

FLUSHING CHARTER TOWNSHIP ZONING ORDINANCE

**UPDATED THROUGH
DECEMBER, 2014**

Originally prepared with Assistance From
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Revised 07/15/2015

By Julia A. Morford, Clerk

ARTICLE I PURPOSE

Sec. 20-100 Purpose.

The purpose of this chapter is to promote the public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development, as studied and recommended within a general plan by the Township Planning Commission, and endorsed, and regulations adopted, therefore, by the Township Board.

Sec. 20-101 Interpretation.

The provisions of this chapter shall be considered as minimum standards and requirements within each respective zoning district and shall not preclude the establishment of higher or more restrictive standards, or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the Township Planning Commission to attain the intent of this chapter.

Sec. 20-102 Conflicting laws, ordinances, regulations, or restrictions.

Any state statute more restrictive than this chapter shall be controlling. The text and map of the 1983 Flushing Township Zoning Ordinance, Ordinance No. 82 and all ordinances or parts of ordinances inconsistent or in conflict herewith, with the exception of the township building code (Chapter 5), are hereby repealed. Where the provisions of this ordinance with respect to mobile home parks is inconsistent with any provision of the Mobile Home Commission Act, MCL 125.2301, et seq., as amended from time to time; the rules (as amended from time to time) promulgated by the Mobil Home Commission of the Michigan Department of Commerce, in accordance with authority granted under the Mobile Home Commission Act, these rules currently being R 125.1101 through R 125.3069 as designated in the Michigan Administrative Code; and, the rules (as amended from time to time) promulgated by the Michigan Department of Public Health, with authority granted under MCL 125.1106 and MCL 333.2333, currently R 325.3311 through R 325.3393, as designated in the Michigan Code, shall control.

Sec. 20-103 Severability

The provisions of this ordinance are severable. If any provision or any part of any provision is determined to be unconstitutional or invalid for any reason, by any Court, such invalidity shall not affect the remaining provisions or parts of any provision of this ordinance which can be given effect without the invalid portion of application.

ARTICLE II. DEFINITIONS

Sec. 20-200 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

The word **person** includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

The **present tense** includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word **shall** is mandatory, the word **may** is permissive.

The words **used** and **occupied** include the words intended, designed or arranged to be used or occupied.

Abattoir means a place where cattle, sheep, hogs or other animals, other than poultry, are killed or butchered for market or for sale.

Accessory Structure means a supplemental building, structure, or other construction (which may be part of the principal building, structure, or residence), located on the same lot, which is intended to remain in a fixed location on the lot and which is designed, occupied, or devoted to an accessory use. An accessory structure includes all components of the structure placed underground or suspended in the air. A satellite dish is an accessory structure for the purposes of the set back provisions of this Ordinance. Tower (communications tower) as defined in Section 20-1805(1)(h) and the towers and related equipment associated with residential wind energy systems shall not be deemed accessory structures, but shall be subject to the specific requirements of Sections 20-1805 and 20-1804(NN) of this Ordinance. (Amended by adoption April 21, 2011, Sec. 20-200 Accessory Structure)

Accessory use means a use normally incidental to, or subordinate to and devoted exclusively to, the main use of the land, structure or building.

Acreage means any tract or parcel of land, which has not been subdivided and platted.

Adult Foster Care Congregate Facility means an adult foster care facility licensed under PA 218 of 1979 with the approved capacity to receive more than 20 adults to be provided with foster care. (Amended by adoption July 25, 2002)

Adult Foster Care Family Home means a private residence licensed under PA 218 of 1979 with the approved capacity to receive six or fewer adults with the requirement the licensee is a member of the household and an occupant of the residence. (Amended by adoption July 25, 2002)

Adult Foster Care Large Group Home means a facility licensed under PA 218 of 1979 with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care. (Amended by adoption July 25, 2002)

Adult Foster Care Small Group Home means a facility licensed under PA 218 of 1979 with the approved capacity to receive twelve or fewer adults to be provided with foster care. (Amended by adoption July 25, 2002)

Agricultural Tourism Facilities means commercial facilities are designed to attract visitors through the sale of agricultural byproducts and the sale of gifts, arts and crafts and other similar products. These facilities can also include the provision of agricultural-related activities such as hay rides, sleigh rides and petting zoos. (Amended by adoption September 11, 2003)

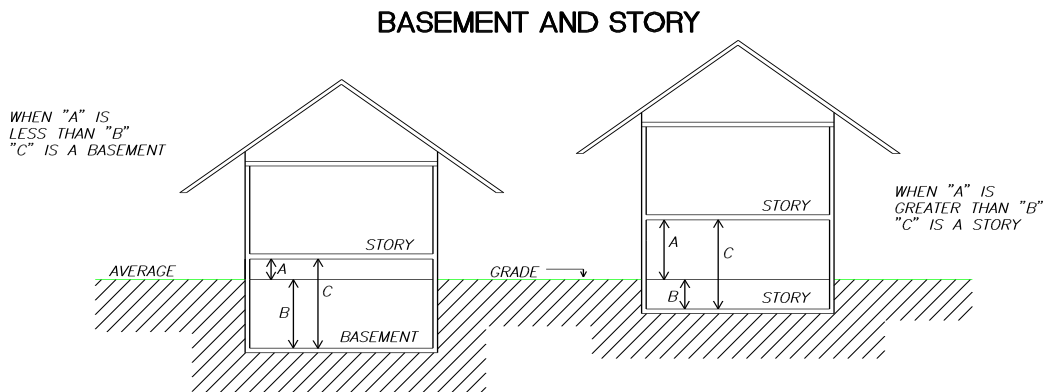
Alley means a public thoroughfare, or way, not over thirty (30) feet in width, which affords only secondary means of access to the abutting property.

Alteration means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; any substantial changes in the roof or exterior walls; any change in the location of a building; or any change which may be referred to herein as "altered" or "reconstructed."

Assisted Living Facility means a residential facility providing board and/or personal care, but which does not meet the definition of a nursing home, home for the aged or adult foster care. (Added by adoption July 25, 2002)

Basement or cellar means:

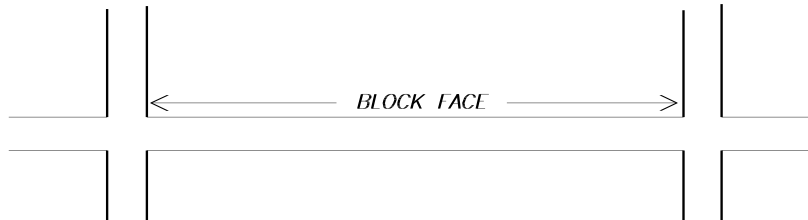
- (1) A cellar or basement is that portion of a structure with not less than three (3) walls thereof, partly below grade and so located so that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.
- (2) A basement or cellar shall be counted as a story for the purpose of height measurement if used for business purposes, dwelling purposes by other than a janitor or his family, or as established by other sections of this chapter.



Bed and Breakfast means primarily family dwelling where lodging with or without meals is furnished for compensation, chiefly on an overnight basis and mainly to transients.

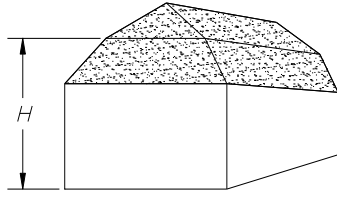
Block face means and consists of those properties fronting along an existing right-of-way and located between the intersections and existing streets, or between intersections and dividers such as rivers, railroads, and other similar natural or manmade features.

