCL 125.301).
- D. "Greenway" means a contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
- E. "Intensity of Development" means the height, bulk, area, density, setback, use, and other similar characteristics of development.
- F. "Other Eligible Land" means land that has a common property line with agricultural land from which development rights have been purchased and that is not divided from the agricultural land by the state or federal limited access highway.
- G. "Parcel" Parcel means a continuous area or acreage of land which can be described as provided for in the Land Division Act 1967 PA 288, as amended (MCL 560.010 et seq) or a division or site made for a condominium project under the condominium Act, 1978 PA 59, as amended, MCL 559.101 et seq.
- H. "Parent Parcel" means a parcel of record on the effective date of this ordinance amendment or "parent parcel" or "parent tract" as defined by the Michigan Land Division Act, 1967 PA 288. (MCL 560.010).
- I. "Planned Unit Development" means a special use which encompasses more than one residential unity and/or more than one commercial use.

- J. "Prime Farmland" means those soil mapping units identified in the soil survey of Calhoun County which have the best combination of physical and chemical characteristic for producing food, forage, fiber, and oilseed crops.
- K. "Undeveloped State" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural; open space; or a similar use condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
- L. "Unique Farmlands" is defined as those areas that because of soil qualities, temperature, humidity, elevation, aspect and moisture supply are uniquely suited for specific high value food and fiber crops.

SECTION 10.03 OPEN SPACE PRESERVATION OPTIONS. A new parcel, which is zoned in such a manner as to allow for residential development may be created in accordance with the development option below if all of the following apply:

1. The land is zoned at a density equivalent to two or fewer dwelling units per acre or, if the land is served by a public sewer system, three or fewer dwelling units per acre.
 2. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon such an extension.
 3. The option provided pursuant to this section has not previously been exercised with respect to the land.
- A. Development Option. New parcels created shall conform with both Sections 21.04 of this Ordinance and the following Open Space Reservation Development option. In addition, the splitting and combining of one adjacent parent parcel with another is allowed, conditioned on both parent parcels having not been split previously under the development option listed below. In these cases, the resulting reconstituted parent parcel shall be the basis for further allowable land divisions. A maximum of 50% of any parent parcel area may be divided into new parcels averaging not less than one (1) acre in area in AA -- agricultural districts or not less than one (1) acre in area in RA --low density residential districts. The remaining 50%+ of the parent parcel shall be kept as open space in perpetuity by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land acceptable to the Zoning Administrator. Development rights shall be transferred from the portion of the parent parcel kept as open space to the parent parcel's buildable area such that the same number of dwelling units as would otherwise be allowed on the entire land area in the absence of the open space preservation option shall be allowed in the parent parcel's buildable area.

B. EXCEPTION FROM DIMENSIONAL RESTRICTIONS. In order to ensure land owners the opportunity to develop land to the same density level to which they would otherwise be entitled, land owners utilizing the development option referred to in Section 3 (a) shall be excused from the strict set-back, lot area regulation, and yard requirements otherwise applicable to the zoning district under consideration, provided that the developer obtains approval for any lesser dimensional standards from the zoning administrator.

C. APPLICATION AND SITE REVIEW PROCESS.

1. A pre-application conference between the applicant, the site designer, and the the Zoning Administrator is encouraged for all parcels to be split under the provisions of the development option of this ordinance for the purpose of discussing the applicant's objectives and how such objectives may be achieved consistent with the provisions of this ordinance. Engineering, site plans, or surveys shall not be required for the pre-application conference. If deemed necessary by the Zoning Administrator a site visit may be scheduled during the pre-application conference.
2. Following the pre-application conference, an application shall be filed with the Township Planning Commission, then the Planning Commission shall hold a Public hearing on the application. At the conclusion of the public hearing, the Planning Commission shall grant or deny the application. Notice of the hearing shall be published in a newspaper of general circulation and printed not less than 5 days before the date of the meeting and public hearing. The notice shall:
 - (a) Describe the nature of the application for open space development;
 - (b) Indicate the property that is the subject of the application for open space development;
 - (c) State when and where the application will be considered;
 - (e) Indicate when and where written comments will be received concerning the request.
3. At the time of the hearing, the Planning Commission shall review the particular circumstances and facts of the proposed application for open space development and shall find and record such data, information and evidence as is referred to in Section 14.21 of this ordinance.

D. The development of land under subsection 1.3 is subject to other applicable ordinances, laws and rules, including rules relating to suitability of groundwater for onsite water supply, for land not served by public water and rules relating to suitability of soils for onsite sewage disposal for land not served by public sewers.

SECTION 10.04 LAND DIVISION OPTIONS. As of the effective date of this ordinance, new parcels may be created either pursuant to 1967 PA 288, as amended (MCL 560.101 ET Seq.) or as provided in Section 1.3 of this ordinance.

SECTION 10.05 SEVERABILITY OF INVALID PROVISIONS. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

SECTION 10.06 REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 10.07 SAVINGS CLAUSE. A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

SECTION 10.08 EFFECTIVE DATE. This ordinance shall take effect 7 days after the date of publication of notice of adoption pursuant to MCL 125.281, which publication shall take place within 15 days after adoption and shall be in a local newspaper of general circulation in the Township.

**ARTICLE 11
KEYHOLE DEVELOPMENT**

SECTION 11.01 KEYHOLE DEVELOPMENT. The following restrictions are intended to limit the number of users of lake frontage in order to preserve the quality of the waters, to promote safety, and to preserve the equality of recreational use of St. Mary's Lake that is within the Charter Township of Bedford.

- A. In all zoning districts there shall be at least ninety feet (90') of lake frontage as measured along the normal high water mark of the lake for each single-family home, dwelling unit, cottage condominium unit, site condominium unit, or apartment unit utilizing the lake frontage.
- B. Any multiple-unit residential development shall have not more than one (1) dock for each ninety feet (90') of lake frontage as measured along the normal height water mark of the lake in any zoning district in the Township. All such docks and docking or mooring shall comply with all other applicable Township Ordinance.
- C. The above restrictions shall apply to all lots and parcels on or abutting St. Mary's Lake in all zoning districts regardless of whether access to the lake waters be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease.
- D. In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch or shoreline abutting St. Mary's Lake shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional or nonresidential or nonagricultural uses or purposes unless such use is authorized pursuant to a special use approval or a planned unit development (PUD) approval.
- E. The lake access and use regulations contained in this section shall be fully applicable to all planned unit development (PUD) and special use projects or developments.
- F. In addition to the above limitations, no easement, private park, common area, lot or access property abutting or adjoining St. Mary's Lake shall be used to permit access to the lake for more than one (1) single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is approved as a special use or a planned unit development (PUD).

SECTION 11.02. EFFECTIVE DATE. This Ordinance shall become effective with the Charter Township of Bedford upon Publication.

ARTICLE 12
I - INDUSTRIAL DISTRICT

SECTION 12.01 PURPOSE

This district is designed to provide the location and space for all manner of industrial uses, wholesale commercial and industrial storage facilities. It is the purpose of these regulations to permit the development of certain functions; to protect the abutting residential and commercial properties from incompatible industrial activities; to restrict the intrusion of non-related uses such as residential, retail business and commercial, and to encourage the discontinuance of uses presently existing in the district, which are nonconforming by virtue of the type of use. To these ends, certain uses are excluded which would function more effectively in other districts and which would interfere with the operation of the uses permitted in this district.

The Charter Township of Bedford desires to permit, rather than mandate, a mix of commercial and residential uses within the same property. The new mixed use overlay district will augment the I-Industrial District with the intent of promoting a more complete and realistic district that limits sprawl and integrates shopping and services within the main corridors mixed with living units.

The intent is to accommodate a physical pattern of development often found along village main streets and in neighborhood industrial areas of our Township. In all instances the approval to change any existing or new property into a mixed use property will require a conditional use permit so this change can be managed to meet the intent of the Township Zoning Ordinances.

SECTION 12.02 PERMITTED USES

The following buildings, structures and uses of parcels, lots, buildings, and structures are permitted in this district

- A. Research oriented and light industrial park uses.
- B. The manufacturing, compounding, process, or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical toiletries, and frozen food lockers.
- C. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
- D. Packaging of previously prepared materials, but not including the bailing of discarded old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials.
- E. Printing, lithographic, blueprinting and similar uses.

- F. Wholesale warehousing and material distribution centers, provided all products and materials are enclosed within a building.
- G. Light manufacturing industrial use which by nature of the materials, equipment and and process utilized are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials: drugs; jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; advertising displays; tents and awnings; brushes and brooms; cameras and photographic equipment and supplies; wearing apparel; leather products and luggage but not including tanning products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell or yarn.
- H. Research and testing facilities.
- I. Manufacturing
- J. Trucking and cartage facilities, truck and industrial equipment storage yards, saw mills, repairing and washing equipment and yards.
- K. Open industrial uses or industrial product or materials storage, provided that any activity in which products or materials are being processed or stored are located, transported or treated outside of a building and are not within enclosed apparatus vessels, or conduits, such use shall be provided with an opaque permanently maintained wall or fence, no lower than the subject use or storage, and constructed to provide firm anchoring of fence posts to concrete set below the frost line; if a wall is provided, its foundation likewise shall extend below the frost line.
- L. Wholesale businesses, commercial laundries, dry cleaning establishments, and automobile repair garages.
- M. An accessory use building or structure as provided in Section 14.02.
- N. A sign, only in accordance with the regulations specified in ARTICLE 18 of this ordinance.
- O. Essential service structure as provided in Section 14.14.

SECTION 12.03 CONDITIONAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in **ARTICLE 15**:

- A. Service stations/minor repair.

- B. Lumber yards and building material sales area.
- C. Mining of natural resources.
- D. Rental shops for equipment, tools, cars, trailers, trucks and recreational products.
- E. Sale of farm implements and commercial construction equipment.
- F. Salvage yards, junk yards and recycling centers.
- G. Storage yards for contractor's equipment.
- H. Tool, die, gauge and machine shops.
- I. Transportation terminals
- J. Warehousing facilities
- K. Wind Energy Conversion System

SECTION 12.04 REGULATIONS

The following regulations shall apply in all "I" Industrial Districts:

- A. LOT AREA: No building or structure shall be established on any lot less than five (5) acres in area.
- B. LOT WIDTH: The minimum lot width shall be two hundred feet (200').
- C. LOT COVERAGE: The maximum lot coverage shall not exceed sixty percent (60%).
- D. YARD REQUIREMENTS:
 - 1. Front Yard: Not less than eighty-five feet (85').
 - 2. Side Yards: Least width of either yard shall not be less than fifty feet (50'), except where the side yard on the road or street shall not be less than eighty-five feet (85').
 - 3. Rear Yard: Not less than fifty feet (50').
- E. HEIGHT: Except for detached Accessory Buildings, which are governed by Section 14.02, no building or structure shall exceed a height of one hundred feet (100').

F. REQUIRED OFF-STREET PARKING: As required in **ARTICLE 19**.

ARTICLE 13
WATERFRONT CONSERVATION DISTRICT

SECTION 13.01 PURPOSE

- A. The WC District is a supplementary district which applies to designated lands, simultaneously with any of the other Zoning Districts as established in this Ordinance, hereinafter referred to as the “underlying Zoning District.” Lands included in the WC District are all such lands as determined by the Federal Emergency Management Agency (FEMA), the County Engineer, the U.S. Army Corp of Engineers, or other official federal or state public agency responsible for defining and determining floodplain areas for Bedford Charter Township. Such lands are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the surface waters and shorelines of the Township.

- B. It is the intent of the WC District to provide regulations in addition to those contained in the underlying Zoning District pertaining to lands located along the waterfront and shoreline areas of the Township. 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 these regulations, and protect these unique attributes. Where specific requirements of the WC District vary or conflict with the regulations contained in the underlying Zoning District, the more strict requirement shall govern.

SECTION 13.02 PERMITTED USES

No land or buildings where the regulations of the WC District have been added to the underlying Zoning District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Permitted Uses in the underlying Zoning District.

SECTION 13.03 CONDITIONAL USES

No land or buildings in the WC District may be used, erected, altered or converted except for the following purposes when approved in accordance with the requirements of **ARTICLE 15**:

- A. Conditional Land Uses permitted in the underlying Zoning District.

- B. Public or private boat launches.

SECTION 13.04 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

A. Additional setbacks and lot widths for structures.

1. Notwithstanding any other provision of this Ordinance, no dwelling, accessory building, or septic system shall be hereafter constructed, erected, installed, or enlarged within a minimum of fifty feet (50') from a shore line or ordinary high water mark. Exception: For every one foot (1') of bank height above a minimum of seven feet (7') above the ordinary high water mark new structures may be placed five feet (5') closer to the shoreline or ordinary high water mark. However, no structure shall be located closer than thirty feet (30') to the shoreline or ordinary high water mark.
2. No dwelling shall be constructed or placed on lands which are subject to flooding, or on banks where four feet (4') between the finished grade level and high ground water line cannot be met. Land may be filled to meet the minimum requirement of four feet (4') between the finished grade level and high ground water line, only under the following conditions:
 3. No material is allowed to enter the water either by erosion or mechanical means.
 4. The fill material is of a pervious nature, such as gravel or sand.
 5. Any necessary permits shall have been acquired as required by the laws of Calhoun County, the State of Michigan, and the rules and regulations of the Department of Environmental Quality of the State of Michigan. It shall be unlawful to alter the shoreline of any river or creek in the Township by soil removal or fill.
 6. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.

B. Vegetative strip.

1. A strip twenty feet (20') wide bordering the bank, as measured from the shoreline or ordinary high water mark, shall be maintained in its natural vegetative state, except for the permitted clearing of dead or noxious plants.
2. Within this strip a space of not greater than twenty-five feet (25') in width may be selectively trimmed and pruned to allow for the placement of private boat docks (subject to the requirements of Article 11 Keyhole Development) and for a view of the waterway, with the approval of the Bedford Township Building & Zoning Administrator.
3. The Building & Zoning Administrator may allow limited clearing for the vegetative strip only when required for construction of a permitted building or structure outside the vegetative strip. However, the land cleared shall be returned

to a vegetative state which is approximately the same quality and extent as that which existed prior to the clearing.

- C. Site Plan Review as may be required in accordance with Section 14.21.
- D. Off-Street Parking as may be required in accordance with **ARTICLE 19**.
- E. Signs are permitted in accordance with the requirements of **ARTICLE 18**.
- F. Except as provided for in Section 13.04, lot dimension, setbacks, height, and lot coverage requirements for all buildings shall be met as indicated in the underlying district.

ARTICLE 14
SUPPLEMENTAL REGULATIONS

SECTION 14.01 PURPOSE

There are certain conditions concerning land uses that warrant specific regulations and standards in addition to the requirements of the zoning districts in which they are located.

SECTION 14.02 ACCESSORY BUILDING

- A. Where an accessory building is attached to the side or front of a principal building, such accessory building shall be considered part of the principal building for purposes of determining required yard dimensions, but if such accessory building is attached to the rear of the principal building in such a manner that it is completely to the rear of all portions of said building, it may be considered a detached accessory building for purposes of determining required rear yard dimensions.
- B. No detached accessory building shall be located nearer to a side lot line than the permitted distance for the principal building on the same lot.
- C. No detached accessory building shall be located nearer than five feet (5') to any rear lot line; provided, however, that when such accessory building shall be a garage for the keeping of vehicles which is entered at right angles to an alley, it shall be located no nearer than twelve feet (12') to said rear lot line.
- D. No accessory building shall project into any front yard setback.
- E. No accessory building shall occupy more than thirty percent (30%) of the area of any rear yard.
- F. Where a corner lot adjoins a side boundary of a lot in any Residential District, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot.
- G. Accessory buildings shall not exceed fourteen feet (14') in height except as may otherwise be allowed in this ordinance.

SECTION 14.03 LOT-BUILDING RELATIONSHIP

Hereafter, every building erected, altered or moved shall be located on a lot of record as defined herein, and except in the case of an approved multiple dwelling development, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in a Residential District.

SECTION 14.04 ACCESSORY BUILDING AS DWELLING

No other building on the same lot as a principal building shall be used for dwelling purposes.

SECTION 14.05 BASEMENT AS DWELLING

No basement structure shall be used for occupancy unless a completed story is situated immediately above the basement structure and that the story is used as a dwelling.

SECTION 14.06 REQUIRED WATER SUPPLY AND SANITARY SEWER FACILITIES

No structure for human occupancy shall be erected, altered, or moved and used in whole or part for dwelling, commercial, industrial or recreation purposes unless provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial and industrial waste. Such installations and facilities, if not from an approved public system, shall conform with the minimum requirements for such facilities set forth by the State of Michigan Health Department and the Calhoun County Health Department, the Subdivision Regulations, Building Code, and other applicable ordinances of Bedford Charter Township and Calhoun County.

SECTION 14.07 GREENBELT BUFFER

Prior to the commencement of construction of any structure or building in a Commercial District or Industrial District where such property abuts, adjoins or is adjacent to a residential zone, a greenbelt shall be established and shall be no less than a minimum width of twenty-five feet (25') and shall be groomed and maintained at all times. However, where permitted elsewhere in this Ordinance, an opaque wall or fence may be built in lieu of a greenbelt.

SECTION 14.08 ACCESS TO A STREET

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public street shall not be occupied except where access to a public street or way is provided by a public or private easement or other right-of-way no less than twenty feet (20') in width. Such easement or right-of-way must be at least ten feet (10') from the nearest property line. Public access to commercial, industrial or recreational uses shall not be designed so as to pass through the residential neighborhoods. In the case where such easement or right-of-way serves more than one (1) separately held lot or more than one (1) dwelling unit, or more than one (1) commercial or industrial activity, such easement or right-of-way shall be constructed in accordance with the standards promulgated by the Calhoun County Road Department for comparable roads, provided that no such easement or right-of-way must be hard surfaced. Further, the Planning Commission may require a hard surface under Section 14.21 - Site Plan Review.

SECTION 14.09 VISIBILITY AT INTERSECTIONS

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three feet (3') above street grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-ways lines and a straight line joining the two street lines at points which are thirty feet (30') distant from the point of intersection, measured along the street right-of-way lines.

SECTION 14.10 STREET CLOSURES

Whenever any street, alley or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such location, and all, areas included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

SECTION 14.11 HEIGHT REGULATIONS

The height requirements established by this ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this ordinance; spires, belfries, penthouses and domes not used for human occupancy; chimneys; ventilators; skylight; water tanks, bulkheads; utility poles; power lines; radio and television broadcasting and receiving antennae; silos; parapets; and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration, and other public authorities having jurisdiction.

SECTION 14.12 FENCES, WALLS AND SCREENS

Except as may be otherwise required by the Charter Township of Bedford Zoning Ordinance, no fence, wall or other screening shall be erected in any zoning district except as provided in this section:

- A. Agricultural District - No restrictions are imposed to limit the size, type and location of fences in any agricultural district except that:
 - 1. No fence may be located in a public right-of-way.
 - 2. No fence, which is an obstruction to vehicular visibility, shall be located within twenty-five feet (25') of any street right-of-way.

- B. Residential Districts - In any residential district, no fence or wall, except a necessary retaining wall, or other screening structure, shall be erected that will, by reason of its size, location, type, construction or manner of display, endanger the safety of individuals, obstruct vision necessary for traffic safety or otherwise endanger public health and safety, except as herein provided:

1. No fence, wall, vegetation, planting or other screening structure, which presents an obstruction to vehicular visibility shall be located within twenty-five feet (25') of any street intersection.
2. In a front yard, twenty-five feet (25') or less from a street right-of-way line, fences, walls, vegetation, plantings, trees, or other screening structures shall not exceed four feet (4') in height; between twenty-five feet (25') of the street right-of-way line and the first supporting member of the principal structure they shall not exceed five feet (5') in height.
3. No solid fence allowed from front of dwelling out or across the front.
4. In a side yard, fences shall not exceed eight feet (8') in height and shall start at the first supporting member of the principal structure or twenty-five feet (25') from the property line on each street.
5. In a rear yard, fences shall not exceed eight feet (8') in height.
6. Corner lots: Provisions for fences on corner lots shall be the same as provided for in this subsection, except that a fence in excess of four feet (4') may not be located any closer to the street right-of-way line than the front yard limit of an adjacent lot.
7. No fence, wall, vegetation, planting or other screening structure shall be higher than three feet (3') above street grade on any corner lot within the triangular area formed by the intersection street right-of-way line at points which are twenty-five feet (25') distant from the point of intersection, measured along the street right-of-way lines, nor shall any such fence, wall, vegetation, planting or other structure be established or maintained on any corner lot which will obstruct the view of vehicular drivers approaching the intersection.
8. Properties having frontage on two streets (not a corner lot) shall be fenced in accordance with the following provisions:
 - (a) The yard fronting on the street of the property's postal address shall be fenced in accordance with paragraph "B(2)" hereof.
 - (b) Side yard fences on interior lots may be erected to a height of eight feet (8') and shall start at the first supporting member of the principal structure or twenty-five feet (25') from the property line on each street.
 - (c) The remaining property shall be considered a rear yard for fencing purposes, except that in the twenty-five feet (25') or less from the rear street right-of-way line, fences shall not exceed four feet (4') in height and no fence in the rear yard shall exceed five feet (5') in height any closer to

the street than the front yard limit line of an adjacent lot.

- (d) Electrified or barbed fences shall not be erected in any residentially zoned area.

C. Commercial and Industrial Districts:

- 1. No fences, walls or other screening structures may be located in a public right-of-way.
- 2. No fence, wall or other screening structure, which is an obstruction to vehicular visibility, shall be located within twenty-five feet (25') of any street right-of-way.

SECTION 14.13 SHORELINE EXCAVATION AND DREDGING

No persons shall alter, change, transform or otherwise vary the edge, bank or shore of any lake, river or stream except in conformance with the Inland Lakes and Streams Act, Act 291 of the Public Acts of 1965, as amended, and in accordance with the requirements of the Michigan Department of Environment Quality.

SECTION 14.14 ESSENTIAL SERVICES

For purposes of this Ordinance the following provisions shall apply:

- A. The surface of land used for pipe line right-of-ways shall be restored and maintained as near as possible to its original condition prior to the construction of the pipe line.
- B. Essential services shall be exempt from lot area requirements in the Industrial and Waterfront Conservation Districts.

SECTION 14.15 SWIMMING POOLS

Private pools shall be permitted as an accessory use within the rear or side yards only. Private swimming pools must meet the following requirements:

- A. There shall be a distance of not less than ten feet (10') from adjoining property line and the outside of the pool wall or appurtenant structures that are accessory to it.
- B. There shall be a distance of not less than ten feet (10) between the outside pool wall and any building located on the same lot.
- C. No swimming pool shall be located in the front yard, excepting lake front property.
- D. The pool shall be kept clean with a water filtration system.

- E. If electrical service, drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of the swimming pool. The pool shall be kept clean with a water filtration system.
- F. No swimming pool shall be located in an easement.
- G. All pool areas shall be accessible to emergency services personnel in the event of an emergency.
- H. Other standards:
 - 1. For all yards containing below-ground swimming pools:
 - 2. The yard shall have an enclosed fence not less than four feet (4') in height surrounding the pool with a gate.
 - 3. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open.
 - 4. Gates shall be capable of being securely locked when the pool is not in use for extended periods.
- I. For all yards containing above-ground swimming pools:
 - 1. The yard shall be completely enclosed by a fence not less than four feet (4') in height, unless the outer wall of the above-ground pool which completely encircles the swimming pool is forty-two inches (42") above the ground level adjacent to the pool.
 - 2. The forty-two inch (42") wall height must be maintained continuously at all points along the side wall that surrounds the pool.
 - 3. The gate and/or stairs shall be of a self-closing and latching type and must be in operable condition at all times.
- J. If the entire pool area is enclosed by a fence forty-eight inches (48") high, then these provisions may be waived by the Building & Zoning Administrator upon inspection and approval.

SECTION 14.16 CONTINUED CONFORMANCE WITH REGULATIONS

The maintenance of setbacks, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements for a building or use specified within this

ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

SECTION 14.17 REQUIREMENTS FOR SINGLE-FAMILY HOMES OUTSIDE MOBILE HOME OR MANUFACTURED HOME PARKS

The purpose of this provision of the zoning ordinance is to provide reasonable standards which ensure that all single-family homes regardless of construction type (e.g. site-built or factory built) are compatible and compare aesthetically within the same residential zone.

Sufficient evidence must be submitted to the Township Building Inspector to assure that the following standards are met by single-family homes prior to location on a site in the Township:

- A. All homes permitted under this Section shall meet all requirements imposed under **ARTICLE 14** (Supplemental Regulations).
- B. All mobile and manufactured homes shall be in compliance with all state and federal laws including "Mobile Home Construction and Safety Standards" as promulgated by the U.S. Department of Housing and Urban Development, being 24 CFR 3280, and as the same may, from time to time, be amended, and regulations pertaining to mobile homes as well as local and state building, electrical, mechanical, plumbing and fire codes.
- C. All homes permitted under this Section shall be firmly attached to their foundations and be in full compliance with all of the provisions of the applicable building code and state law.
- D. Skirting on mobile homes, on private property, shall not be skirted as they are in "Mobile Home Parks". They should be made of brick, blocks, wood or vinyl.
- E. Any accessory uses involving the construction of accessory buildings and/or additions to the home shall meet the requirements of this Ordinance and the Township Building Codes.
- F. All homes permitted under this Section shall be aesthetically compatible in design and appearance with homes within the area including a roof with compatible pitch and overhang, appropriate siding or exterior finishes, front and rear or front and/or exterior doors, permanently attached steps or porch areas constructed in a manner consistent with the design of other homes within the area.
- G. All homes, mobile homes, pre-manufactured or precut dwelling structures designed and used for the complete living accommodations of a single family shall comply with the following standards:
 - 1. Minimum living space of 800 square feet;

2. Minimum floor-to-ceiling height of 7.5 feet;
 3. Minimum exterior living space width of any side elevation of 24 feet;
 4. There shall be no less than two (2) exterior doors.
- H. The standards contained in this Section do not apply to mobile homes located in a mobile home park or to manufactured homes within a manufactured home park.
- I. The site plans and elevations of the buildings (principal and accessory) shall be in harmony with the general character of the area. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roofs, canopies, and paved areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

SECTION 14.18 LAND DIVISION REGULATIONS

All land divisions within the Charter Township of Bedford shall be governed by the provisions of the Charter Township of Bedford Land Division Ordinance, being Ordinance #12-11-97-60, as amended by Ordinance #8-13-98-25.

SECTION 14.19 PRIVATE ROAD STANDARDS & PROCEDURES

- A. Access Requirements: All parcels of land which are not part of a recorded plat shall have access to a dedicated public street or access to a private road as described herein.
- B. Required Approval: No person shall commence construction of a private road within the Township without a construction permit issued with prior approval by the Planning Commission Board. Applications for permits shall conform to the rules of procedure as promulgated by the Township.
1. A construction permit for a private road as approved by the Planning Commission shall be valid for a period of not more than two years. The developer of a private road shall be responsible for maintenance of the private road until such time a dwelling is built and occupied or a maintenance agreement is in effect. The developer is also responsible for policing all parcels that remain unsold of all dumping and trash.
- C. Standards:
1. All private roads shall meet the following specifications:

- (a) All private roads shall be a minimum of sixty-six feet (66') in width and shall be created by an easement for purposes of ingress and egress for all abutting lots which must use the private road for those purposes.
- (b) Plans shall show all existing and proposed grades, the location of all existing and proposed drainage facilities and structures and any other physical conditions existing adjacent to the subject private road.
- (c) Maximum gradient shall be eight percent (8%) on said private road. Vertical curves shall be used at all changes in grade. Site distances on said curves shall be a minimum of one hundred fifty feet (150').
- (d) The angle of intersecting streets shall be between sixty-five (65°) degrees and ninety (90°) degrees. Minimum radius at intersections shall be thirty feet (30') measured along the parcel boundaries.
- (e) There shall be a minimum of fifty feet (50') of flat gradient along the center line profile of the new private road from the center line of the public road before entering into a vertical curve.
- (f) An aggregate surface twenty-four feet (24') wide shall be constructed upon prepared sub-grade in accordance with the provisions of this ordinance. Topsoil shall be stripped and stockpiled outside the 66' right-of-way easement and spread in the ditches and on the slopes at the completions of the project.
- (g) The surfacing materials shall be blacktopped and compacted in the excavated area for the full length and width to create a uniform and generally smooth surface. In addition, there shall be a center rise or crowned cross section rising not less than four inches measured from shoulder to shoulder and not more than eight inches measured from shoulder to shoulder.
- (h) The top 4" course shall be blacktopped as defined by the Michigan Department of Transportation Specifications and/or the Calhoun County Road Department specifications. All trees, stumps, brushes, and the roots thereof, shall be entirely removed and disposed of outside the sixty-six (66) foot easement area.
- (i) Drainage ditches shall be constructed on each side of the proposed private road in cut sections and fill sections where required to a minimum depth of two feet and deeper where necessary at intersections to permit culverts to be installed. Either concrete or 12 gauge corrugated metal pipe shall be used at intersections and at driveway entrances. Minimum inside diameter of a crossroad culvert shall be fifteen inches and a minimum inside

diameter for a driveway culvert of twelve inches with a minimum length of twenty-two feet. Sodding, planting, riprapping, top soil, seeding and other measures of erosion control shall be used where required.

- (j) Private roads which are cul-de-sacs shall have a maximum length of six hundred feet measured from centerlines of intersections along the centerline to the furthest point of the cul-de-sac and shall be designed so as to provide sufficient space to allow emergency vehicles and fire trucks to be able to turn around. Exceptions may be made where unusual topographic conditions exist or where land configurations require a maximum length extension to otherwise meet the purposes of this ordinance.
- (k) Driveways shall have a clearance of fourteen (14) feet in height and sixteen (16) feet in width. (Per Fire Chief)

2. No private road shall:

- (a) Provide access to more than one dedicated public road.
- (b) Provide access to another private road.

3. The applicant shall submit at least two proposed names for a private road to the Planning Commission, the Calhoun County Road Department and the Michigan Department of Transportation for approval.

4. The applicant shall submit a detailed and scaled drawing of said private road, as well as a letter of intent stating general specifications for said private road, including total proposed length. In no event, shall any private road extend beyond the length as shown on said drawings and letter of intent.

5. For any parcel of land not fronting on an established public road, an easement for the construction and maintenance of various public utilities including natural gas, electric, telephone, sewer, water, storm sewer, or similar improvement shall be provided. No building permit shall be granted for any parcel fronting on the private road until such easement has been provided by the applicant.

D. Deed Restrictions

- 1. Prior to the approval of the proposed private road, the applicant shall submit to the Township a set of deed restrictions in a form acceptable to the Township which shall provide for the creation of the private road easement and the creation of a homeowners association whose members shall be the property owners abutting said road. The association shall be responsible for the up-keep and maintenance of said road. No more than

one association shall be responsible for any one private road. The Township shall be given the authority to assess the parcels of owners who become delinquent in the payment of their portion of the maintenance and up-keep costs and fees expended by the Township relating to this assessment. Said restrictions shall be recorded prior to the completion of the road.