BLOCK FACE

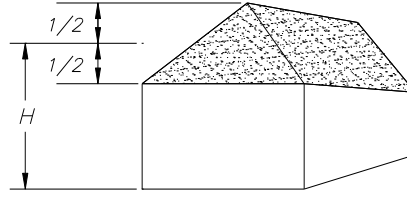


Building means any structure, excluding fences, having a roof or walls and build for, or capable of the shelter or enclosure of persons, animals, chattels or property of any kind.

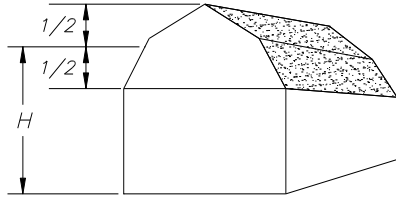
Building, height of, means the vertical distance from the grade at the center of the front of the building to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.



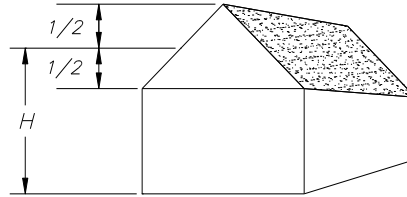
MANSARD ROOF



HIP ROOF



GAMBREL ROOF



GABLE ROOF

H = HEIGHT OF BUILDING

BUILDING HEIGHT

Building permit means the written authority issued by the building inspector permitting the construction, excavation, removal, repair, moving, alteration or use of a building in conformity with the provisions of this chapter.

Cabin means any structure or tent which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary dwelling, but not including that which is commonly designed as hotel, motel, lodging house or tourist home.

Cabin Park means any tract or parcel of land on which two (2) or more cabins are maintained, offered or used.

Car Wash means a site used for the washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment. (Amended by adoption September 11, 2003)

Child Care Center or day care center means a facility, other than a private residence receiving 1 or more preschool or school-age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. (Amended by Adoption September 11, 2008)

Family day care home means a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. (Amended by Adoption September 11, 2008)

Group day care home means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. (Amended by Adoption September 11, 2008)

II. Operation of a child care center, family day care home or group day care home shall require a non-discretionary special use permit as provided in Section 20-180, et seq. of this ordinance. A special use permit shall be issued upon the following conditions:

(A) Family day care home

1. The applicant is the owner or lawful occupant of the property proposed for use as a family day care home.
2. The property is located in an area zoned RSA, RU-1, RU-2, RU-3 or RU-4.
3. The applicant is licensed by the State of Michigan to operate a family day care home.

(B) Child care center

1. The applicant is the owner or lawful occupant of the property proposed for use as a child care center.
2. The property is located in an area zoned C-1 or C-2.
3. The applicant is licensed by the State of Michigan to operate a child care center.

(C) Group day care home

1. The applicant is the owner or lawful occupant of the property proposed for use as a group day care home.
2. The property is located in an area zoned RSA.
3. The applicant is licensed by the State of Michigan to operate a group day care home.

4. The property is located no 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..
 - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code..
 - d. A community correction center, resident home, half way house, or other similar facility, which houses an inmate population under the jurisdiction of the Department of Corrections.
5. Has appropriate fencing for the safety of the children in the group day care home as determined by the local unit of government.
6. Maintains the property consistent with the visible characteristics of the neighborhood.
7. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
8. Meets regulations, if any, governing signs used by a group day-care home to identify itself.
9. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.
(Amended by Adoption September 11, 2008, Sec. 20-200 definitions, II.)

Church Revival means a temporary use of property using tents and other temporary structures to conduct open air religious services. (Amended by adoption September 11, 2003)

Clinic means a building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like.

Club means an organization of persons for special purposes or for the promulgation of common recreational interests such as hunting, use of recreational vehicles, conservation, etc. (Amended by adoption September 11, 2003)

Community building means any public or public utility building.

Comprehensive plan means the Flushing Township Master Plan, as adopted by the Township Planning Commission.

Corral or barnyard means a pen or enclosure for confining animals or livestock, but not including an area for grazing of such.

Cul-de-sac means a street terminated at one (1) end, with a turning radius.

District means each part or parts of the unincorporated area of the township for which specific zoning regulations are prescribed.

Drive-Thru Establishments means a facility that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits or receive other services, or obtain goods without leaving their motor vehicles, and then proceeding elsewhere. Distinguished from a drive-in establishment by the absence of parking while the service is being provided or brought to the customers. (Amended by adoption September 11, 2003)

DWELLINGS

- (1) **Dwelling, one-family**, means a residential dwelling, other than for temporary use, occupied by one (1) family, and so designed and arranged as to provide lodging, cooking, and sleeping accommodations for one (1) family only.
- (2) **Dwelling, two-family**, means a residential dwelling occupied by but two (2) families and so designed and arranged as to provide living, cooking and sleeping accommodations for two (2) families only.
- (3) **Dwelling, multiple**, means a dwelling other than a one-family or two-family dwelling.

Dwelling unit means one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically independent of any other group of rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Single story dwelling The plan outline of the dwelling, including only heated living area of a single story dwelling shall have a total minimum of 1100 square feet on the ground floor.

One and one half story dwelling: The plan outline of the dwelling, including only heated living area of a one and one half-story dwelling shall have a minimum of 900 square feet on the ground floor. The upper floor to have a minimum of 450 square feet, for a total minimum of 1350 square feet.

Two story dwelling: The plan outline of a dwelling, including only heated living area of a two story dwelling shall have a minimum of 800 square feet on the ground floor, and a minimum of 800 square feet on the second floor, for a total minimum of 1600 square feet.

Bi-level dwelling: The plan outline of a dwelling, including only heated living area of a bi-level dwelling shall have a minimum of 900 square feet on the main level, and 450 square feet on the bi-level in ground area, for a total minimum of 1350 square feet.

Tri-level dwelling: The plan outline of a dwelling, including only two main heated living areas of a tri-level dwelling shall have a minimum of 900 square feet on the main level, and 450 on the tri-level for a total of 1350 square feet. One level could be partially in the ground, but not a basement

Employee load factor means that number equal to the maximum number of employees that can be employed at any one-(1) time in a particular structure or parcel of land, and refers to the basis upon which the number of parking spaces required is determined.

Erected means and includes built, constructed, reconstructed, moved upon or any physical operation on land required for building including, but not limited to, excavating, filling, draining and similar operations.

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water transmission, or distribution systems, collection, communication, supply or disposal systems, including towers, structures, mains, poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, electric substations, gas regulator stations, telephone exchange buildings, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of service by such public utilities or municipal department or commissions for the public health or safety or general welfare.

Family means any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage or adoption, including the domestic employees thereof. Any group of persons not so related but inhabiting a single housekeeping unit shall be considered to constitute one (1) family for each six (6) persons, exclusive of domestic employees, contained in such group.

Family Day Care Home means a private home in which not more than six children are received for care and supervision for a period of less than 24 hours per day. The six-child limitation includes children under seven years old in the resident family and shall not include more than two children under one year old.

Farm means all of the contiguous, neighboring or associated land operated as a single unit on which bona fide farming is carried on. Provided, however, that land to be used as and considered a farm here under shall include a contiguous parcel of not less than twenty (20) acres in area; provided, further, farms shall be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries.