2. The applicant shall also submit to the Township a document, in a form sufficient for recording with the County Register of Deeds stating that in no event shall the association, the individual homeowners, the applicant or their heirs or assigns hold the Township liable for the costs of road signs, traffic control signs, maintenance, lighting or snow removal.

SECTION 14.20 PERFORMANCE GUARANTEE

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

- A. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and confirmed and verified by a representative of the Township.
- B. Where the Planning Commission, as a condition of approval of a proposed use of land requires a performance guarantee, said performance guarantee shall be deposited with the Clerk of the Township prior to the issuance of a building permit by the Township for the development and use of the land. Upon the deposit of the performance guarantee the Township shall issue the appropriate building permit and the Township Clerk shall thereafter retain said deposit, however, if said deposit is in the form of cash or certified check, then it shall be transferred to the Township Treasurer for deposit in an interest bearing account.
- C. Where a performance guarantee is required by the Planning Commission as a condition of approval for a proposed use, the Planning Commission shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed, said period to run from the date of the issuance of the building permit.
- D. In the event the performance guarantee deposited is a cash deposit or certified check, the Township shall rebate to the applicant amounts of money in reasonable proportions to the

ratio of the work completed on the improvements by the applicant as confirmed by the Township Building Inspector.

- E. Upon the satisfactory completion, as determined by the Township, of the improvement for which the performance guarantee was required, the Clerk shall notify the Treasurer of the Township to return to the applicant the performance guarantee deposited and any interest earned thereon, minus any costs associated with the maintenance of such deposits.
- F. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
- G. In the event, the applicant defaults in making the improvements and the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay to the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.

SECTION 14.21 SITE PLAN REVIEW

All developments in the “MF” District and all nonresidential land uses within the “MF” and “C” Districts and all projects with two or more dwelling units or building sites (in the case of condominium dwelling units) shall require site plan approval by the Building Inspector prior to issuance of a building permit and shall comply with the following requirements and standards. Approval will be based on the **Articles** of this ordinance and such other conditions as may be imposed pursuant to Conditional Use provisions of this Ordinance.

- A. Approval by the Building Inspector shall be contingent upon a finding that:
 - 1. The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
 - 2. All the development features including the principal building or buildings and any accessory buildings, or uses, open trash or refuse containers, and any service road, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to, channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located so as to interfere with police or fire equipment access. Public streets adjacent or through the proposed development shall be required

upon a finding that it is essential to promoting and protecting public health, safety and general welfare through continuation of the public street system.

3. The site plans and elevations of the buildings (principal and accessory) shall be in harmony with the general character of the area. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roofs, canopies, and paved areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.
 4. The relationship of uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. 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.
 5. Removal or alteration of significant natural features shall be restricted to those areas, which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Building Inspector may require that landscaping, buffers, or greenbelts be preserved or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
 6. Satisfactory assurance shall be provided that the requirements of all other applicable Ordinances, codes, and requirements of Bedford Charter Township will be met.
 7. The general purposes and spirit of this Ordinance and the Master Plan of Bedford Charter Township shall be maintained.
- B. Application Procedures: The required number of copies of the Site Plan Review and/or Conditional Use application together with the same number of copies of all the required drawings and illustrations shall be presented to the Township Building and Zoning Administrator twenty (20) days prior to the Planning Commission meeting. All of the following detailed information must be submitted.
1. Application Form (obtainable from the Township Building and Zoning Administrator).
 - (a) Applicant's name and address.
 - (b) Name of the proposed development.

- (c) Common description of the property.
 - (d) Complete legal description.
 - (e) Dimensions of land, width, length and acreage.
 - (f) Existing zoning and zoning of adjacent properties.
 - (g) Proposed use of land.
 - (h) Name, address, city and phone number of the firm or individual who prepared the site plan.
 - (i) Name and address of applicant if not the legal owner.
 - (j) Signature of the legal owner, if not the applicant.
2. Site Plan (Drawing(s) and Illustration(s) fully dimensioned).
- (a) Location map drawn at scale of one inch (1") = one hundred feet (100') (show nearest major intersection).
 - (b) Location of all existing and proposed structures and uses.
 - (c) All aisles, drives and parking areas (include the number of spaces in each).
 - (d) Screening and/or protective walls.
 - (e) Principal and accessory buildings.
 - (f) Location of existing and proposed rights-of-way, widths of all abutting streets, alleys and easements.
 - (g) Types of facing materials to be used on structures.
 - (h) Elevations (front, sides and rear views) of all sides of the building(s).
 - (i) Typical floor plan(s).
 - (j) Seal of registered Architect, registered land surveyor, Landscape Architect, Professional Planner or Civil Engineer who prepared the plan.
 - (k) Density calculations.
 - (l) Existing buildings or improvements on the site and all land adjacent to the

site within 100 feet.

- (m) Designation of units by type of buildings.
- (n) Interior sidewalls and sidewalks within right-of-way.
- (o) Exterior lighting locations and methods of shielding.
- (p) Trash receptacle location and method of screening.
- (q) Landscape plan.
- (r) Drive or street approaches including acceleration, deceleration and passing lanes, if appropriate.
- (s) All utilities located on or serving the site.
- (t) Loading and unloading area.
- (u) Total floor area.
- (v) Designation of fire lanes.
- (w) Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, noise, vibration and emission levels and other data of such equipment or machinery.
- (x) Location and extent of development of recreation areas, where necessary .

C. Review by Building Inspector.

1. The Building Inspector shall review the Site Plan, along with any comments submitted by agencies, departments or consultants, and makes such recommendations to the applicant that will cause the Plan to be in conformance with the review standards required by this Section and this Ordinance. To this end, the Building Inspector may request from the applicant additional graphic or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but is not limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests, and other pertinent information.

2. The Building Inspector may include conditions to the approval of the site plan to ensure the maintenance of the health, safety, and general welfare of the residents of the Township.
3. The Building Inspector shall recommend approval, denial, or approval with conditions of any site plan it reviews based on the requirements of this Ordinance.
4. No petition submitted for Site Plan review which has been denied, shall be resubmitted for a period of six (6) months from the date of denial, except as may be permitted by the Building Inspector after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

D. Approved Plans and Amendments

1. Upon approval of the Site Plan, the Zoning Administrator shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the Township's files; one (1) copy shall be made for the Zoning Administrator for issuance of a Zoning Compliance Permit; and one (1) copy shall be returned to the applicant.
2. Each development shall be under construction within one (1) year after the date of approval of the Site Plan, except as noted in this Section.
3. The Building Inspector may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the Site Plan and provided that:
 - (a) The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and,
 - (b) The site plan requirements and standards, including those of the Zoning Ordinance and Master Plan, that are reasonably related to said development have not changed.
 - (c) Should neither of the provisions of Section (D) 2 be fulfilled or an extension has expired without construction underway, the Site Plan approval shall be null and void.
4. Amendments to an approved Site Plan may occur only under the following circumstances:
 - (a) The holder of a valid Site Plan approval shall notify the Building Inspector Administrator of any proposed amendment to such approved site plan.
5. Minor changes, requested by the applicant, may be approved by the Building

Inspector 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 such a determination, the Building Inspector shall consider the following to be a minor change:

- (a) Reduction of the size of any building or sign.
 - (b) Movement of buildings or signs less than ten feet (10').
 - (c) Landscaping approval in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - (d) Changes in floor plans, of up to five percent (5%) of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - (e) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (f) Changes required or requested by the Township, Calhoun County or other state or federal regulatory agency in order to conform to other laws or regulations.
6. Should the Building Inspector determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by this Chapter, and a second application fee shall be required.

**ARTICLE 15
CONDITIONAL USES**

SECTION 15.01 PURPOSE

This Article provides a set of procedures and standards for special uses or land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow practical latitude for the applicant and, at the same time, maintain an adequate provision for the protection of the health, safety, convenience, and general welfare of Bedford Charter Township. For purposes of this Ordinance, all Conditional Use within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in **ARTICLE 15.07**, as applicable.

SECTION 15.02 APPLICATION PROCEDURES

Application for a conditional use permit shall be made to the Zoning Administrator and shall include the following:

- A. All site plan reviews shall conform with the information required by Article 14, Section 14.21.
- B. An applicant shall complete an application form.
- C. Payment of an application fee, which shall be non-refundable, shall be established by Township Board resolution.

SECTION 15.03 NOTIFICATION, HEARING, AND REVIEW PROCEDURES

Notification: Upon receipt of an application for a Conditional Use permit, the Zoning Administration shall call cause:

- A. A notice to be published in a newspaper which circulates in the Township, that a request for Conditional Use approval has been received at least fifteen (15) days before a meeting.
- B. Send by mail or personal delivery a notice of conditional use request to the owners of the property for which the request is being considered, to all persons to whom real property is assessed within 300 feet (300') of the boundary of the property in question, and to the occupant of all structures within 300 feet (300;), to each electric, gas pipeline, and telephone utility company that registers with the Township and to the County Road Department, the Michigan Department of Transportation, the Calhoun County Water Resource Department, and the Michigan department of Environmental Quality as may be required by law.

- C. The notice shall be given not less than five (5), nor more than fifteen (15) days before the date of the public hearing.
- D. If the name of the occupant is not known, the term “occupant” may be used in making notification.
- E. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or area owned or leased by different individuals, partnerships, businesses, or organizations, the occupant of each unit or area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other district spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.
- F. The notice shall describe the nature of the request, indicate the property which is the subject of the conditional use request, state when and where the request shall be considered, and indicate when and where written comments will be received concerning the request.
- G. Following notice, the Planning Commission shall hold a public hearing on the conditional use permit application.
- H. The Planning Commission shall make its recommendation of approval, approval with conditions, or denial of the conditional land use permit request to the Township Board. The Planning Commission shall base its recommendation upon the review and consideration of materials submitted with the application and the applicable standards of this Article.
- I. If the Township Board finds that the request meets all required standards, it may approve, modify or deny the request.

SECTION 15.04 GENERAL STANDARDS FOR APPROVAL

- A. The Township Board may approve, or approve with conditions, a conditional use permit request only upon a finding that all of the following general standards for approval are complied with:
 - 1. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.

2. The use is, or will be as a result of the conditional use permit, served adequately by public services and facilities, including, but not limited to street, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be provided.
 3. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
 4. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
 5. The site plan proposed for such use demonstrates compliance with the Specific design standards for the conditional use as contained in **ARTICLE 15.07**.
- B. The recommendation of the Planning Commission shall be incorporated in a statement of conclusions specifying the basis of the recommendation, and any conditions imposed. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the Township Board minutes.
- C. No request for conditional use approval, which has been denied, shall be resubmitted for six (6) months, following such disapproval, except as may be permitted after learning of new and significant facts or conditions, which might result in favorable action upon resubmittal.

SECTION 15.05 CONDITIONS OF APPROVAL

- A. The Planning Commission or Township Board may impose reasonable conditions in conjunction with approval of a conditional use permit, which are deemed necessary to ensure compliance with the general standards for approval in **ARTICLE 15.04** and the Specific Design Standards of **ARTICLE 15.07**.

SECTION 15.06 APPROVAL TERM AND EXPIRATION

A conditional use permit, including conditions imposed, is attached to, and shall run with the land for which the permit is granted. The conditional use permit shall be binding upon subsequent owners and all occupants of the subject land. However, a time limit for the operation of a conditional use may be imposed as condition of approval.

SECTION 15.07 CONDITIONAL USE SPECIFIC DESIGN STANDARDS

The following conditional land uses shall be subject to the requirements of the District in which 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. Adult Foster Care Small Group Homes and Adult Foster Care Large Group Homes.
1. The use shall not be located within fifteen hundred feet (1,500') of another similar state licensed facility.
 2. Minimum lot size shall be one-half (1/2) acre with no less than one hundred feet (100') of road frontage.
 3. There shall be one (1) parking space for each four beds plus one (1) space for each two (2) employees, including nurses, per shift.
 4. The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.
 5. Methods of lighting, fencing and buffer zones shall be specified, on application for conditional use permit and will be subject to site plan review and approval.
 6. Activities associated with the use shall not be permitted in any building, structure or attached or detached garage other than the principal dwelling unit.
- B. Cemeteries.
1. Minimum lot size of three (3) acres or 130,680 square feet is required.
 2. Plan must show any roads, and plot areas.
 3. A five foot (5') tall fence is required along any property line not adjacent to a road right-of-way.
 4. One (1) sign is permitted that must conform to the district restrictions for signs.
- C. Churches.
1. The property location shall be such that at least one (1) side of the property abuts and has access to a public road.
 2. Minimum lot size of three (3) acres or 130,680 square feet shall be required for such use.
 3. The off-street parking area shall be screened with a greenbelt buffer.
- D. Commercial day care centers
1. Minimum lot size of two (2) acres or 87,120 square feet shall be required for such use.

2. Playground equipment may only be located in the interior side or rear yard of the lot, and must have a five (5) foot fence around its border. The playground must be at least fifty (50) feet from the property line, and any residential use or district line.
3. The off-street parking shall be arranged so the client loading and unloading area will not be in the path of vehicular traffic.
4. The required off-street parking shall meet the conditions for elementary schools.
5. The main building shall be one hundred feet (100') from any property line.

E. Commercial outdoor recreation facility.

1. Minimum lot size of two (2) acres or 87,120 square feet.
2. All outdoor lighting shall be directed away from, and shall be shielded from adjacent parcels.
3. All adjacent parcels shall be screened with a proper buffer or greenbelt to afford adjacent property owners protection from noise, light, dust, or other nuisances.
4. Accessory retail sales may be permitted, but limited to the sale of goods specific to the recreation facility, be it miniature golf, a golf driving range, go-carts, etc.
5. All areas for the storage of waste dumpsters shall be screened on three (3) sides with a six foot (6') tall solid fence or wall.

F. Commercial storage warehouses (mini-storage or self-storage units).

1. Minimum lot area shall be two (2) acres or 87,120 square feet.
2. No more than eighty-five percent (85%) of the lot may be covered by buildings, on-site driveways, parking and loading areas, and vehicular circulation aisles.
3. Parking and circulation:
 - (a) One (a) parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the site.
 - (b) All driveways, parking and loading areas, and vehicular circulation aisles shall be paved.

4. An eight-foot (8') solid fence shall surround the property. The solid fence shall be aesthetically pleasing, and be made of an acceptable material, such as, but not limited to, redwood, cinder block, or chain link with slats. The fence must be setback at least twenty feet (20') from the road right-of-way.
5. The use shall be screened from adjacent residential uses with a proper buffer or greenbelt.
6. The facility shall be fully lighted to insure optimal security. All lights shall be isolated to direct lighting against the facility and away from the adjacent properties.
7. An office may be permitted on-site, but the office area shall be included in calculating the lot coverage.
8. No toxic, hazardous, or flammable materials may be stored in such a unit.
9. The Planning Commission may stipulate additional standards to promote health, safety, and welfare to the public.

G. Community centers.

1. Off-street parking shall be required as outlined for "Assembly areas, auditoriums, and gymnasiums."
2. The parcel on which the use is located shall front on at least one (1) side, on a paved road.
3. Any outdoor playground equipment shall be enclosed by a fence at least four feet (4') in height. Such play area shall be setback from any residential use at least fifty feet (50').

H. Country clubs and golf courses.

1. Minimum lot size of one hundred twenty (120) acres is required for a regulation eighteen (18)-hole golf course, or forty (40) acres for each nine (9) holes of a par-3-style course.
2. The site shall be so planned to provide all access directly onto or from a major paved road.
3. All structures shall be at least one hundred feet (100') from the property line abutting residentially zoned land.

4. The off-street parking area shall be so arranged as to provide the most safety for pedestrians, and ease of vehicular maneuvering.
 5. The off-street parking area shall be at least fifty feet (50') from any property line abutting residentially zoned land. Required off-street parking requirements are provided in this Ordinance.
 6. Accessory uses like pro shops, restaurants and lounges, and golf-driving ranges may be permitted.
- I. Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry cleaning pick-up stations and pharmacies.
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 each service ordering station shall be provided. Stacking spaces shall be located so as to not interfere with vehicular circulation and egress from the property or parking spaces 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 feet (20') and side and rear yard setbacks of ten feet (10') which shall be landscaped.
 4. Access driveways shall be located no less than one hundred feet (100') from the centerline of the intersection of any street or seventy-five feet (75') from the centerline of any other driveway.
 5. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
 6. A proper buffer or greenbelt to screen the use from any adjacent residential uses.
- J. Funeral homes and mortuaries.
1. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent properties.
 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 at least seventy-five (75') from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.

K. Gasoline stations/Minor Repairs.

1. Minimum lot area shall be one (1) acre or 43,560 square feet, and the minimum lot width shall be one hundred fifty feet (150').
2. Pump islands shall be a minimum of forty feet (40') from any public right-of-way or property line.
3. All equipment and activities associated with vehicle service operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five feet (5') is maintained and further provided that the fascia of such canopy is a minimum of twelve feet (12') above the average grade.
7. Access driveways shall be located at least one hundred feet (100') from the nearest right-of-way line of any intersecting street or seventy-five feet (75') from the nearest edge of any other driveway.
8. Where adjoining residentially zoned or used property, buffer or greenbelt shall be provided.
9. The lot area used for parking shall be paved, graded, and drained to dispose of all surface water free from ponding, and not harmful to adjacent properties.
10. Written verification of review and approval of the site plan from the County Water Resource Department.
11. Written verification of review and approval of the site plan from the Township Fire Chief.

L. Greenhouses and nurseries

1. All buildings shall be setback at least one hundred feet (100') from all property lines.
2. Outdoor display area shall be setback at least fifty feet (50') from all property lines, and shall be limited to an area equal to one-half (1/2) the square footage of all buildings on the lot associated with the use.

M. Group day care homes.

1. The use may not be closer than 1,500 feet to any of the following:
 - (a) Another licensed Group Day Care Home
 - (b) Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979.
 - (c) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Act 368 of Public Acts of 1978.
 - (d) A community correction center, resident home, halfway house, or other similar facility, which houses an inmate population under the jurisdiction of the Department of Corrections. This distance shall be measured along a street, road, or place maintained by the state, county, or Township of Bedford and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.
2. 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.
3. Fencing at least fifty-four inches (54"), and no more than six feet (6') in height shall be provided around all outdoor areas accessible to children.
4. All playground equipment, and areas for playing and exercise shall be in the side and rear yard of the property. This area shall be at least 2,500 square feet in size.
5. The property shall be consistent with the characteristics of the neighborhood.
6. The facility shall not exceed sixteen (16) hours of operations during a twenty-four (24) hour period, and shall not operate between the hours of 10:00 p.m. and 5:00 a.m.

7. One non-illuminated sign measuring no more than sixteen (16) square feet may be permitted if attached to the principal structure.

N. Hotels and motels:

1. Minimum lot area shall be one (1) acre or 43,560 square feet, and minimum lot width shall be two-hundred feet (200').
2. Parking areas shall have a front yard setback of forty feet (40'), and side and rear yard setbacks of twenty feet (20').
3. Access driveways shall be located at least one hundred feet (100') from the nearest right-of-way line of any intersecting street or seventy-five feet (75') from the nearest edge of any other driveway.
4. Restaurants and retail shops may be permitted accessory to the hotel or motel. However, off-street parking for the accessory uses must be provided in addition to the required parking for the sleeping rooms.

O. Commercial Kennels.

1. Buildings wherein dogs are kept, dog runs, and/or exercise area shall not be located nearer than one hundred feet (100') or such other distance as required by the Planning Commission to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear, or side yard setback area.
2. Dog runs and /or exercise area, and buildings where the dogs are maintained shall be located in the rear yard only.
3. Each dog run and/or exercise area shall be separately fenced from the adjoining dog run and/or exercise area.
4. There shall be a solid wall or solid fence around the outside perimeter of the dog runs and/or exercise areas, with a height of not less than six feet (6').
5. Parcel shall be five (5) acres or 217,800 square feet, or more in size.
6. Such facilities shall be under the jurisdiction of the Township Planning Commission and subject to other conditions and requirements of said body deemed necessary to ensure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, additional fencing, soundproofing, and sanitary requirements.

P. Lumber yards and building material sales areas.

1. The principal and accessory buildings and structures shall not be located within three hundred feet (300') of any residential use or district property line.
2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential district.
3. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
4. Outdoor sales and display areas shall be limited to twenty (20) square feet for each linear foot of building frontage.
5. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

Q. Mining of natural resources, excluding forest related programs. Mining of natural resources includes the excavation or mining of sand and gravel; the processing, storage, loading, and transportation of sand and gravel; the mining of clay; the extraction of peat or marl; the quarrying of stone; and the mining of coal. The incidental excavation of sand and gravel for the on-site use only is excluded from the regulations of this Ordinance, except that the setback and yard requirements for the district shall be met.

1. A minimum setback of fifty feet (50') from any property line, and seventy-five feet (75') from any public road.
2. The permanent processing plant and its accessory structures shall not be closer than two hundred fifty feet (250') from any property line or public road.
3. When practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.
4. Storage piles of processed material and overburden stripped mining areas shall not be located closer than fifty feet (50') from any property line, and one hundred feet (100') from any public road.
5. A minimum of twenty (20) acres is required for the use.
6. An Operational Plan must be submitted for review to the Planning Commission along with an application for a Conditional Land Use. The plan should provide the following information, not limited to the areas being mined: the location of permanent structures, the locations for storage piles, the points of access upon

public roads, screening, and reclamation plans. If the Operational Plan meets the intent and purpose of this Ordinance, which is the goals and objectives of the Master Plan, and the Operational Plan is consistent with the sound planning principles, then the Planning Commission must approve the Operational Plan before the Zoning Permit is issued.

7. Upon commencement of mining operations, the mining area shall be enclosed within a five foot (5') high fence, and "No Trespassing" signs shall be posted at most one hundred feet (100') apart.
8. Sight barriers shall be provided along all boundaries adjacent to roads, which lack the natural vegetative terrain conditions to effectively screen the mining operation. The sight barriers shall consist of one (1) or more of the following:
 - (a) Earth berms, which shall be constructed to a height of five feet (5') above the mean elevation of the centerline of the public road adjacent to the mining property. The berm shall have a slope not in excess of one foot (1') vertical to four feet (4') horizontal, and shall be planted with grass, trees, and shrubs.
 - (b) Screen plantings of coniferous or other suitable species at least five feet (5') in height, in two (2) rows parallel to the boundary of the property, with spacing of rows no greater than ten feet (10') apart.
 - (c) Masonry walls or solid fences, which shall be constructed to a height at least five feet (5').
9. Noise and vibration shall not be a nuisance to the general health, safety, and welfare of the residents in Bedford Charter Township, and shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings.
10. Air pollution in the form of dust and dirt shall be kept at a minimum.
11. All equipment used for the mining operation shall be operated in such a manner as to minimize, insofar as is practicable, dust, noise and vibration conditions, which are injurious or substantially annoying to persons living in the vicinity.
12. Interior roads serving the mining operation shall be paved, treated, or watered insofar as it is practicable, to minimize dust conditions.
13. No mining shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Environmental Quality.

14. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed, and in accordance with the plan approved by the Planning Commission. Reclamation may be conducted concurrently with phased mining operations, for example, a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining.
15. Reclamation shall be completed in accordance with the plan approved by the Planning Commission within one (1) year after all extraction has been completed.
 - (a) The excavated area shall not retain stagnant water.
 - (b) The surface of the excavated area shall be graded or backfilled to produce a gently rolling surface that will minimize wind and water erosion, and be compatible with the adjoining land area.
 - (c) The finished grade resulting from excavation shall not be steeper than one-foot (1') vertical to three feet (3') horizontal.
 - (d) Topsoil of a quality equal to that occurring naturally in the surrounding area, shall be replaced on all excavated areas, except on roads, beaches, or other planned improvement. The depth of the topsoil shall be at least four inches (4") deep.
 - (e) Vegetation shall be restored by the appropriate planting of grass, trees, and shrubs in order to reestablish a permanent vegetative cover on the land surface, and to minimize erosion.
 - (f) All processing plant structures, building, stockpiles, and equipment shall be removed from the area no later than one (1) year after extraction has ceased.
16. The mining company shall post a minimum financial guarantee in the amount of \$100,000 for the first five (5) operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at a rate of \$20,000 per each additional operation acre, which exceeds the first five. The Guarantee should be in the form of a security bond acceptable to the Planning Commission. Upon rehabilitation of mined acreage and reduction of net operational area, the bond or security shall be released in accordance with the amount of security required per acre.
17. Inspection shall be made of the mining site, not less often than twice in each calendar year, by the Zoning Administrator. Failure to correct a reported violation shall be reason for revocation of the special land use permit. Additional time for correction of the cited violation may be allowed upon submission to the

Zoning Administrator of proof of good and sufficient cause by the operating company.

R. Mobile home park/manufactured home park

1. 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 said developments meet the standards and conditions and all other provisions as herein established.
2. 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 Bedford Charter Township, irrespective of the requirements of any other ordinance of Bedford Charter Township, unless such parcel or parcels of land shall have been approved as a licensed manufactured or mobile home park.
3. 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.
4. The business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home park may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a new or used manufactured home by a resident of the manufactured home development provided the development permits the sale.

S. Municipal buildings.

1. The proposed site shall front upon a paved State highway or County primary or County local street. All ingress and egress shall be from said thoroughfare.
2. Buildings and structures shall be setback at least one hundred feet (100') from the side and rear property lines, the front yard setback shall be that for the district in which the use is located.

T. Offices and showrooms for building and general construction contractors, electricians, plumbers, mechanical contractors, and similar trades.

1. The use shall be in the building where such goods are assembled, repaired, altered, or stored.

2. The offices and showrooms shall not occupy more than fifty percent (50%) of the floor area of the building or space the main use occupies.
 3. No outside storage shall be permitted.
 4. The wall facing and visible from the primary street shall be used for the main entrance, offices, and display area.
 5. Off-street parking shall be required as provided in this Ordinance for office uses, plus required parking for the main use.
- U. Places of assembly, including but not limited to, dance pavilions, auditoriums, and private clubs.
1. Off street parking shall be required as outlined for “assembly areas, auditoriums, and gymnasiums.”
 2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential district.
 3. Access driveways shall be located at least one hundred feet (100’) from the nearest right-of-way line of any intersecting street or seventy-five feet (75’) from the nearest edge of any other driveway.
- V. Planned unit developments.
1. Description and Purpose.
 - (a) The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one (1) main building on a lot. In certain large developments, their requirements might result in situations, less in the interest of public health, safety and welfare than if a controlled degree of flexibility were allowed. The Planned Unit Development (PUD), is intended to permit and control the development of planned areas for various compatible uses allowed by this Zoning Ordinance, and for other exceptional uses not so provided.
 - (b) It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection is afforded uses adjacent to a PUD.
 - (c) Under this Subsection, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or

explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blight influence, effect on property values, light and air, overcrowding of person, sanitation, general appearance of the area, surface and ground water quality, and other similar considerations affecting public health, safety and general welfare of the people of the surrounding area.

2. Objectives and Qualifying Conditions.

- (a) The following objectives shall be met by any application for any PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range planning, and development of such planned development:
- (1) To provide more desirable living, shopping, and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural features.
 - (2) To encourage the provision of open space and the development of recreational and, where included in the plan, other support facilities in a generally central location within reasonable distance of all living units, or working/shopping outlets.
 - (3) To encourage developer's to use a more creative and imaginative approach in the development of areas.
 - (4) To encourage underground utilities that can be more efficiently designed when master planning a larger area.
 - (5) To allow phased construction with the knowledge that subsequent phases will be approved as originally planned, and approved by the Township.
 - (6) To promote flexibility in design and permit planned diversification in the location of structures.
 - (7) To promote the efficient use of land to facilitate an economic arrangement of building, circulation systems, land use, and utilities.
 - (8) To combine and coordinate architectural styles, building forms, and building relationships within the PUD.

- (9) To insure a quality of construction commensurate with other developments in the Township.
- (b) Any proposed PUD must meet the following qualifying conditions:
- (1) The tract of land for which a PUD application is received must be in either one (1) ownership, or the subject of an application filed jointly by the owners of all affected properties.
 - (2) The property that is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area, unless specified elsewhere in this subsection.
 - (3) To be considered as a PUD the proposed development must fulfill at least one (1) of the following conditions:
 - (i) The PUD contains two (2) or more separate and distinct uses, for example, single family and multiple family dwellings;
 - (ii) The PUD site exhibits significant natural features encompassing at least twenty percent (20%) of the land area of the PUD, which will be preserved as a result of the plan.
 - (iii) The PUD is designed to preserve in perpetuity at least twenty percent (20%) of the total area of the site for open space.
 - (4) Basis of Determination - Prior to approval of a Planned Unit Development application, the Planning Commission shall insure that the standards specified in this subparagraph, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion of the Planned Unit Development under consideration.
- (c) General Standards - The Planning Commission shall review the particular circumstances of the Planned Unit Development application under consideration in terms of the following standards, and shall approve a Planned Unit Development only upon a finding of compliance with each of the following standards:
- (1) The standards outlined in Section 15.04;

- (2) The standards of review for Site Plan Review in Section 14.21;
 - (3) The applicable standards of this subparagraph;
 - (4) The applicable standards as may be established elsewhere in this Ordinance.
- (d) Conditions - The Planning Commission may impose conditions with the approval of a Planned Unit Development, which are necessary to insure compliance with the standards for approval stated in this subsection, and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the planned Unit Development approval, and shall be enforced by the Zoning Administrator.
3. Application Procedures.
- (a) An application for a Planned Unit development shall be submitted, and acted upon as a Conditional Use in accordance with the requirements of **Article 15**, and as noted in this subparagraph.
 - (b) In addition to the requirements of a Conditional Use, an application for Planned Unit Development shall be accompanied by a statement with regard to compliance with the criteria required for approval in Section 15.07 and other criteria imposed by this Ordinance affecting the Planned Unit Development under consideration.
 - (c) Review and Approval - The Planning Commission shall review the application for Planned Unit Development, the site plan, and other materials submitted in relation to the application. After such review, the Planning Commission may deny, approve, or approve with conditions, the Planned Unit Development application in accordance with the purpose of this Section 15.07. Other such standards contained in this Ordinance that relate to the Planned Unit Development under consideration, including those for Site Plan Review will also be considered by the Planning Commission. The Planning Commission shall prepare a report stating its conclusions on the request for Planned Unit Development, the basis for this decision, any conditions relating to any affirmative decision or reasons for denial.
4. Open Space - At least twenty percent (20%) of the site must be set aside, and designated as open space. Open space provided in the PUD shall meet the following conditions and requirements:

- (a) Additional 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, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
- (c) Open space may be provided where significant natural features may be preserved, or be used for passive or active recreation.
- (d) All open space shall be in the joint ownership of the property owners within the PUD. A Property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
- (e) Designated open space shall be set aside by means of a conveyance approved by the Township Board. The conveyance shall state:
 - (1) That the open space is protected from all forms of development except as shown on the approved site plan;
 - (2) That the open space shall not be changed to another use without the consent of the Township -- the proposed allowable use of the designated open space; that the designated open space is maintained by the parties who have an ownership interest in the open space;
 - (3) The scheduled maintenance of the open space; and,
 - (4) That the maintenance of the open space may be undertaken by the Township in the event that the open space is inadequately maintained or becomes a nuisance. Further that any cost incurred by the Township for such maintenance shall be assessed against the property owners.
- (f) To the extent possible, dedicated open space areas shall be continuous throughout the PUD. Open space areas shall be large enough and the proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.
- (g) Open space preservation incentive - In order to preserve the maximum amount of open space, for PUDs with an underlying Residential District, an increase in the total number of dwelling units may be permitted, according to the following requirements:

- (1) PUDs providing at least thirty-five percent (35%) of open space in an undisturbed state shall be entitled an additional ten percent (10%) of the number of dwelling units otherwise permitted by this Section.
- (2) PUDs providing between thirty-six percent (36%), and fifty percent (50%) of open space in an undisturbed state shall be entitled an additional twenty percent (20%) of the number of dwelling units otherwise permitted by this Section.
- (3) PUDs providing fifty-one percent (51%) of open space in an undisturbed state, or more, shall be entitled an additional twenty five percent (25%) of the number of dwelling units otherwise permitted by this Section.
- (4) All open space provided under these provisions shall meet the following criteria:

5. PUDS in a Residential District.

- (a) The following uses may be permitted, either singularly, or in combination, in accordance with the applicable PUD requirements, in a residential District:
 - (1) Single-family detached dwellings.
 - (2) Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PUD.
 - (3) Multiple-family dwelling, provided that such units make up no more than thirty percent (30%) of the total number of residential dwelling units in the total PUD.
- (b) Single-family residential development shall be limited to cluster areas established within the development site. Cluster areas shall have adequate access for vehicles and utilities shall have linkage to the development's open space areas; should be visually and physically separate from one another and roadways by open space buffers; should be integrated into the site in such a manner that minimizes the impacts on neighboring properties; shall be designed in such a manner that is compatible with the character of the surrounding community; and should be designed to avoid the appearance of a suburban subdivision.