Farm building means any structure or building other than a dwelling used or built on a farm.

Feedlot means any facility or enclosed area where farm animals are fed and maintained for more than four (4) hours out of twenty-four (24) hours at a density greater than four (4) heads per acre for cattle and horses, ten (10) heads per acre for small animals, or more than thirty (30) fowls per acre.

Fence means any partition, structure, gate, obstacle or live hedge erected as a dividing marker, barrier or enclosure.

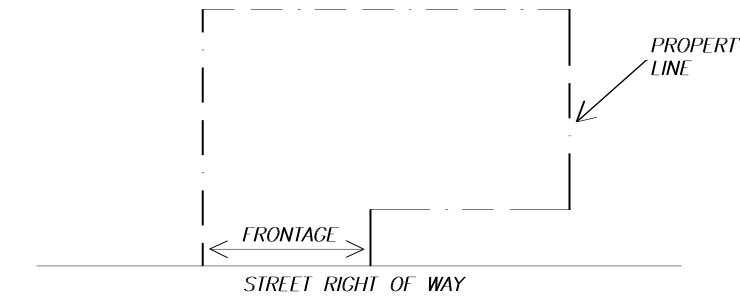
Floodplain means lands which are identified as within the 100 year flood boundary (FEMA) on the Township Flood Insurance Rate Map.

Floor area, residential, means, for the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor area, usable, means 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, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the walls.

Frontage means all the property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of dead-end street, or township boundary measured along the street line.

FRONTAGE



Garage, private and public, means any building for the storage of self-propelled vehicles or trailer coaches where no storage or servicing for hire is conducted is a private garage. A public garage is one, which is not a private garage.

Garden apartments mean a residential structure, or group of structures, each of which contain more than four (4) attached one-family dwelling units and share common front and/or rear yards.

Government Institutions means buildings that house the offices of municipal, county, state and federal governmental organizations and which may include storage areas, or other non-office areas. (Amended by adoption September 11, 2003)

Greenhouses, Non-Retail means a non-retail commercial operation which sells agricultural products grown or produced on the site to buyers located off-site. (Amended by adoption September 11, 2003)

Greenhouses, Retail means a commercial retail operation which sells plants and planting material including material not grown or produced on site. (Amended by adoption September 11, 2003)

Group Day Care Home means a private home in which not less than seven or more than twelve are received for care and supervision for a period of less than (twenty-four) 24 hours per day. Not more than two children will be under two years old.

Home for the Aged means a supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board and supervised personal care to 21 or more unrelated, non-transient, individuals 60 years of age or older. Home for the aged includes a supervised personal care facility for 20 or fewer individuals 60 years of age or older, if the facility is operating in conjunction with and as a distinct part of a licensed nursing home. (Added by adoption July 25, 2002)

Home occupation means an occupation conducted in a dwelling unit.

Hospice Facility means a residential facility licensed under PA 267 of 1996 providing in-patient care for individuals suffering from a terminal disease or condition. (Added by adoption July 25, 2002)

Hotel means a building occupied as the more or less temporary abiding place of individuals, who are lodged with or without meals, in which there are more than ten (10) sleeping rooms usually occupied singly and no provisions made for cooking in any individual room or apartment.

Junk means any motor vehicles, machinery, appliance, products, or merchandise with parts missing; or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured. "Junk motor vehicles" are further defined and regulated by the traffic and motor vehicles chapter.

Junkyard means and includes automobile wrecking yards and salvage areas, and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings. The keeping of more than one (1) dismantled or non-operable motor vehicle shall be deemed to be the maintenance of a junkyard.

Kennel means the keeping upon one (1) lot, premises or establishment of more than three (3) dogs or cats (or a combination of dogs or cats) three (3) months old or older, provided however, that this provision shall not apply to a "farm" as defined above.

Lodge means a fraternal organization such as the Lions Club, Kiwanis, American Legion, Eagle Clubs, Knights of Columbus, Masonic Temple, Moose Lodge, other lodges or clubs that are engaged in not for profit activities and other groups similar with the above organizations. (Amended by adoption September 11, 2003)

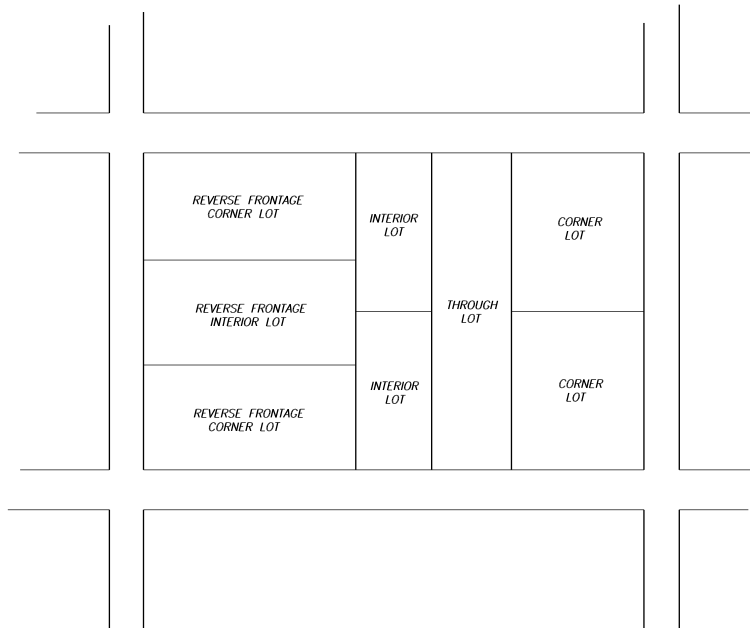
Loading space, off-street, means space logically and conveniently located, or bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.

Lodging house means a building, other than a hotel, motel or cabin, where four (4) or more persons other than members of the family are lodged for compensation.

Lot means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of contiguous lots of record, or contiguous portions of lots of record;
- (4) A parcel of land described by metes and bounds.
- (5) The condominium unit and associated limited common areas in a site condominium development.

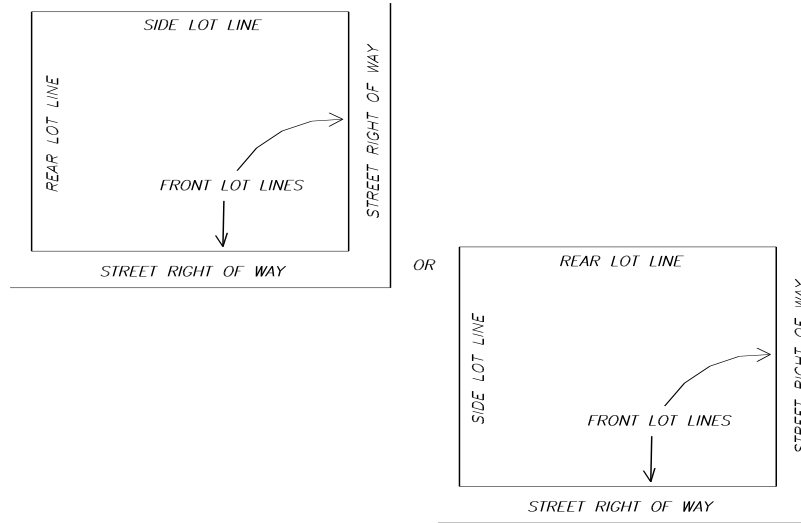
LOT TYPES



Lot area means the total horizontal area within the lot lines of the lot.