- (c) Except as noted in Section 15.07, the maximum number of dwelling units permitted shall be determined by the designation of the Master Plan for the property in which the PUD is proposed. If the PUD lies in more than one (1) Future Land Use Category, the number of dwelling units shall be calculated on a proportionate basis.
- (d) The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by taking the total site area, and subtracting lands used or dedicated for public easements and public or private road right-of-ways.
- (e) The minimum setbacks and yard requirements for any lot designated for residential use shall comply with requirements of the underlying zone district, unless the Planning Commission finds that slight deviations from those standards is necessary for the site to meet the objectives of this Section.
- (f) Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirement of Section 15.07.
- (g) Non-Residential Uses.
 - (1) All non-residential uses allowed in the PUD, shall occupy no more than ten percent (10%) of the PUD projects 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 residential character of the neighborhood or the PUD.
 - (4) All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
 - (5) Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - (i) 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.

- (ii) 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 nonresidential use.

(6) PUDS in a Commercial District.

- (a) the minimum area required for a parcel to be considered as a Commercial PUD shall be not less than five (5) contiguous acres.
- (b) The following uses may be permitted, either singly, or in combination, in accordance with applicable PUD requirements in a Commercial District:
 - (1) Retail Business where no treatment or manufacturing is required.
 - (2) Personal service establishment, which perform services on the premises.
 - (i) small appliance, television radio, or watch repair shops,
 - (ii) tailor shops,
 - (iii) beauty salons or barber shops, photographic studios, and self-service laundries and pick-up dry cleaners.
 - (3) Banks, credit unions, and other financial institutions.
 - (4) Office buildings.
 - (5) Restaurants, and private clubs, provided such restaurants shall not offer drive-through facilities.
 - (6) Accessory buildings and uses customarily incidental to the foregoing uses.
- (c) The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment.

7. PUDs in the Industrial District

- (a) The minimum area required for a parcel to be considered as an Industrial PUD shall be no less than ten (10) contiguous acres.
- (b) The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, in an Industrial District:

- (1) Industrial manufacturing operations and operations for the servicing, compounding, assembly, or treatment of articles or merchandise.
 - (2) Research and development facilities, including production activities, which shall be limited to fifty (50) percent of the floor area of the building.
 - (3) Warehousing, including refrigerated and general storage.
 - (4) Motor freight, truck, and warehousing business.
 - (5) Any accessory offices, shipping, receiving, and warehousing with a permitted principal use.
 - (6) Related essential public services ancillary to the industrial PUD.
 - (7) Accessory building and uses customarily incidental to the foregoing uses.
- (c) The buildings and improvements within the PUD shall be designed and developed.
 - (d) Open space in PUDs in an Industrial District
 - (1) A buffer strip, not less than seventy-five feet (75') wide shall surround the site.
 - (2) No development shall be permitted in this buffer strip, except for street, utility easements, or driveways.
 - (3) this buffer strip shall exempt PUDs with an underlying Industrial District from the open space requirements in Section 15.07.

8. Required Conditions

- (a) All electric, television cable, telephone transmission wires, and other such public or private utilities within the PUD shall be placed underground.
- (b) Parking is required in accordance with the Ordinance.
- (c) Signs are permitted in accordance with this Ordinance.

W. Public Parks and recreation areas.

1. The use shall be located on property with direct access to a public road.
2. Any outdoor activity areas including band shells, pavilions, and picnic areas shall be set back a minimum of one hundred fifty feet (150') from all property lines.
3. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent property owners.
4. Access driveways shall be located at least one hundred fifty feet (150') from the nearest right-of-way line of any intersecting street, and two hundred (200') feet from the nearest edge of any other driveway.
5. A proper buffer or greenbelt shall be provided and maintained between the subject use, and any adjacent residential uses, as outlined in Section 14.07.
6. Plans for the use, operation, maintenance, water supply and sewer disposal systems, and any other special features must be submitted.
7. All existing and proposed buildings shall be shown.
8. The use shall not constitute a public health or safety hazard, or adversely affect adjacent properties.
9. Linear parks shall be exempted from these standards but shall comply with the general standards outlined in Section 15.05.

X. Public or private campgrounds.

1. The campground must provide a Health Department approved sewage disposal and water system.
2. The setback of a campsite, building, or facility from the property line must be at least fifty feet (50').
3. The property must be screened with six foot (6') fencing or proper greenbelt when adjacent to a residential use.
4. Minimum lot size of ten (10) acres is required for the first twenty-five (25) sites, or fraction thereof.
5. A store may be permitted as an accessory use, to serve the immediate needs of those using the campground. Off-street parking requirements for the store will be one-half (1/2) the required amount for retail outlets, as outlined in this Ordinance.

- Y. Public or private schools, including charter schools and religious-based schools.
1. Minimum lot size:
 - (a) For Elementary schools a minimum of five (5) acres.
 - (b) For Secondary schools a minimum of ten (10) acres.
 - (c) For trade, martial arts, or other professional or technical schools, a minimum of one (1) acre.
 2. Playground equipment may only be located in the side or rear yard of the lot, and must have a five-foot (5') fence around its border. The playground must be at least fifty feet (50') from any side or rear property line.
 3. The off-street parking shall be arranged so the bus loading and unloading of student's area will not be in the path of vehicular traffic.
 4. The off-street parking shall meet the requirements outlined in this Ordinance for schools.
 5. Sidewalks shall be required connecting the off-street parking area to the main entrance to the school, and to the required sidewalk along the adjacent road right-of-way line.
 6. The main school building shall be one hundred feet (100') from any property line.
 7. Practice and playing fields, tracks, and ball diamonds shall be setback at least fifty feet (50') from any property line.
- Z. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.
1. Security fencing eight feet (8') in height shall be required around all outside storage.
 2. All outside storage areas shall have sufficient lighting as to illuminate the entire storage area, but not be visible on adjacent properties.
 3. All outside storage areas shall be constructed and maintained as to provide a smooth, dustless, and a well-drained surface.
 4. A proper buffer or greenbelt shall be required to protect adjacent residential areas.
 5. Outside storage shall not be permitted in any required yard setback area, furthermore, outside storage is limited to the side and rear yards of the premises.

6. Outdoor sales and display areas shall be limited to twenty (20) square feet for each linear foot of building frontage.

AA. Riding stables.

1. The minimum lot size shall be ten (10) acres.
2. The maximum horse population shall be limited to one (1) horse per acre.
3. Any buildings used to breed, house, feed, train, or shelter horses shall be located at least one hundred fifty feet (150') from any lot line.
4. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance, disturbance, or hazard to adjacent or nearby property owners.
5. Height limitations must be followed for the district.
6. All on-site accumulations of manure and other animal related solid wastes shall be disposed of in accordance with County and State health regulations. On-site accumulations of manure shall not adversely affect adjoining parcels.
7. Off-street parking shall be provided as required in this Ordinance for outdoor recreation, assembly halls, and any other related use accessory to the stable.
8. Off-street loading and unloading of horses, feed, straw, or any other on-site use related to the facility shall be completely on the property.
9. A map of the riding trail shall be submitted to the Planning Commission, with a maintenance plan for the trail, and hours of operation.
10. The riding trail shall not unreasonably affect adjoining property.
11. Additional standards may be imposed by the Planning Commission to maintain the health, safety, and welfare of the Township.

BB. Sale of farm implements and commercial construction equipment.

1. The lot area used for parking, display, or storage shall be paved or treated to prevent dust.
2. The parking area shall also be graded and drained to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.

3. Access driveways shall be located at least one hundred feet (100') from the nearest right-of-way line of any intersecting street or seventy-five feet (75') from the nearest edge of any other 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.
5. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses.
6. An outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
7. Minimum lot size of two (2) acres or 87,120 square feet is required.

CC. Salvage yards, junk yards and recycling centers.

1. For Recycling Centers.
 - (a) A minimum lot size of five (5) acres is required for the use.
 - (b) Plans and specifications shall be submitted to the Planning Commission and shall include the following:
 - (1) Specific location of the facility shown on a vicinity map.
 - (2) Location of public roadways, habitable structures, and places of public use on the site and other properties influenced by the project.
 - (3) Legal description and site boundaries.
 - (4) Means of limiting access including fencing, gates, natural barriers, or other methods.
 - (5) Details of the method of treating or disposing of liquid waste resulting from operation of the facility as it relates to the township's wastewater treatment facility.
 - (6) The location of all structures and equipment.
 - (7) A detailed description and statement of appurtenances and procedures intended to handle heavy or bulky items, store refuse

beyond the end of the working day, and control dust, odors, and fire as they comply with state and federal regulations.

- (8) The location of existing proposed utilities available to the site.
 - (9) The method of final reduction, such as compacting, grinding, shredding, compression, or tamping equipment.
 - (10) Daily clean up procedures.
 - (11) Other details necessary as required by the Planning Commission.
- (c) A facility shall be located not less than five hundred feet (500') from the nearest residential zone and must be screened by a fence of not less than eight feet (8') in height and not less than ninety percent (90%) solid. It must also be screened by fences from street, roads, or highways open to public vehicle travel.
 - (d) The site must be located on a major paved County road, and not on residential or collector-type roads. Roadways on the property shall be all-weather roads and shall maintain a condition to prevent a dust nuisance.
 - (e) Dust and odor resulting from unloading and operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration, or a nuisance to adjoining property.
 - (f) Highly flammable or explosive materials shall not be accepted unless approved by the Health Department and Charter Township of Bedford Fire Department.
 - (g) Open burning shall not be carried on in a recycling facility.
 - (h) The recycling area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.
 - (i) Necessary operations of the recycling center shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents.
 - (j) Adequate provisions shall be made for routine operational maintenance of the facility and all appurtenances.
2. For salvage yards and junk yards

- (a) Requests for a special land use approval for establishment of a salvage yard shall also require submission of a detailed proposal identifying the predominant type of salvage material to be received, the methods of separation 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.
- (b) The site shall abut and have suitable access to a paved County primary road to ensure safe, direct transport of salvage to and from the site.
- (c) No portion of the storage area shall be located within one thousand feet (1,000') of any residential use or district, or any church, school, park, cemetery or municipal building.
- (d) Any outdoor storage area shall be completely enclosed by a fence or wall at least ten feet (10') in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvaged material is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates, providing an opening not to exceed twenty-four feet (24') in width. Such gates shall provide access to the storage area for vehicles, but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be of uniform appearance, continuously maintained in good condition, and shall contain only approved signs.
- (e) The fence or wall enclosing the storage area shall meet all applicable building setback requirements for zoning district.
- (f) A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
- (g) Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
- (h) Stored materials shall not be stacked higher than ten feet (10') and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way.
- (i) Piles of material shall be limited to encompassing not more than three hundred (300) square feet in area, and a twenty-foot (20') separation shall be required between each pile.
- (j) All portions of the storage area shall be accessible to emergency vehicles.

- (k) Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty foot (20') wide, with continuous loop drives separating each row of vehicles.
- (l) All batteries shall be removed from any vehicle, and all radiators 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. No fluids removed from vehicles shall be applied as a dust control method.
- (m) Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
- (n) The property shall be no less than twenty (20) acres in size.
- (o) In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
- (p) The Planning Commission may impose other conditions, which have a reasonable relationship to the health, safety and general welfare of Bedford Charter Township. These conditions can include a provision for inspections by the Zoning Administrator to ensure continuing compliance with the above standards.

DD. Laundromats (self-serve).

1. Off-street parking shall be provided at a ratio of one (1) parking space for each three (3) washing machines.

EE. Storage yards for contractor's equipment

1. The storage area shall be within a totally enclosed building; or in the rear yard of the property inside a six foot (6') high solid fence or wall.
2. No repairs on equipment shall be permitted, except on equipment owned or leased by the firm that owns the storage yard. Further, repairs shall take place within an entirely enclosed building.
3. The use shall be adjacent to, and have direct access to a paved public road.
4. The area where the equipment is stored, and any driveways on the site, shall be paved, or treated so as to prevent dust.

FF. Tool, die, gauge, and machine shops.

1. The principal and accessory buildings and structures shall not be located within two hundred feet (200') of any residential district or property line.
2. Access driveways shall be located not less than seventy-five feet (75') from the nearest part of the intersection of any street or any other driveway.

GG. Transportation terminals.

1. Access driveways shall be located at least one hundred feet (100') from the nearest right-of-way line of any intersecting street or any other driveway.
2. Trucks and trailers parked overnight shall be set back from the front lot line a minimum of one hundred feet (100').
3. The principal and accessory buildings and structures shall not be located within two hundred feet (200') of any residential use or district.
4. The lot area used for parking or display shall be paved or treated to prevent dust.
5. The parking area shall be graded and drained to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.
6. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, as outlined in Section 14.01.
7. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.
8. The minimum required lot area shall be five (5) acres with a minimum lot width of two hundred feet (200').
9. No outside storage shall be permitted. However, storage of licensed and operable vehicles may be permitted in an enclosed fence.

HH. Vehicle sales areas

1. The principal and accessory buildings and structures shall not be located within one hundred feet (100') of any residential use or district.
 2. Minimum lot area shall be one (1) acre or 43,560 square feet, and minimum lot width shall be one hundred fifty feet (150').
 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 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. This area shall be paved with asphalt or concrete, and shall be no larger than five thousand (5,000) square feet.
 5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas as outlined in subsection 4.
 6. Access driveways shall be located at least one hundred feet (100') from the nearest right-of-way line of any intersecting street or seventy-five feet (75') from the nearest edge of any other driveway.
 7. Where adjoining residentially zoned or used property, buffer or greenbelt shall be provided along the nonresidential property line.
 8. The lot area used for parking shall be paved, graded, and drained to dispose of all surface water, free from ponding, and not harmful to adjacent property owners.
- II. Vehicle service establishments shall meet the applicable provisions for "vehicle sales area" as outlined in subsection 15.07.
- JJ. Vehicle wash establishment.
1. Sufficient stacking capacity for the drive-through portion of 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 feet (100') from any residential use or district property line. Wash bays for self-service establishments shall be located at least one hundred feet (100') from any residential use or district line.
 3. Only one (1) access driveway shall be permitted on any single street. Access driveways shall be located at least one hundred feet (100') from the nearest right-of-way line of any intersecting street or seventy-five feet (75') from the nearest edge of any other driveway.
 4. Where adjoining residentially zoned or used property, a proper buffer or greenbelt shall be installed and maintained.
 5. Approval is required by the Calhoun County Water Resource Department and Calhoun County Road Department.
- KK. Veterinary hospitals and clinics, shall meet the applicable provisions for "Commercial Kennels", as outlined in Section 15.07.
- LL. Warehousing facilities.
1. No parking shall be allowed within fifty feet (50') of a residence, or residential district.
 2. The site shall be screened from all adjacent residential uses or districts.
 3. All refuse containers shall be screened on at least three (3) sides, and located on a concrete pad.
 4. No outdoor storage of any kind shall occur in the parking or site area.
 5. No toxic, hazardous, flammable or explosive materials shall be stored or allowed on-site.
 6. Security entry shall be required, restricting access to operators and users of the facility.
 7. The use must be conducted in a building, which fully encloses all activities.

MM. Wireless communication facilities.

1. Purpose. It is the general purpose and intent of this Section to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. It is the further purpose and intent of this Section to establish general guidelines for the siting of wireless communication tower antennas. The goals of this Section are to:
 - (a) Protect residential areas from potential adverse impacts of wireless communication towers and antennas;
 - (b) Encourage the location of towers in non-residential areas;
 - (c) Minimize the negative visual impact of towers throughout the community;
 - (d) Strongly encourage the joint use of tower sites rather than construction of additional single use towers;
 - (e) Require the disclosure of information about plans for wireless communication facilities so as to permit the Township to effectively plan for the location of such facilities; and
 - (f) Minimize the adverse effect of technological obsolescence of such facilities, including a requirement to remove unused or unnecessary facilities in a timely manner.
2. Definitions. As used in this Section, the following terms shall have the meanings set forth below:
 - (a) Alternative tower structures - man-made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.
 - (b) Antenna - Any exterior transmitting or receiving device mounted on a tower, building, or structure, and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

- (c) Backhaul network - The lines connecting a telecommunication provider's tower site and antennas to one or more cellular telephone switching offices, and/or long distance telephone providers, or the publicly switched telephone network.
- (d) Co-location - The use of a single support structure, building and/or site by more than one (1) wireless communications provider.
- (e) Height - When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- (f) Pre-existing towers and pre-existing antennas - Any tower or antenna for which a building permit or Special Land Use permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and unexpired.
- (g) Tower (or Communications Tower) - Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice or skeleton towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave tower, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereof.

3. General Requirements.

- (a) Antennas and towers may be considered either principle or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (b) For purposes of determining whether the installation of a tower or antenna complies with zoning district regulations, including but not limited to setback requirements, lot coverage requirements, land division requirements, and

other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers, may be located on leased parcels within such lot.

(c) Inventory of Sites

(1) Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of existing towers antenna, or sites approved for towers or antennas that are either within the Township of within one (1) mile of the corporate limits thereof, including specific information about the location, height, and design of each tower.

(2) The Zoning Administrator may share such information with other applicants applying for approval, or other organizations seeking to locate antennas within the Township. However, the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for colocation.

(d) Franchise Required. Owners or operators of towers or antennas shall certify that any franchise required by law for the construction or operation of a wireless communications system in the Township has been obtained, and shall file a copy of same with the Township Clerk.

(e) Co-location. It is the policy of the Township that all wireless communication providers co-locate on existing towers or structures capable of accommodating antennas to minimize the overall number of newly established towers within the Township, and to encourage the use of existing towers and structures for new antennas.

(1) The policy of the Township is for co-location. Thus, if a party who owns or otherwise controls a tower as defined herein, shall fail or refuse to allow the alteration of a tower so as to facility accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a non-conforming structure and use, and shall not be altered, expanded or extended in any respect.

(2) A proposed tower for commercial telecommunications service shall be required to be designed, constructed, and placed so as to accommodate both the applicant's equipment and comparable equipment for at least three (3) or more, additional users. The Planning Commission may permit a tower design which would allow fewer than three (3) other users if the Commission finds that

three (3) additional users would not be consistent with the intent and purposes of this section.

- (f) A site-plan shall be submitted with the requirements outlined in Section 14.21 (Site Plan Review Procedures for Planning Commission), and the following information:
- (1) A scaled site-plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning classification, adjacent land uses and zoning classification, adjacent roadways, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures, and topography of the lot.
 - (2) A legal description of the lot, and the leased parcel, as applicable.
 - (3) Evidence of the lot owner's consent to place the proposed tower.
 - (4) The setback distances between the proposed tower and the nearest residential unit, dwelling, and residential zoned property.
 - (5) The separation distance from other towers described in the inventory of existing sites set forth in part 4, g, of this Section.
 - (6) A landscape plan showing specific proposed landscape materials.
 - (7) Method of fencing and finish color and, if applicable, the method of camouflage and illumination.
 - (8) A signed and notarized statement by the applicant certifying compliance with all applicable federal, state, and local laws.
 - (9) A signed and notarized statement of the applicant as to whether the construction of the tower will accommodate co-location of additional antennas for future users.
 - (10) Identification of the entities providing the backhaul network for the proposed tower.
 - (11) A signed and notarized statement indicating a demonstration on the part of the applicant that no existing tower, structure or alternative technology that does not require the use of towers or structure, can accommodate the applicant's proposed antenna.

- (12) A description of feasible locations of future towers or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (13) In addition to the above information, a statement by the applicant that the proposed tower is needed. The Planning Commission shall use the following factors when determining the tower's necessity:
 - (i) Proximity to an interstate or Michigan highway, or its proximity to areas of population concentration or commercial, business or industrial centers;
 - (ii) There are areas where signal interference occurs due to tall buildings, masses of trees, or to other obstructions;
 - (iii) The proposed antenna is needed to complete a communications grid as it relates to the needs of the Township and surrounding areas;
- (14) Any information of an engineering nature that the applicant submits whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.

4. General Standards

- (a) Towers and antennas shall meet the following aesthetic requirements:
 - 1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color so as to reduce visual obtrusiveness.
 - 2. The design of the buildings and related structures serving the tower on site shall, to the extent possible, use the material, colors, textures, screening and landscaping that will blend them into the natural settings and surrounding buildings.
- (b) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding views.
- (c) All towers must meet or exceed current standards and regulations of the Federal Communication Commission (FCC), FAA, and any other agency of the State of Michigan or Federal Government with authority to regulate

towers and antennas. Should such standards and regulations be changed, the owners of towers and antennas governed by this Ordinance shall bring their towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective dates of such revised standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds of nonconformance with this Ordinance, and the removal of the tower or antenna at the owner's expense.

- (d) To ensure the structural integrity of towers, the tower owner shall ensure that it is maintained in compliance with the standards contained in State construction, building and electrical codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If upon inspection the Township concludes that a tower fails to comply with such codes and standards, and constitutes a danger to persons or property, then, upon notice provided to the owner, the tower shall be brought into compliance with such standards within thirty (30) days following said notice. Failure to bring the tower into compliance within thirty (30) days shall constitute grounds of nonconformance with this Ordinance, and cause the removal of the tower or antenna at the owner's expense.
- (e) No advertising or identification sign visible from off-site shall be allowed, or permitted on the antenna or tower.
- (f) The following setbacks shall be required for all towers:
 - (1) Towers shall be set back from all lot lines a distance equal to the fall zone for the tower proposed. However, the Planning Commission may modify this setback based on documentation from the applicant that a lesser setback will not create a hazard to adjoining properties or roads.
 - (2) Guywires and accessory buildings shall meet the minimum setbacks for principle buildings for the zoning district in which the tower is located.
- (g) The following separation distances shall be required for all towers:
 - (1) Separation from off-site uses and other designated areas. Tower separation shall be measured from the base of the tower to the lot line of the off-site use or other designated area.

- (i) A tower shall be located two hundred feet (200'), or three (3) times the height of the tower, whichever is greater, from any single family residential dwelling or vacant single family residentially zoned land, for which approval has been granted for a site condominium, or preliminary subdivision plat approval, or where site condominium approval has not expired.
 - (ii) A tower shall be located one hundred feet (100'), or two (2) times the height of the tower, whichever is greater, from any vacant unplatted residentially zoned land, or existing multiple family residential complex.
- (2) Separation distances between towers. Separation distances between towers shall be measured between the proposed tower and the existing tower(s). Separation distances shall be measured by drawing, or following a straight line between the base of the existing tower and the proposed base, as indicated on the site plan of the proposed tower. Separation distances between towers shall be based on the type of construction, as follows:
- (i) The distance between a proposed lattice or guyed tower, and an existing lattice or guyed tower shall be five thousand feet (5,000');
 - (ii) The distance between a proposed lattice or guyed tower and an existing monopole seventy-five feet (75') tall or more, shall be one thousand five hundred feet (1,500');
 - (iii) The distance between a proposed lattice or guyed tower and an existing monopole less than seventy-five feet (75') height, shall be seven hundred fifty feet (750').
 - (iv) The distance between a proposed monopole seventy-five feet (75') tall or more, and an existing lattice or guyed tower, or monopole seventy-five feet (75') tall or more, shall be one thousand five hundred feet (1,500');
 - (v) The distance between a proposed monopole seventy-five feet (75') tall or more, and an existing monopole less than seventy-five in height, and any existing tower shall be seven hundred fifty feet (750').

(vi) The distance between a proposed monopole less than seventy-five feet (75') in height, and any existing tower shall be seven hundred fifty feet (750').

(h) Fencing, landscaping, and Equipment requirements:

(1) The tower shall be enclosed by security fencing not less than eight feet (8') in height, and shall be equipped with an appropriate anti-climbing device.

(2) The tower facility shall be landscaped with a proper buffer or greenbelt in locations where the visual impact of a tower would be minimal, the Planning Commission may reduce or waive the landscaping requirements.

(3) Any unmanned equipment structure associated with a communication tower shall not exceed six hundred (600) square feet in size, and meet the height, yard, and building coverage requirements for the zoning district in which the tower is located. Such building or structure shall be of size, type, color, and exterior materials, which are aesthetically compatible with existing principle buildings within the surrounding area.

5. Other Factors When Considering a New Tower.

(a) In addition to any standards outlined in Section 15.04, General Standards for Approval, the Planning Commission shall also consider the following factors in determining whether to approve a special land use request for a tower. The Planning Commission is empowered to waive or reduce the burden on the applicant of one (1) or more of these criteria if the Planning Commission concludes that the goals of the Ordinance are better served thereby. The factors to be considered are:

(1) Height of the proposed tower does not exceed that which is minimally required to function in accordance with federal requirements and permit the co-location of additional antennae. In no event shall the height exceed 250 feet;

(2) Proximity of the tower to residential structures and residential district boundaries;

(3) Nature of uses on adjacent and nearby properties;

(4) Surrounding topography;

- (5) Surrounding tree coverage and foliage;
 - (6) Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (7) Proposed ingress and egress;
 - (8) Availability of suitable existing towers, other structures or alternative technologies not requiring the use of towers or structures;
 - (9) A willingness to permit other communication service providers to co-locate antennae on the tower, upon agreement to reasonable terms and conditions. This factor does not require the tower owner to permit access where doing so will interfere with the owner's ability to provide or receive signals.
- (b) No new tower shall be permitted unless the applicant can demonstrate by a preponderance of the evidence submitted on the record to the Planning Commission that no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. The applicant shall submit information to the Planning Commission relating to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- (1) No existing towers or structures are located within the geographic area, which meet the applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- (5) The fees, costs or other contractual provisions required by the owner in order to share an existing tower or structure, or adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (6) The applicant demonstrates there are other limiting factors that render existing towers and structures unsuitable.
 - (7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures such as cable micro cell networks using multiple low powered transmitters/receivers attached to a wire line system is unsuitable. Costs of alternative technology that would exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (c) Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove such within ninety (90) days after receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned tower or antenna within ninety (90) days shall be grounds for the Township to remove the tower or antenna at the owner's expense and, if not paid by the owner within ninety (90) days after receipt of notice of the expense of such removal, it shall become a lien against the property. If there are two (2) or more users of a single tower, then this provision shall not become effective until all owners cease using the tower.

ARTICLE 16
CONDOMINIUM REGULATIONS

SECTION 16.01 PURPOSE

This Article is intended to provide for condominium projects within the Township, establish comparable regulations to guide development of such projects in a manner similar to comparable development allowed within the zoning ordinance, and to establish development standards and required information to assure adequate compliance within the purposes of this ordinance including:

- A. Orderly growth and harmonious development of the community as planned for in the Township Master Plan, and
- B. To secure adequate traffic circulation and safety through coordinated street systems with relation to the county and state paved road system, future development, public services and facilities, and
- C. To provide for development which can be timed in a manner consistent with planned or needed public improvement so as not to create an undue inconvenience, hazard or financial burden for present residents of the Township, and
- D. To secure adequate provisions for water supply, storm drainage, sanitary sewage disposal and other public health and safety needs, including safe and coordinated interconnection with existing and planned paved roadways, and to provide for the achievement of these purposes, and
- E. To provide for an environmental assessment and when necessary to evaluate the impact of proposed developments to assure minimum impact of the natural environment including but not limited to the wetlands, surface waters, groundwater, flora and fauna of the community.

SECTION 16.02 DEFINITIONS

In addition to the terms defined in the Township Zoning Ordinance, the following terms shall have the meanings as shown in this Section. Terms defined in the Condominium Act, in addition to the terms defined herein, shall have the meanings as defined therein:

- A. **Building Site:** The condominium unit including the building envelope and contiguous limited common area or element. The functional equivalent of a lot when lot is used as a reference in the Zoning Ordinance, and the regulation shall also refer to building site.
- B. **Condominium Act:** Public Act 59 of the 1978 Acts of the Michigan Legislature, as amended (Section 559.101 et seq. of the Michigan Compiled Laws).

- C. Condominium Plan: The drawings and information prepared in compliance with the Zoning Ordinance which display the proposed site layout, survey and utility plans; floor plans; floodplain plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium plan shall show the size, location, area, and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium plan shall include the nature, location and approximate size of common elements.
- D. Condominium Project: A plan or project consisting of not less than two condominium units if established and approved in conformance with the Condominium Act.
- E. Condominium Subdivision Plan: Shall mean the same as Condominium Plan.
- F. Condominium unit: That portion of the condominium project designed and intended for separate ownership and use as described in the master deed and shall be equivalent to the term 'lot' as used in Township Ordinances.

SECTION 16.03 REQUIRED INFORMATION

- A. The names address and telephone number of:
 - 1. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).
 - 2. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - 3. The developer or proprietor of the condominium project.
- B. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
- C. The acreage content of the land on which the condominium project will be developed.
- D. The purpose of the project (for example, residential, commercial, industrial, etc.).
- E. Approximate number of condominium units to be developed on the subject parcel.
- F. Whether or not a community water system is contemplated.
- G. Whether or not a community septic system is contemplated.

SECTION 16.04 CURRENT INFORMATION

All information shall be furnished to the Township Building & Zoning Administrator and shall be kept updated until a Certificate of Occupancy has been issued.

SECTION 16.05 SITE PLANS - NEW PROJECTS -MASTER DEED, AND ENGINEERING AND INSPECTIONS

Prior to recording of the Master Deed required by Section 72 of the Condominium Act, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval. In addition, the Township shall require appropriate engineering plans and inspection prior to the issuance of any Certificate of Occupancy. Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site-plan review and approval.