Lot, corner, means a lot where the interior angle of two (2) adjacent sides at the intersection of two (2) 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 chapter if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended from an interior angle of less than one hundred thirty-five (135) degrees.

**FRONT, SIDE, AND REAR LOT LINES
FOR CORNER LOTS**



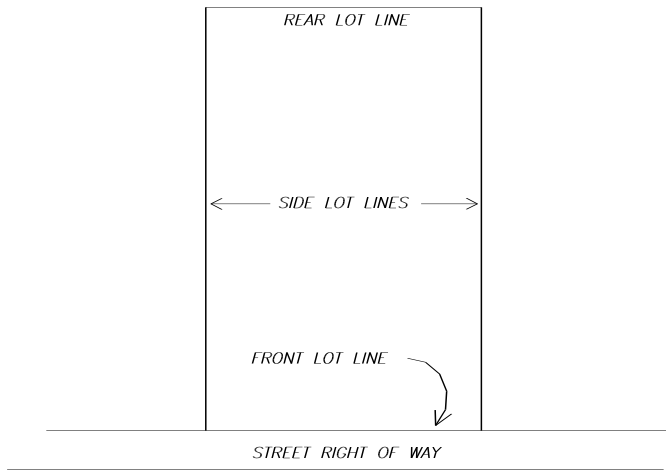
Lot coverage means the part or percentage of the lot occupied by a building, including accessory buildings.

Lot depth means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, front line, means the line, which divides the lot from the front street line.

Lot, interior, means a lot other than a corner lot.

**FRONT, SIDE, AND REAR LOT LINES
FOR INTERIOR LOTS**



Lot of record means one which dimensions are shown on a plat recorded in the office of the county register of deeds or a lot described by metes and bounds descriptions in a recorded deed or other recorded instrument transferring a legal or equitable interest in the title.

Lot; rear line, means the opposite lot line from the front lot line except in the case of a corner lot, in which case the rear lot line shall be one of the two lot lines opposite one of the two front lot lines.

Lot; sideline, means a lot line other than the front or rear lot line.

Lot; through, means any interior lot having frontage on two-(2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of such lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

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

Lot, zoning, means a single tract of land, located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one (1) or more lots of record.

Mini Storage Facilities means a lot that may include both buildings containing separate storage spaces and areas outside of buildings used for storage. (Amended by adoption September 11, 2003)

Mobile home means a structure that is transportable in one (1) or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Mobile home park means a park licensed under provisions of Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.).

Motel means a combination or group of two-(2) or more detached or semidetached permanent dwellings occupying a building site integrally owned and used to furnish overnight transient living accommodations.

Non conforming lot means a lot with dimensions, which conflict with the provisions of this chapter.

Non conforming structure means a structure conflicting with the regulation in the district in which it is located.

Non conforming use means the use of land or a structure for, which conflict with the provisions of this chapter.

Nursing home means a nursing care facility, including a county medical care facility but excluding a hospital that provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury or infirmity. (Amended by adoption July 25, 2002)

Ornamental fence means a fence, which is decorative in nature, is not sight-obscuring, is not over four (4) feet in height and is constructed of material such as post and rail, split rail, picket or wrought iron.

Parking space, off-street, means a space adequate for parking an automobile, with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, and located on a lot with the land use to which it is related.

Planned unit development means an integrated and coordinated development of various residential land uses, with or without retail stores, service stations, drugstores, personal service offices, and restaurants, but excluding any manufacturing or wholesale activity, and developed in accordance with the conditions as prescribed under provisions of this chapter.

Ponds mean a natural or manmade body of water used to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation and other related uses for the personal use of the property owner and/or tenants.

Private Landing Strips means a private transportation facility, closed to the public, to accommodate the take-off and landing of aircraft. The runway is made of sod and not paved with any type of material. (Amended by adoption September 11, 2003)

Public utility means any person, municipal department or board, duly authorized under state or municipal regulation to furnish, and furnishing, transportation, water, gas, electricity, telephone, steam, telegraph or sewage disposal, and other services to the public.

Recreational vehicle means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

Recreational vehicle park or campground means a tract of land upon which two (2) or more recreational vehicle sites or campsites are located, established or maintained for occupancy by recreational vehicles or vacation campers of the general public as temporary living quarters for recreation or vacation purposes.

Recreational vehicle site or campground site means a plot of ground within a recreational park or campground, or other individual camping area for use on a temporary basis.

Rental Establishments means businesses involved in the rental of equipment and goods which can be displayed in a fully enclosed building or outdoors. (Amended by adoption September 11, 2003)

Residential driveway means a means of access for a single-family dwelling to a public road.

Residential private road means a means of access for more than a single-family dwelling to a public road.

Retail Establishments, Large means a retail establishment that generally services a regional market and is primarily involved in purchase and resale of goods. Services may be rendered incidental to the sale of such goods at the retail establishment. There may be processing or manufacturing of products incidental or subordinate to the selling activities but not on the scale of an establishment solely involved in manufacturing (see manufacturing definitions in this Article). Examples include: furniture stores, building supply establishments with outdoor storage and other large retail establishments over twenty five thousand (25,000) square feet. (Amended by adoption September 11, 2003)

Roadside stand means a structure used solely by the owner, manager, or tenant of the land on which it is located for the sale of produce grown on such land, and provided that adequate off-street parking shall be provided and that customers will not be permitted to stand or park on the public right-of-way.

Sanitary landfill means any parcel of land used for the dumping of refuse for the purpose of disposing of such refuse, and operated in accordance with Act No. 641 of the Public Acts of Michigan of 1978 (MCL 299.401 et seq., MSA 13.29(1) et seq.), as amended.

Senior Housing means residential facilities providing housing oriented for individuals over the age of 55 which may include recreation, travel and other activities

but where the residents live independently with regards to cooking and general daily activities. Examples include senior apartments and retirement communities. (Added by adoption July 25, 2002)

Service station means buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding which is more than incidental to work permitted, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage or a body shop. Minor services may be rendered and sales made such as, by way of example, the following:

- (1) Sale and servicing of spark plugs, batteries, and distributors and distributor parts.
- (2) Tire servicing and repair, but not recapping or regrooving.
- (3) Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like.
- (4) Radiator cleaning and flushing.
- (5) Washing and polishing, and sale of automotive washing and polishing materials.
- (6) Greasing and lubrication.
- (7) Replacing or repairing of carburetors, fuel pumps, oil pumps, and lines.
- (8) Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
- (9) Adjusting and repairing brakes.
- (10) Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operation.
- (11) Provision of road maps and other informational material to customers; provision of rest room facilities.

Setback means the distance from the centerline or right-of-way lines of streets to the building line for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained.

Shopping center means a group or groups of three (3) or more commercial establishments developed in accordance to an overall plan and design and built as an interrelated project.

Sign means any device designed to inform or attract the attention of persons not on the premises on which the sign is located; excepting however, the following, which shall not be included within this definition:

- (1) Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- (2) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (3) Legal notices, identification, informational or directional signs erected or required by governmental bodies.
- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- (5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Sign area means the area of a sign consisting of the entire surface of any regular geometric form, or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

Sign, off-site, means a sign other than an on-site sign.

Sign, on-site, means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

Site Condominium - The division of land into separate building sites under the authority of the Condominium Act, PA 58 of 1978.

Site plan means those drawings and documents described in Section 20-1902.

Site plan review means that procedure authorized and described in Section 20-1903.

Special Use means a use that owing to some special characteristics related to its operation or is permitted in a district subject to review and special requirements that are different from the usual requirements for the zoning district the special use may be located.

Special Use, Discretionary - A special use which involves the review of subjective criteria for approval that require judgment on the part of an administrative body in determining compliance with the ordinance.

Special Use, Non-Discretionary - A special use, which involves the review of objective criteria and does not require the use of subjective measures in determining compliance with the ordinance.

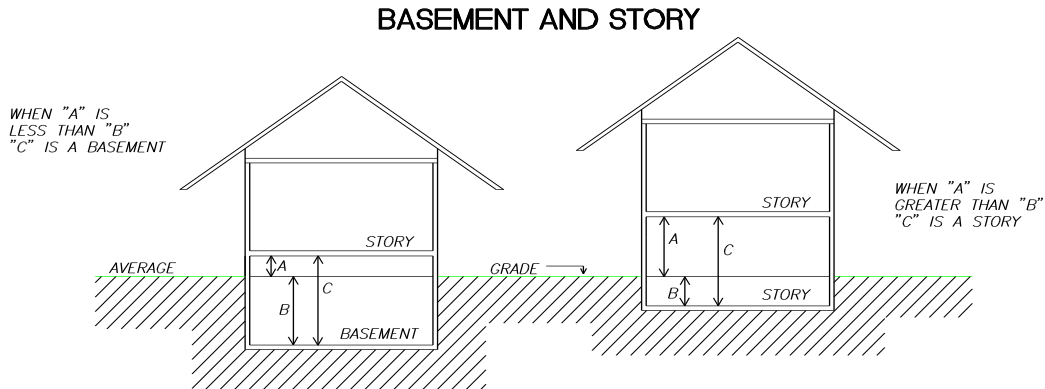
Special Use Permit means an authorization by the applicable person or administrative body to use a particular parcel of land and/or structure for a particular special use.

Stable, private, means a stable where horses are kept only for private use and not for hire or sale, but this shall not prevent the owner of such horses from making an occasional purchase or sale for his own use so long as he shall not be engaged in the business of buying and selling horses nor in the business of hiring or renting horses to others.

Stable, public, means a stable in which horses are kept for hire or sale or a farm upon which horses are regularly raised and bred. The keeping of more than two (2) horses owned or regularly used by persons not residents upon the land shall constitute a public stable.

Standard sheet means a sheet of paper with dimensions of eight and one-half (8 1/2) inches in width and eleven (11) inches in length.

Story means that part of a building included between the surface of any floor and the surface of the floor, or roof, next above. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.



Story, half, means a story which is situated within a sloping roof, the area of which at a height four (4) feet above the floor does not exceed two-thirds of the floor area directly below it.

Street means a public thoroughfare, which affords a principal means of access to abutting property.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among these things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.

Subacute Care Facility means a state licensed nursing facility providing transitional care to individuals no longer requiring hospitalization but unable to live independently. (Added by adoption July 25, 2002)

TOWERS AND ANTENNAS

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structure and the like. The term includes the structure and any support thereto.

Alternative tower structure means 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.

Antenna means 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 telecommunications signals or other communication signals.

Backhaul network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means, 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.

Preexisting towers and preexisting antennas means any tower or antenna for which a building permit has been issued or a Use After Special Approval has been properly granted 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 not expired.

Townhouse means a residential structure consisting of no more than four (4) single-family attached dwelling units, each individually owned, non communicating and attached by partly walls; each unit shall have separate front and rear entrance and have separate sewer, water and other utilities.

Township means the Township of Flushing, Genesee County, Michigan.

Township Board means the Board of Trustees of the Township of Flushing, Genesee County, Michigan.

Township Planning Commission means the Flushing Township Planning Commission as established by the Township Board under provisions of the Township Planning Commission Act, being Act No. 168 of the Public Acts of Michigan of 1959 (MCL 125.271 et seq., MSA 5.2963(101) et seq.), as amended, and referred to alternatively as the commission.

Travel trailer means a vehicular portable structure built on a chassis, designed to be used as temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and a length not to exceed thirty-five (35) feet.

Travel trailer park means a park licensed under the provisions of MCL 333.12501 et seq., MSA 14.15(12501), and being designed specifically to permit the parking of travel trailers.

Use means the purpose of which land, structure, or building hereon is designed, arranged, or intended to be occupied for, or used for, or for which it is occupied or maintained.

Variance means a modification of the literal provisions of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Yard means a required open space.

Yard, front, means a yard extending between side lot lines across the front of a lot and adjoining a public street. In the case of a corner lot, both yards fronting on a public street shall be front yards. If a dwelling unit is located on a lot, the front yard shall be the portion of the lot extending between the side lot lines and between the public street and a line drawn parallel with the public street which touches the part of the dwelling which is closest to the public street. (Amended by adoption April 21, 2011, Sec. 20-200 Yard, front)

Yard, rear, means a yard extending across the rear of the lot between the inner side yard lines. In the case of through lots there will be no rear yards, but only front and side yards. In the case of corner lots, one yard opposite the two front yards shall be a rear yard and the other yard a side yard.

Yard, side, means a yard extending from the rear line of the required front yard and being between the principal structure and side lot line to the rear yard or, in the absence of any clearly defined rear yard, to the point of the lot farthest from the intersection of the lot line involved with the public street.

Zoning Board of Appeals means the board as provided under provisions of the Township Rural Zoning Act, being Act No. 184 of the Public Acts of Michigan of 1943 (MCL 125.271 et seq., MSA 5.2963 et seq.), as amended by Act No. 637 of the Public

Acts of Michigan of 1978 (MCL 125.271 et seq., MSA 5.2963et seq.), and as further amended, with powers and duties as defined in those statutes, except as modified herein, and referred to alternatively as the board, consisting of five (5) members.

ARTICLE III GENERAL PROVISIONS

Sec. 20-300 Building Permits Issuance

A building permit shall be obtained from the building inspector before any construction, erection, alteration, or addition to any structure is relocated into or within the township. No permit shall be valid until the required fee has been paid. For each building permit so issued, a fee shall be paid to the township treasurer, based on an affidavit of construction value as provided by the building inspector, in accordance with a schedule established by the Township Board and posted in a conspicuous place in the township office. In applying the schedule of fees, the physical value of the work shall be determined by the building inspector on the basis of current costs. If, upon the completion of the building, it is found by the building inspector that the estimated fee was insufficient to cover the actual cost, the applicant shall forthwith pay any additional fee for which he would initially have been liable and, in default thereof, shall not be entitled to receive a certificate of occupancy and compliance until such additional fee is paid. In the event that a building permit is not issued, the fee so paid shall be returned to the payer thereof. Failure to obtain a building permit before beginning construction will constitute a violation per Section 20-301 of this code and further construction will be stayed until the permit has been obtained. The fee for the permit will be twice the normal fee. A building permit shall become void unless operations are commenced within six (6) months from the date of issuance, unless such time is extended by the building inspector. All building permits shall expire one (1) year after the date of issuance, provided that the building inspector may, on application, extend a permit for not to exceed one (1) year from start of construction, without additional charge, if a satisfactory degree of progress in construction is shown. All permits or extensions thereof shall be in writing.