SECTION 16.06 MASTER DEED, RESTRICTIVE COVENANTS AND “AS-BUILT” SURVEY TO BE FURNISHED

The condominium project developer or proprietor shall furnish the Building & Zoning Administrator with the following: One copy of the recorded Master Deed, one copy of all restrictive covenants and two copies of an “as-built survey”. The “as-built survey” shall be received by the Township Building & Zoning Administrator for compliance with Township Ordinances. Fees for these reviews shall be established by resolution of the Township Board in addition to those otherwise required by Township Ordinances.

SECTION 16.07 MONUMENTS REQUIRED - SITE CONDOMINIUM PROJECTS

All condominium projects which consist in whole or in part of condominium units, which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection.

- A. Monuments shall be located in the ground and made according to the following requirement, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- B. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- C. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at all intersection lines of the street and at the intersection of the lines of the street with the boundaries of the condominium project and at the intersection

of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in all side lines of street and alleys; at all angles of an intermediate traverse line and at intersections with elements and all common elements.

- D. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- E. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- F. All required monuments shall be placed flush with the ground where practicable.
- G. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter or other approved markers.
- H. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the Township, whichever the proprietor selects, in an amount set by resolution of the Township Board. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

SECTION 16.08 MONUMENTS REQUIRED - ALL CONDOMINIUM PROJECTS

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 16.07, above.

SECTION 16.09 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAW

All condominium projects shall comply with federal and State statutes and local ordinances.

SECTION 16.10 STATE AND COUNTY APPROVAL

The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the wastewater disposal system for the proposed project.

SECTION 16.11 TEMPORARY OCCUPANCY

The Township Building Inspector may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

SECTION 16.12 STREET STANDARDS, SITE PLAN SUBMITTAL, AND INSPECTIONS

All streets located within a Condominium Project shall be constructed and paved in accordance with the standards and specifications of the County Road Department for developments comparable in use, frontage, etc., to the condominium project. All condominium roads shall be designated and remain common elements as specified in the Master Deed. The Master Deed shall contain a clause approved by the Township Board, which allows an assessment against condominium owners for road maintenance for the purposes of public safety and welfare. If their standards differ, the more restrictive standard shall apply. After submittal of the condominium plan and bylaws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet twenty-four by thirty-six (24 x 36) inches with an image not-to exceed eight and one-half by fourteen (8 1/2 x 14) inches. Prior to issuance of a Final Certificate of Occupancy by the Township, the Township Building Inspector shall inspect all site improvements, including roads, water, sanitary and storm, sewer facilities, grading and road signs, and determine compliance with all applicable Township Ordinances and requirements.

ARTICLE 17
NON CONFORMING USES

SECTION 17.01 NONCONFORMING USES

The use of properties and buildings which are on record and conforming at the date of this Ordinance shall be treated as though they are conforming uses as long as their size and use remains as it was at the date of this Ordinance, even though such use does not conform with the provisions of this Ordinance of any amendment thereto.

- a. No nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. No nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- c. Any nonconforming use may be extended throughout any parts of a building designed for such use at any time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside the building.
- d. No existing structure devoted to a use not permitted in the district in which it is located shall be enlarged, constructed, moved, or structurally altered unless it is changed to a use permitted in the district to which it is located.
- e. A nonconforming use may be changed to another nonconforming use as a conditional use if the Planning Commission finds that such new use would decrease the degree of nonconformance and would not adversely affect adjacent property owners of the Township for reasons of health, safety or general welfare. Whenever a nonconforming use is changed to a more conforming use, such use shall not thereafter revert to the prior nonconforming use.

SECTION 17.02 NONCONFORMING BUILDINGS OR STRUCTURES

The properties and buildings which are on records at the date of this Ordinance shall be treated as though they are conforming properties as long as their size and use remains as it was at the date of this Ordinance, except as allowed within this section even though such building or structure does not conform with the provisions of this Ordinance or any amendments thereto.

- a. No nonconforming structure may be enlarged or altered closer than the existing structure's front, side or rear line. No nonconforming structure may be enlarged

or altered if the existing structure's front, side or rear line is closer than one-half (1/2) the required setback for the district the structure is on.

- b. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- c. Repairs and maintenance work required to keep a nonconforming structure in sound condition may be made.
- d. A structure or use damaged by the elements, public enemy, or other casualty, may be rebuilt or restored to its size prior to such damage and its use restored.
- e. Any building or structure shall be considered existing and lawful and, for the 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 any effort has been made toward construction, and if construction is completed within a 12-month period.

SECTION 17.03 NONCONFORMING LOTS

- a. A lot that is platted or on records as of the effective date of this Ordinance shall be treated as though it is conforming as long as the size and use remains as it was at the date of this Ordinance.
- b. Where two or more nonconforming lots are adjacent to each other and in common ownership, such lots shall be combined so that the lot or lots created by this combination comply with the minimum requirements of this Ordinance.

SECTION 17.04 NONCONFORMING USES AND BUILDINGS

Those alleged nonconforming uses of land, uses of building and buildings which cannot be proved conclusively to have been existing prior to the effective date of this ordinance, or any amendment thereto, shall be declared illegal nonconforming uses of land, nonconforming uses of buildings and nonconforming buildings and shall be discontinued upon written notification from the Township Building and Zoning Administrator.

ARTICLE 18 SIGN REGULATIONS

SECTION 18.01 GENERAL SIGN REGULATIONS

No sign shall be erected at any location, where by reason of the position, size, shape, color, movement or illumination, it may interfere with, obstruct the view of, be confused with authorized traffic sign signal, or device to interfere with, mislead, or confuse traffic.

Consideration of traffic visibility and injurious effects on adjacent properties is essential. All signs shall be designed, constructed, and maintained so as not to change the essential character of such area.

SECTION 18.02 PERMITTED SIGNS IN AGRICULTURAL AND WATERFRONT CONSERVATION DISTRICTS

In the “AA” - Agricultural and “WC” - Waterfront Conservation Districts only one (1) sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- A. A non-illuminated sign advertising the sale or rental of the building or premises not exceeding six (6) square feet in area and placed no nearer to the street line than one-half the required front yard depth.
- B. Non-illuminated trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area. More than one (1) sign shall be permitted in these districts, provided that said signs shall be placed at least fifty feet (50') apart.
- C. A non-illuminated sign announcing a home occupation, service or produce offered on the premises, provided that such a sign shall not exceed twelve (12) square feet in area; and shall be located no closer to the street line than one-half (1/2) the required depth front yard.
- D. A sign or bulletin board identifying a church, school, park or other authorized use not to exceed twelve (12) square feet in area and placed no nearer than fifteen feet (15') to any property line. Such sign may be illuminated by a non-flashing reflective light and the source of illumination shall not be visible.

SECTION 18.03 PERMITTED SIGNS IN RESIDENTIAL DISTRICTS

In any residential district, only one (1) sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following signs are permitted:

- A. A non-illuminated sign advertising the sale or rental of the building or property not exceeding six (6) square feet in area and placed no nearer to the street line than one-half (1/2) of the required front yard depth.
- B. A non-illuminated sign announcing a home occupation or service that is offered on the premises provided that such sign shall not exceed two (2) square feet in area and shall be attached flat against a building wall.
- C. One sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way than one-third (1/3) the minimum authorized front yard depth, such sign shall be removed within one year after the sale of ninety percent (90%) of all lots or units within said subdivision or development.
- D. One sign identifying a multiple-family building, subdivisions or development, not having commercial meaning is not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way line than one-third (1/3) the minimum authorized front yard depth.
- E. A sign or bulletin board identifying a church, school or other authorized use not to exceed twelve (12) square feet in area and placed no nearer than fifteen feet (15') to any property line. Such sign may be illuminated by a non-flashing reflected light and the source of illumination shall not be visible.

SECTION 18.04 PERMITTED SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

A sign in any Commercial or Industrial District is permitted only where it advertises a business occupying the same lot of land upon which the sign is erected. The sign shall conform to the building setback and height requirements, except for, and in addition to, the requirements provided below:

- A. In any Commercial or Industrial District a sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches, provided that such signs do not project over a sidewalk or public right-of-way. Projecting signs shall be at least twelve feet (12') above finished grade. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed. No such sign shall extend more than four feet (4') in height above the building to which it is affixed.
- B. One freestanding identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area for said sign shall be based on one (1) square foot for each foot of building frontage, however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side or rear property line than one third (1/3) the distance of the required building setback.

- C. One freestanding identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed eighty (80) square feet in area.
- D. All signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.

SECTION 18.05 OUTDOOR ADVERTISING SIGNS

Outdoor advertising signs (billboards) shall be permitted under the following conditions:

- A. Outdoor advertising signs (billboards) are permitted only in the Agricultural, Commercial and Industrial Districts.
- B. Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the zone in which they are situated.
- C. Where two (2) or more outdoor advertising signs are along the frontage of a single street or highway they shall not be less than one thousand feet (1,000') apart. A double face (back to back) or a V-type structure shall be considered a single sign.
- D. The total surface area facing in the same direction of any outdoor advertising sign shall not exceed two hundred (200) square feet.
- E. No outdoor advertising sign shall be erected on the roof of any building, nor have one sign above another sign.
- F. Outdoor advertising signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- G. Outdoor advertising signs shall be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- H. Outdoor name or identification signs are exempt from the provisions of this section provided that all such signs shall be flush with the building wall or roof.

SECTION 18.06 SIGNS FOR GASOLINE SERVICE STATIONS

Notwithstanding other provisions of this ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorist or pedestrians may not be obstructed in any way to a height of sixteen feet (16') other than necessary supports, and not exceeding twenty-five (25) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

SECTION 18.07 ELIMINATION OF NONCONFORMING SIGNS

All signs and billboards erected after the effective date of this Ordinance shall conform to the regulations as set forth in this Ordinance and its amendments. Any existing sign or billboard not conforming shall be deemed a nonconforming use, and shall be made to conform or shall be removed by the owner within three (3) years from the effective date of this Ordinance. If the owner of said sign fails to remove such nonconforming sign or billboard it shall be deemed a violation and the property owner shall be charged with a violation and subject to the provisions of this Zoning Ordinance.

ARTICLE 19
PARKING AND LOADING REQUIREMENTS

SECTION 19.01 OFF STREET PARKING

In all districts, in connection with industrial, business, recreational, residential or other use, there shall be provided at the time any building is erected, or uses established, enlarged or increased in capacity, off-street parking spaces of automobiles with the requirements herein specified.

- A. Plans and specifications showing required off-street parking spaces, including the mean of access and interior circulation, for the above uses, shall be submitted to the Building and Zoning Administrator for review at the time of application for a building permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred feet (300') thereof except that this distance shall not exceed one hundred fifty feet (150') for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
- B. No parking area or parking space which exists at the time this Ordinance becomes effective or which is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provision of this Ordinance within three hundred feet (300') of the proposed or existing uses for which such parking will be available.
- C. Parking of motor vehicles, in residential zones, shall be limited to passenger vehicles, two (2) nonresidential type recreational vehicles per dwelling unit, and not more than one commercial vehicle of the light delivery type, not to exceed one (1) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, or bus except for those parked on school or church property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided in either garage or parking area conforming to the provisions of this Ordinance.
- D. Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten feet (10') in width, and where a turning radius is necessary, it will be of such an area as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisle shall be:

1. For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22') feet in width.
 2. For sixty (60) degree parking, the aisle shall not be less than eighteen feet (18) in width.
 3. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
 4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- E. Off-street parking facilities, required for churches may be reduced by fifty (50) percent where churches are located in nonresidential districts and within three hundred (300) feet of usable public or private off-street parking areas. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and fifty-five (55) feet in length.
- F. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:
1. All off-street parking spaces shall not be closer than ten (10) feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.
 2. All off-street parking areas shall be drained to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
 3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises and streets.
 4. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side, which adjoins or faces property adjoining a residential lot or institution by a wall, fence or compact planting not less than four feet (4) in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 5. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
 6. Combined parking facilities are allowed when two or more uses occur on one property or when a building on one property contains two or more uses provided

that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for the various uses and computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.

- G. Any sign intended to advertise parking or loading facilities shall be constructed in accordance with the regulations specified in ARTICLE 18.
- H. A business involving the repair, service, sale or display of vehicles is prohibited in areas used for parking or loading.
- I. For the purposes of determining off-street parking requirements the following units of measurement shall apply:
 - 1. FLOOR AREA: In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for incidental service storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.
 - 2. PLACES OF ASSEMBLY: In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
 - 3. FRACTIONS: When units of measurement determining the number of required parking spaces result in requirements of a fractional space, any fraction up to and including one-half (1/2) shall require one (1) parking space.
 - 4. The minimum required off-street parking spaces shall be set forth as follows:

USE

Automobile or Machinery Sales and Service Garages

PARKING SPACE REQUIREMENTS

One (1) space for each two (200) hundred square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees on the maximum shift

USE

Banks, Business and Professional Office

Barber Shops & Beauty Parlors

Boarding & Lodging Houses, Fraternities

Bowling Alleys

Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than schools

Clinics

Convalescent Home, Orphanage or Similar Use

Drive-in Banks, Cleaners and Similar Businesses

Drive-in Eating Establishments

Dwelling (Single & Two Family)

Dwellings (Multiple Family)

Funeral Homes & Mortuaries

PARKING SPACE REQUIREMENTS

Two (2) parking spaces for each 200 square feet of floor area plus one (1) parking space for each employee working within the building

Two (2) spaces for each chair plus one (1) space for each employee

Two (2) parking spaces for each three (3) beds

Five (5) parking spaces for each alley plus one (1) space for each employee per shift

One (1) space for each four (4) seats or for each four persons permitted in such edifice as stated by the Fire Marshall

Four (4) spaces for each doctor plus one (1) space for each employee per shift

One (1) parking space for each four (4) beds plus one (1) space for each two (2) employees, including nurses, per shift

Storage space for five (5) cars between sidewalk area and the service window and one (1) parking space for each two (2) employees

Ten (10) parking spaces, plus one (1) parking space for each twenty (20) square feet of floor area

Two (2) parking spaces per dwelling unit

Two (2) parking spaces per dwelling unit

Four (4) spaces for each slumber room or one (1) space for each fifty (50) square feet of floor area, whichever is greater, plus one (1) space for each fleet vehicle

USE

PARKING SPACE REQUIREMENTS

Furniture, Appliance Stores, Household Equipment & Furniture Repair Shops

One (1) space for each four hundred (400) square feet of floor area

Gasoline Filling & Service Stations

One (1) parking space for repair and service stall, one (1) space for each employee per shift

General Office Building

One (1) parking space for each four hundred (400) square feet of gross floor area excluding auto parking within or on the building plus one (1) parking space per two (2) employees per shift

Hospitals

One (1) space for each bed plus one (1) space for each two (2) employees

Hotels, Motels, Lodging Houses, Tourist & Boarding Homes

One (1) space for each living unit plus one (1) space for each two (2) employees per shift

Libraries, Museums, Post Offices

One (1) parking space for each 800 square feet of floor area plus one (1) parking space for each two (2) employees

Manufacturing, Fabricating, Processing & Bottling Plants, Research & Testing Laboratories

One (1) space for each two (2) employees on maximum shift

Restaurants, Beer Parlors, Taverns, Night Clubs & Private Clubs

One (1) parking space for each four (4) patron seats, plus one (1) parking space for each two (2) employees per shift

Retail Stores, Except as Otherwise Specified Herein

One (1) parking space for each one hundred fifty (150) square feet of floor area excluding auto parking space within or on the building

Schools, Private or Public Elementary & Junior High Schools

One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled

USE

PARKING SPACE REQUIREMENTS

Senior High School & Institution High Learning, Private or Public

One (1) parking space for each employee (including teachers and administrators) plus one (1) for each ten (10) students in addition to the requirement of the auditorium

Self-service Laundry or Dry Cleaning Stores

One (1) space for each washing and/or dry cleaning machines

Supermarket, Self-service Food and Discount Stores

Two (2) spaces for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees per shift

Wholesale Establishments and Warehouses

One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees

5. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

SECTION 19.02 LOADING/UNLOADING REQUIREMENTS

In connection with every building or part thereof hereafter erected, except single and two-family dwelling unit structures, there shall be on the same lot with such building, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

- A. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Building Inspector for review at the time of application for a building permit for the erection or enlargement of a use or a building or structure.
- B. Each off-street loading/unloading space shall not be less than the following:
 - (1) In a Residential District a loading/unloading space shall not be less than ten feet (10') in width and twenty-five feet (25') in length and if a roofed space, not less than fourteen feet (14') in height.
 - (2) In any Commercial or Industrial District a loading/unloading space shall not be less than ten feet (10') in width and fifty-five feet (55') in length, and if a roofed space not less than fifteen feet (15') in height.
- C. Subject to the limitations of the next paragraph, a loading/unloading space may occupy all or any part of any required side or rear yard; except the side yard along a side street in

the case of a corner lot. In no event shall any part of a required front yard be occupied by such loading space.