Sec. 20-301 Building Permits Violations and Cancellation of Permit

(a) Should the building inspector determine that the construction is not proceeding according to plan filed or is in violation of any provision of this Code or any other applicable ordinance, regulation or law, he shall so notify the permit holder and further construction shall be stayed until correction has been effected and approved by the building inspector upon notice and request for re-inspection duly made.

(b) Should the permit holder fail to comply with the requirements of any stage of construction the building inspector is hereby empowered to cancel the building permit issued and shall cause notice of such cancellation to be securely posted upon such construction. Posting of such notice shall be considered sufficient notification to the permit holder of cancellation thereof. No further work shall be undertaken or permitted upon such construction until building permit shall thereafter have been issued.

(c) Any permit holder whose construction shall have been stayed under subsection (a) above, or whose building permit shall have been canceled under subsection (b) above, shall not be granted any building permit for any other construction or any type whatever until correction has been effected and approved as provided in

subsection (a) above, or until a valid building permit shall have been issued to replace the canceled building permit, as provided in subsection (b) above.

Sec. 20-302P Required Plans

All applications for building permits shall be accompanied by two (2) sets of plans, unless such plans are waived by the building inspector by so marking the application and attesting to same by his signature on each copy. Plans shall be drawn to a scale of one (1) inch equals twenty (20) feet showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of structures already existing, if any; and the location and dimensions of the proposed structure or alteration. The application shall include such other information as lawfully may be required by the building inspector.

Sec. 20-303 Building Permits Subdivision Control Act

No building permit shall be issued for the construction of any structure on any lot, tract, or parcel of land subdivided in violation of Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.).

Sec 20-304 Common Driveways

(a). A single 33 foot right-of-way may serve as ingress and egress for not more than two residences lacking sufficient frontage on a public road as required by this ordinance by administrative action of the Zoning Administrator. The right-of-way shall be excluded when calculating lot width or area. All setbacks shall be measured from the edge to the right-of-way. (Amended by adoption July 25, 2002)

(b). Prior to issuing a zoning permit for construction of a structure whose source of access is off a common driveway, the Zoning Administrator shall find that:

- (1) The owner of the land upon which the common driveway is to be constructed, records with the Genesee County Register of Deeds an easement granting rights of ingress and egress for the benefit of both residences served by the common drive.
- (2) A written maintenance agreement signed by the owners of each lot or residence to be served by the common driveway shall be recorded with Genesee County Register of Deeds. The agreement shall allocate the responsibility to maintain the common driveway between or among the owners, and shall be binding upon the successive owners of the lots or residences. It shall be the responsibility of the owners to enforce the terms of the agreement.
- (3) A staked boundary survey showing the location of the driveway easement.

(c) Any common driveway in legal use as of the effective date of Section 20-304 shall not be subject to the requirements of the Section 20-304. Any increase in the existing use of such a common driveway shall require a special use permit to be considered by the planning commission in accordance with Sections 20-1800, 1801 and

1802 of the Charter Township of Flushing Zoning Ordinance. The planning commission shall have the sole discretion to allow modification of the existing use of the common drive and may impose any conditions that are reasonably necessary to achieve the objectives set forth in Sections 20-1800, 1801 and 1802. Except as expressly amended by this subsection (c) all provisions of Section 20-304 shall remain in full force and effect. (Adopted on the 14th day of July 2005 by the Charter Township of Flushing Board of Trustees.)

Sec 20-305 Private Roads

- (a) A private road is a road that provides direct access to a parcel and which is not dedicated to and accepted by an authorized governmental road agency. A common driveway as used in this ordinance does not constitute a private road.
- (b) Application, review, and approval of a proposed, private road shall follow the same procedures, as conditional use permits with regards to notice and timing.
- (c) Application for approval of a private road shall include a site plan sealed by a professional engineer showing:
 - (1) Existing and proposed lot lines.
 - (2) The location of existing and proposed structures.
 - (3) The width and location of the private road easement.
 - (4) A cross section of the proposed road, showing the types of material the road base and surface will consist.
 - (5) Utility plans including the location and size/capacity of storm water drainage systems, sewer or septic systems, water lines or private wells, and private utilities such as telephone, electrical or cable service..
 - (6) Proposed locations of driveways off the private road
 - (7) Any existing or proposed structures, trees or other obstructions within the proposed right-of-way.
 - (8) All division of land shall be in compliance with the Subdivision Control Act
- (d) The proposed private road shall meet the following standards:
 - (1) The minimum right-of-way width shall be sixty-six (66) feet, provided that an applicant can request a reduction in right-of-way width in order to protect natural features provided that in no case may the right-of-way be less than 50' or as a result of space saving features such as curb and gutter..
 - (2) The minimum grade for roadways shall be 0.5%. The maximum grade shall be 6%. The maximum grade within 100' of an intersection shall be 3%.

- (3) No fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of a road right-of-way line and a private road right-of-way line and a line connecting two (2) points which are located on those intersecting right-of-way lines, thirty (30) feet from the point of intersection.
 - (4) The maximum number of residences permitted on a cull-de-sac is 20, but in no instances may a cull-de-sac be over 1,000' in length.
 - (5) Any driveways off of a private road shall be at least 40' from the intersection of the private road right-of-way and a public road right-of-way.
 - (6) Intersections of private roads with public roads shall be at an angle as close to 90° as possible, but in no case shall it be less than 80° or more than 100°.
 - (7) The width of the roadway shall be a minimum of 18' with 3' shoulders provided for bicycle and pedestrian traffic for roads servicing lots over 100' in width. Roads serving lots 100' wide or less shall provide a 24' wide roadway with 3' wide shoulders.
 - (8) The minimum radius for circular cull-de-sacs roadway is 40'. An interior island is permitted in the center of the cull-de-sac, provided that the roadway within the cull-de-sac is no less than 25' wide.
 - (9) Private roads shall meet the recording and maintenance requirements outlined for common drives in Section 20-304 (b).
 - (10) Private roads shall be paved with bituminous asphalt or concrete if any of the following occur:
 - a. The road serves more than 10 residential dwelling units.
 - b. The lots are an average of 100' or less in width.
 - c. The road provides access to multiple family developments.
 - (11) Sight distances on horizontal and vertical curves shall be a minimum of 200' measured at a point 10' from the edge of the traveled road-way at a height of 42" to an object height of 42".
 - (12) Parcels fronting on private roads shall meet the required front yard setback and lot width for their district.
 - (13) The private road shall be constructed with a minimum 10" of 22-A aggregate.
- (e) Any road that provides connection to any other (two) 2 public roads, provides access to industrial or commercial property shall be constructed to county road standards, and inspected and approved by the Genesee County Road Commission.

(f) Any private road in legal use as of the effective date of Section 20-305 shall not be subject to the requirements of Section 20-305. Any increase in the existing use of such private road shall require a special use permit to be considered by the planning commission in accordance with Sections 20-1800, 1801 and 1802 of the Charter Township of Flushing Zoning Ordinance. The planning commission shall have the sole discretion to allow modification of the existing use of the private road and may impose any conditions that are reasonably necessary to achieve the objectives set forth in Sections 20-1800, 1801 and 1802. Except as expressly amended by this subsection (f) all provisions of Section 20-305 shall remain in full force and effect. (Adopted on the 14th day of July 2005 by the Charter Township of Flushing Board of Trustees).

Sec. 20-306 Construction or Contracts under Previous Permits

Any building or structure for which a building permit has been issued and construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to April 8, 1983, may be completed and used in accordance with the plans and applications on which such building permit was granted.

Sec. 20-307 Essential Services

Essential services shall be permitted or authorized or regulated by law and other ordinances of the township in any use district, it being the intention hereof to except such erection, construction, alteration and maintenance from the application of this chapter. Electrical receiving and transmission stations or gas regulator substations or telephone exchange buildings shall require prior issuance of a special use permit in all districts except manufacturing districts. This section shall not permit public utility service or pole yards except in those districts specifically permitting the same.

Sec. 20-308 Governmental Construction Authority

Nothing in this chapter shall be construed as prohibiting further construction or use of land by any government body for public purposes where consistent with the zones and regulations of this chapter.

Sec. 20-309 Non Conforming Use Generally

(a) Any use of land or structure, which use was lawful on April 8, 1983, may be continued; provided, however, such use shall have continued in operation, does not constitute a nuisance, and shall not be enlarged, altered, or changed in area, activity, or content during its continuance, except as provided otherwise by proper authority.

(b) Any non conforming use which has ceased its usual conduct of such business for a period of one (1) year or more shall be considered to have terminated, and may not thereafter commence operation.

Sec. 20-310 Non Conforming Structure

(a) The use of or occupancy of a non conforming structure, which was a lawful structure on April 8, 1983, may be continued; provided, however, no enlargement, change, or alteration shall be permitted upon such non conforming structure, except upon a finding by the building inspector that such enlargement, change or alteration will bring such structure into conformance with this chapter, and that the use within such structure is in conformity with the requirements of this chapter. No enlargement, change, or alteration of a non conforming structure housing a non conforming use shall be permitted, except upon a finding by the board of zoning appeals that such enlargement, change, or alteration will permit greater compliance with the provisions, as required by the board of zoning appeals, and are installed or instituted to minimize the detrimental effects of the non conforming use upon adjoining conforming use.

(b) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure, or part thereof, declared to be unsafe by any official charged with providing for the public safety, and which strengthening or restoration is ordered by such official.

Sec. 20-311 Non Conforming Lot

(a) Any lot which was lawful on April 8, 1983, but does not comply with all the provisions of this chapter may be continued in use; provided, however, the change in use of, or the location, modification, or construction of any structure on such lot shall not be permitted, unless all side, front, and rear setbacks can be satisfied or except upon a variance approved by the board of zoning appeals based upon a finding that such a variance is warranted, and subject to such conditions as the board may find necessary to provide for the public health, safety, morals, and general welfare.

(b) No building permit shall be issued for the construction of any structure upon any lot within any zoning district, which lot cannot meet the dimensional standards and requirements of such district and which lot was created after the enactment of this zoning ordinance, or after the enactment of any amendment which affects such standards or requirements, except as provided above.

Sec. 20-312. Destruction of Structure

Nothing in this chapter shall prevent the restoration, rebuilding, or repairing of any non conforming structure, or a structure housing a non conforming use, which structure has been damaged by fire, acts of God, or any act of a public enemy, subsequent to December 5, 1989, in amount up to and including sixty-five (65) percent of the replacement value of the structure as determined by an assessment board consisting of a qualified appraiser appointed by the Township Board, another by the owner of the structure, and a third appointed by the first two (2) appointees, with the cost of such appraiser shared equally by the township and the owner, and provided that the restoration or repairing shall have commenced and is diligently pursued within one (1) year after the date of destruction. Any non-conforming structure, or a structure housing a non-conforming use which has been damaged by fire, acts of God, or any act of a public enemy in an amount greater than sixty-five (65) percent of replacement value may

be rebuilt only if it meets existing zoning regulations and any use housed by the structure must also conform to the existing regulations.

Sec. 20-313 Maintenance of Non Conforming Uses

Nothing in this chapter shall prevent the renovation or repair of non structural members, or the maintenance of a non conforming structure made necessary by ordinary wear and tear, provided the cost per year of such repair or maintenance does not exceed twenty-five (25) percent of the value of the structure as determined by its state-equalized valuation.

Sec. 20-314 Non Conventional Dwellings

No cellar, garage, or incompletely constructed such structure constructed after December 5, 1989, shall be used as a dwelling unless such structure has been completed as a dwelling and an occupancy permit issued for such structure.

Sec. 20-315 Nuisance

(a) No structure, excavation, or land shall be permitted to become or to remain in a dangerous, noxious, hazardous or offensive condition. The accumulation of junk, refuse, garbage, brush, or weeds shall be a violation of this chapter. No existing structure or land shall be permitted to deteriorate, fall down, become in disrepair, or in the event of damage, be allowed to remain or become dangerous, hazardous or an attractive nuisance. Any structure which is unoccupied shall be securely locked and closed against all unauthorized persons and no such structure shall be permitted to become an attractive nuisance.

(b) The owner or occupant or person entitled to possession or any principal or subcontractor, contributing to any of the above described conditions or under whose direction or control such conditions develop may each or all or any of them be charged for violation of this section. Continued failure to correct such condition shall constitute a separate violation of each day that such conditions shall not be corrected. The township building inspector, or agent, may in the event of violation of this section, notify the owner or occupant of such premises described herein of the violation and instruct such owner or occupant to correct such condition within seven (7) days. In the event of failure to correct such condition within the time limited, the township may correct such condition itself and charge the cost thereof to the owner or occupant, or both. In the event of failure to pay such cost, the township then may bring such action for the collection of the same against such persons individually as it may deem necessary or may assess such costs against the land in the same manner as general property taxes or take both such remedies. In the event of assessment against the land, the same shall become a lien against the land in the same manner as provided for under general tax assessment. Provided, however, that notice as provided above shall not be necessary before any of the above-named persons may be charged for a violation of this section. In addition to the above penalties, the township building inspector may, whenever such conditions become applicable, attach to such structure a notice of noncompliance with this chapter and not occupancy of any kind, temporary or permanent, shall be permitted until the conditions are corrected.

Sec. 20-316 Personal Construction Authority

Nothing in this chapter shall be construed as prohibiting an owner, tenant, occupant, or land contract vender from doing his own building, erecting, altering, plumbing, electrical installation, etc., provided the minimum requirement of the state electrical and plumbing codes of the state and the applicable county health department regulations are complied with.

Sec. 20-317 Permanent Structure Completion

All structures shall be completed on the outside in conformance with the building code and with finish material, such as wood, brick, or brick veneer, shingle, concrete or similar performance-tested material within one (1) year after construction is started unless an extension is granted by the Zoning Board of Appeals. When part of the structure is ready for occupancy a temporary occupancy permit may be issued, provided that the premises comply with health and fire standards.

Sec. 20-318 Temporary Dwelling Structure, Fixed or Movable

No temporary structure, whether of a fixed or movable nature, may be erected, altered, or moved upon any premise and used for dwelling purposes, unless approved by issuance of a non-discretionary special use permit by the Zoning Administrator as elsewhere provided.

Sec. 20-319 Temporary Travel Trailer or Recreational Vehicle Parking

(a) No person shall park, or cause to be parked, any travel trailer or other recreational vehicle over forty-eight (48) hours on any street, alley, highway or other public place or any site, lot, field or tract of land not specifically licensed as a travel trailer or recreational vehicle park without a Temporary Trailer Special Use Permit as outlined in Article XIX, Section 20-1800 (c).