- D. Any loading/unloading space shall not be closer than fifty feet (50') to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six feet (6') in height.
- E. All off-street loading/unloading facilities that make it necessary to back out directly into public road shall be prohibited.
- F. Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed and any light used for illumination shall be so arranged as to reflect the light away from the adjoining premises and streets.
- G. Off-street loading/unloading requirements for residential (excluding single-family dwellings), hotels, hospital, mortuaries, public assembly. offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by vehicles, the uses having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading/unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading/unloading space, the size of such loading/unloading space is subject to the provisions of this Ordinance.
- H. Where a use is not specifically mentioned, the requirements of a similar or related use shall apply.

ARTICLE 20 DONATION BOXES

An ordinance to authorize the Charter Township of Bedford to prohibit donation boxes in all zoning districts unless accessory to the principal use of the premises.

SECTION 20.1: Charter Township of Bedford Zoning Ordinance hereby adds the following definition:

DONATION BOXES: A freestanding accessory structure, container, receptacle, or similar device that is used for soliciting and collecting donations of clothing or other salvageable personal property. This term excludes any unattended Donation Boxes located within a building.

SECTION 20.2: CONDITIONAL USE

The Charter Township of Bedford Ordinance is hereby created to read as follows:

Donation boxes are prohibited in all Zoning Districts, unless the donation box is accessory to the principal use of the premises. To qualify as an approved accessory use, the donation box must be owned, maintained and operated by the owner of the principal use.

SECTION 20.3: SEVERABILITY OF INVALID PROVISIONS

If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provision of this Ordinance that can be given without the invalid provision, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

SECTION 20.4: BOARD OF APPEALS

All Ordinances or parts of Ordinances in conflict are hereby repealed only to the extent necessary to give this ordinance full force and effect.

**ARTICLE 21
ZONING BOARD OF APPEALS**

SECTION 21.01 BOARD OF APPEALS ESTABLISHED

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers in such a way that the objectives of this Ordinance shall be enforced for the public health and safety secured and substantial justice done.

SECTION 21.02 MEMBERSHIP, TERMS OF OFFICE

- A. Continuation of Present Zoning Board of Appeals - The Zoning Board of Appeals existing at the time of adoption of this Ordinance shall perform its duties and exercise its powers as provided in Section 20 of the Township Rural Zoning Act.
- B. Composition and Terms - The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board for a three (year) year term. One (1) member shall be from the Planning Commission. The Chairman of the Zoning Board of Appeals shall not be an elected official. If needed, two (2) alternates may be appointed to the Zoning Board of Appeals.
- C. Vacancies - Any vacancies in the Zoning Board of Appeals shall be filled by appointment by the Township Board.
- D. Officers - The Zoning Board of Appeals shall annually elect its own Chairman, Vice Chairman and Secretary.

SECTION 21.03 RULES OF PROCEDURE, MAJORITY VOTE

The Board shall adopt its own rules of procedure as may be necessary to properly conduct its meetings. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this ordinance.

SECTION 21.04 MEETINGS

Meetings of the Board of Appeals shall be held at the call of the Chairman, and at such other times as the Board in its rules of Procedure may specify.

SECTION 21.05 MEETING AND MINUTES

All meetings of the Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to every case considered together with vote and signature of each member and the final disposition of each case. The grounds of every determination shall be stated and such determination from which the appeal is taken. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and shall be sent promptly to the applicant or appellant and to the Building Inspector/Zoning Administrator. The Township Building & Zoning Administrator may act as secretary to the Zoning Board of Appeals. The Township Attorney shall act as legal counsel for the Board and shall be present at all meetings upon the request of the Board.

SECTION 21.06 POWERS AND DUTIES

The Board of Appeals shall have powers to interpret the provisions of this ordinance, to grant variances from the strict application of any provision of this Ordinance.

SECTION 21.07 VARIANCE

A variance from the term of this ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted along with an application fee as required by Township Board resolution plus any costs incurred, demonstrating:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - 2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 - 4. That no nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Board of Appeals shall make findings that the requirements of the Ordinance have been met by the applicant for a variance.

- C. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- D. The board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under Section 21.06 of this Ordinance.
- F. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in said district.

SECTION 21.08 VOIDING OF AND REAPPLICATION FOR VARIANCE

The following provisions shall apply:

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance or permit has been commenced within ninety (90) days after the granting of such variance and pursued diligently to completion.
- B. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

SECTION 21.09 PROCEDURE FOR APPEALING TO THE BOARD OF APPEALS

The following provision shall apply:

- A. **APPEALS, NOW TAKEN** - Appeals from the ruling of the Township Building & Zoning Administrator may be made to the Board of Appeals:
 - 1. The person, firm or agent thereof making the appeal, shall file in writing to the Building & Zoning Administrator a letter stating what the specific appeal is and the reasons for said appeal.
 - 2. The Building & Zoning Administrator submits the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.

- B. **WHO MAY APPEAL** - Appeals to the Board of Appeals may be made by any person aggrieved or by an officer, department, board, agency, or bureau of the Township, County or State.
- C. **FEE FOR APPEAL** - A fee prescribed by the Township Board shall be submitted to the Building & Zoning Administrator at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.
- D. **EFFECT OF APPEAL: RESTRAINING ORDER** - An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- E. **HEARING BY THE BOARD OF APPEALS; REQUEST; NOTICE; HEARING** - When a request for appeals has been filed in proper form with the Board of Appeals, the Township Building & Zoning Administrator shall immediately place the said request for appeal upon the calendar for hearing, and cause notice, stating the time and place, and object of the hearing to be served personally or by registered return receipt mail at least ten (10) days prior to the date of such hearing, upon the party or parties making the request for appeal.
- F. **REPRESENTATION AT HEARING** - upon the hearing, any party or parties shall appear in person or by agent or by attorney.
- G. **DECISIONS OF THE BOARD OF APPEALS AND APPEALS TO THE CIRCUIT COURT** - The Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building and Zoning Administrator from whom the appeal is taken. The Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case and the signatures of each member of the Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact within thirty (30) days of the final decision of the Board of Appeals.

**ARTICLE 22
ADMINISTRATION AND ENFORCEMENT**

SECTION 22.01 PURPOSE.

It is the purpose of this ARTICLE to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violations and enforcement of the provision of this ordinance and amendments thereto.

SECTION 22.02 ADMINISTRATIONS

The provisions of this Ordinance shall be administered by the Township Planning Commission and the Township Board.

The Township Board shall employ one or more persons as a Building Inspector and/or Building & Zoning Administrator to act as its officer to effect proper administration of this Ordinance. The individual(s) selected, the terms of employment, and the rate of compensation shall be established by the Township Board. For the purpose of this Ordinance, the Building Inspector and Building & Zoning Administrator shall have the powers of a police officer, including the power to issue citations for violations.

In the absence of the Building Inspector and/or Building & Zoning Administrator, the Township Supervisor or other Township officer as designated by the Township Board, shall assume all the powers and duties of the Building Inspector and/or Building & Zoning Administrator.

SECTION 22.03 DUTIES OF THE BUILDING INSPECTOR AND/OR ZONING ADMINISTRATOR

- A. Review all applications for building permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit if the use and the requirements of this Ordinance are met.
- B. Receive all applications for Conditional Use Permits; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications to formulate recommendations; and notify the applicant, in writing, of any decision of the Planning Commission.
- C. Receive all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations to the Zoning Board of Appeals for determination.
- D. Receive all applications for amendments to this Ordinance, conduct field inspections,

survey and investigation, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications to formulate recommendations; report to the Planning Commission all such applications together with recommendations.

- E. Update the Township Zoning Map and keep it current.
- F. Prepare and submit to the Township Board and Planning Commission a written record of all building permits issued during each month. The record shall state the owner's name, location of property, intended use and estimated cost of construction for each permit. Maintain and post monthly a list in the Township Hall of all building permits issued.
- G. Maintain written records of all actions taken.
- H. Be responsible for providing forms necessary for the various applications to the Zoning Administrator, Building Inspector, Planning Commission, Township Board, or Zoning Board of Appeals as required by this ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this ordinance, subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.

SECTION 22.04 PERMITS

- A. Permit Requirements: A zoning compliance permit and building permit is required for and shall be obtained after the effective date of this ordinance from the office of the Building & Zoning Administrator or agent for:
 - 1. The construction, enlargement, alteration or moving of any dwelling, building, or structure or any part thereof, being used or to be used for residential, commercial or industrial purposes.
 - 2. Portable accessory buildings of less than 144 square feet in area shall not require a building permit as long as the placements of said buildings conform to the setback and height requirements of the district in which they are located, and as long as such structures are securely anchored in place.
 - 3. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building shall not require a building permit.
- B. Application for a Zoning Compliance Permit and Building Permit: Application for a Zoning compliance permit and building permit shall be made in writing upon a blank form furnished by the Building Inspector/Zoning Administrator and shall state the name and address of the owner of the building and the owner of the land upon which it is to be

erected, enlarged, altered, or moved. There shall be submitted with all applications for building permits two copies of a site layout or plot plan, showing:

1. The location, shape, area and dimensions for the lot, lots or acreage.
 2. The location of the proposed construction, upon the lot, lots or acreage affected.
 3. The dimensions, height and bulk of structures.
 4. The nature of the proposed construction, alteration, or repair and the intended use.
 5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
 6. The present use of any structure affected by the construction or alteration.
 7. The yard open area and parking space dimensions, if applicable.
 8. The proposed design and construction standards of parking spaces, if applicable.
 9. The number of loading and unloading spaces provided, if applicable.
 10. Any other information deemed necessary by the Building and Zoning Administrator to determine and provide for the enforcement of this Ordinance. If the information shown on the site layout is in compliance with the above requirements and all other provisions of this Ordinance and other Building, Electrical, Mechanical and Plumbing Ordinances of the Township, the Building & Zoning Administrator shall issue a building permit upon payment of the required building permit fee.
- C. Voiding of Permit: Any building permit or zoning compliance permit granted under this Section shall be null and void unless the development proposed shall have its first inspection within ninety (90) days from the date of granting the permit. The Building & Zoning Administrator shall make every effort to notify the holder of a permit that is liable for voiding action before voidance is actually declared. The Building & Zoning Administrator may suspend or revoke a permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Township.
- D. Fees, Charges and Expenses: The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure, for building, permits, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Building Inspector, and may be altered or amended only by the Township Board. No permit, certificate, conditional use on approval, or variance shall be issued until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall

any action be taken on proceedings before the Board of Appeals, until preliminary charges and fees have been paid in full.

E. Inspection: The construction or usage affected by any building permit shall be subject to the following inspections:

1. At time of staking out of building foundation
2. Upon completion of the work authorized by the permit

It shall be the duty of the holder of every permit to notify the building Inspector when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Building Inspector shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setbacks and other requirements of the Ordinance. The Building Inspector shall issue his written approval at the time of inspection if the building or proposed construction meets the requirements of this Ordinance. Should the Building Inspector determine that the building or structure is not located according to the site and construction plans as filed or is in violation of any of the provisions of this Ordinance, or any other applicable law, he shall so notify the holder of the permit or agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved by the Building Inspector upon notice and request for reinspection duly made.

Should a building permit holder fail to comply with the requirements of the Building Inspector at any inspection stage, the Building Inspector shall make report in writing of such failure to the Building & Zoning Administrator. The Building Inspector shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the ordinance requirements and such posting shall be considered as service upon and notice to the permit holder, of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit and require issuance of a new permit before construction may proceed.

SECTION 22.05 VIOLATIONS

Any building or structure or mobile homes which are erected, constructed, reconstructed, altered, converted, maintained or changed is a violation of any provisions of this Ordinance.

SECTION 22.06 PENALTIES

A person who violates any provision of this ordinance is responsible for a municipal civil infraction subject to payment of a civil fine of not less than \$50 or more than \$500 plus costs and other sanctions for each infraction. Each day on which any violation of this ordinance continues

constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense. Repeat offenses shall be subject to increased fines as provided by Section 11 of the Bedford Township Civil Infraction Ordinance. The Township Board, the Township Planning Commission, the Township Building Inspector, the Board of Appeals, the attorney of the Township, or any owner or owners of real estate with the district in which such building, structure or land is situated may institute injunction, mandamus, abatement or any other appropriate action, actions or proceedings to prevent, enjoin, abate or remove any said unlawful erection, construction, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Any person or agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this ordinance or any amendment thereof, shall be fined upon conviction not more than five hundred dollars (\$500), together with the cost of prosecution, or shall be punished by imprisonment in the county jail not more than ninety (90) days for each offense, or may be both fined and imprisoned as provided herein. Each and every day during which any illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. The Township Board, The Township Planning Commission, the Township Building Inspector, the Board of Appeals, the attorney of the Township or any owner or owners of real estate within the district where their building(s), structure(s) or land is situated, may institute an injunction, abatement or any other appropriate action.

**ARTICLE 23
AMENDMENT PROCEDURE**

SECTION 23.01 INITIATING AMENDMENTS AND FEES

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

SECTION 23.02 AMENDMENT PROCEDURE

The procedure for making amendments to this Ordinance shall be as follows:

- A. Each petition for amendment initiated by one or more owners of property shall be submitted to the Township Board, who shall refer it for recommended action to the Planning Commission,
- B. After deliberations on any proposal, the Townships Planning Commission shall conduct at least one public hearing. Notice of the time and place shall be given by two publications in a newspaper of general circulation in the Township, the first not less than twenty (20) days before the date of such hearing nor more than thirty (30) days prior to the hearing and the second not more than eight (8) days prior to the hearing. In the case of an amendment to the Official Zoning Map, notice of the time, place, date and purpose

of the hearing shall also be given not less than eight (8) days before the public hearing to the owner or owners of the subject property, and to all persons to whom any real property within three hundred feet (300') of the subject property is assessed and to the occupants of all single and two-family dwellings within three hundred feet (300'). The notices shall include the places and times at which the tentative text and any maps of the zoning ordinance may be examined. The notice shall be delivered in accordance with the provisions of Michigan Public Act 184 of 1943, as amended.

- C. After receiving the proposed amendment, the Township Board may adopt the amendment with or without changes.
- D. All provisions of this Article shall be subject to the provisions of Act 207 of 1921, as the same may be from time to time amended. The Act is incorporated herein by reference.

SECTION 23.03 CONFORMANCE TO COURT DECREE

Any amendment for conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other board or agency.