(b) No travel trailer or other recreational vehicle shall at any time be parked between the established setback line and the curb line on any lot.

(c) No travel trailer or other recreational vehicle shall be used or occupied unless there is a clear unoccupied space of at least ten (10) feet on all sides thereof.

(d) No person shall park, or permit the parking on, any occupied travel trailer or other recreational vehicle, or use, occupy or permit the use or occupancy of any travel trailer or other recreational vehicle on any site, lot, field or tract of land not specifically licensed as a travel trailer or recreational vehicle park, except as otherwise provided in this chapter.

(e) No person shall remove or cause to be removed the wheels or tires from any occupied travel trailer or other recreational vehicle, except for the purpose of repair, nor shall any person elevate, block, or stabilize any trailer or vehicle other than with jacks

designed, provided, and intended for that purpose. No parked travel trailer or other recreational vehicle shall be occupied for sleeping purposes by a greater number of persons in any one (1) twenty-four-hour period than such vehicle is designed and arranged to accommodate at one (1) time.

(f) No person shall spill or drain any waste water or liquid waste of any kind upon the surface of the ground or upon any paved area.

(g) The township building inspector shall have the authority to enter at any reasonable time any premises upon which a travel trailer or other recreational vehicle is parked, used, or occupied for the purpose of ascertaining that the owner, operator, or occupant thereof is complying with all the statutes, ordinances, and rules and regulations governing the same.

(i) No permanent or movable accessory walled structure shall be attached to any trailer; and no trailer shall be parked in front on the setback line established by this ordinance.

(l) For those travel trailers and other recreational vehicles shall have properly designed and approved self-contained waste disposal and/or containment facilities, or shall have access to and unlimited use of the sanitary facilities of the dwelling located on the same zoning lot.

Sec. 20-320 Miscellaneous Temporary Uses

(a) Nothing in this chapter shall prevent the use of a travel trailer, or mobile home, or other similar structure, in any district as a temporary construction field office as an accessory use for a period not to exceed the period of construction; provided, however, such structure is not used for overnight sleeping accommodations and adequate arrangements for sanitary facilities are made and provided further, that the temporary field office has been certified as such and conforming to this chapter by the building inspector.

Sec. 20-321 Zoning Districts

For the purpose of this chapter, all of the incorporated area of the township is divided into the following zoning use districts:

RSA	Residential suburban agricultural
RU-1	Residential urban single-family
RU-2	Residential urban multiple-family
RU-3	Residential urban transient
RU-4	Residential urban mobile home park
SR	Sports and recreational
C-1	Local commercial
C-2	General commercial
C-3	Shopping center
M-1	Light manufacturing
M-2	Heavy manufacturing

Sec. 20-322 District Boundaries

The boundaries of these districts are hereby established as shown on a map entitled, "Zoning Map, Flushing Township, Genesee County, Michigan," which accompanies and is hereby made a part of this chapter. Except where specifically designated on such map, the district boundary lines are intended to follow lot lines, the centerlines of creeks, streams, or rivers, the centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad right-of-way lines, section lines, one-quarter section lines, one-eighth section lines or the corporate limit line, all as they existed on December 5, 1989; except as otherwise specifically described; but, where a district boundary line does not coincide with rear lot lines, such boundary lines shall be dimensioned on the zoning map.

Sec. 20-323 Zoning District Map

The boundaries of the zoning districts are shown on the official map on file in Flushing Township Office and made part of this chapter, such map being designated as the official zoning district map showing use districts and building districts in the unincorporated portions of township, and such map and the proper notations, references, and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by such map were all fully described therein.

ARTICLE IV SITE REGULATIONS

Sec. 20-400 Accessory Structures

(a) Attached Accessory Structures. An accessory structure attached to the principal building on a lot shall be made structurally a part thereof, and shall comply with the yard requirement of this Ordinance applicable to principal buildings.

(b) Detached accessory Structures. A detached accessory structure shall not be closer than five (5) feet from the rear lot line and ten (10) feet from the side lot lines, except as otherwise provided in this Ordinance. An accessory structure may be located in the side or rear yards only, unless permitted in the front yard by issuance of a discretionary special use permit pursuant to Section 20-1804(A) of this Ordinance.

(c) Accessory Structure Without Principal Building. An accessory structure otherwise permissible under this ordinance may be located on a lot without a principal building, by issuance of a discretionary special use permit pursuant to Section 20-1804(A) of this Ordinance.

(d) Temporary Accessory Structures. Temporary accessory structure is defined as a building or other structure which is not connected to water, septic, sewer, natural gas, propane, or any utility except electricity used only to light the temporary accessory structure; and, which is used solely for purposes of storage.

No more than one temporary accessory structure, not exceeding 144 square feet in area and 10 feet in height, may be placed in the rear or side yard of a residential lot, on which is located a principal dwelling, without permit. Placement of the temporary accessory structure shall be in accordance with the set back requirements of this Ordinance. Such temporary accessory structure may be moved on the lot, so long as the required set backs are maintained and may be removed from the lot and brought back without further permit. Placement of a temporary accessory structure which exceeds 144 square feet in area or 10 feet in height, or placement of more than one temporary structure on the same lot, shall require a permit to be issued by the local building official.
(Amended by Adoption April 21, 2011, Sec.20-400 Accessory Structures a-d)

Sec. 20-401 General Area Requirements

No portion of a lot used in complying with the provisions of this chapter for yards, courts, lot area per family or percentage of lot occupancy in connection with an existing or proposed building or structure, including tents and trailer coaches, shall again be used as part of the lot required in connection with any other building or structure existing or proposed.

Sec. 20-402 Building Regulations

(a) No structure shall be erected, altered, or moved into this township except in conformity with all of the regulations pertaining to such structure and pertaining to the district within which such structure is located, or to be located.

(b) Nor shall any such structure be erected, altered, or moved into this township without having been issued previously a building permit authorizing such erection, alteration or movement.

(c) No building permit shall be issued unless a site plan showing compliance with all requirements of this chapter has been approved by the building inspector or, in the case of a use requiring approval of the Township Planning Commission, approval by such commission, or, in case of an existing structure, a finding by the building inspector that the structure is in conformance with all existing ordinances and regulations, or the alteration or moving will permit compliance with all ordinances and regulations; provided, however, nothing in this section shall prevent the issuance of a building permit for a variance duly granted by the board of zoning appeals.

(d) No structure shall hereafter be erected or altered:

(1) to exceed the height or bulk;

(2) To accommodate, or house a greater number of families;

(3) To occupy a greater percentage of lot area;

(4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required;

Or in any manner contrary to the provisions of this chapter.

(e) No part of a yard, or other open space or off-street parking or loading space, required for, or in connection with, any land use, or structure for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking, or loading space similarly required for any other land use or structure, except as otherwise specifically permitted under provisions of this chapter.

(f) No yard, or lot existing on December 5, 1989, shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after December 5, 1989, shall meet at least the minimum requirements established by this chapter.

(g) All structures built within the flood hazard areas of the township as identified in the township Flood Insurance Rate Map, shall meet the requirements of the Flood Damage Control Ordinance.

Sec. 20-403 Lot Sizes

Zoning Amendment Approved 6/10/99

Lots which are not served by municipal water and sanitary sewers, a minimum lot size of 30,000 square feet, with at least 100 feet of frontage on a

dedicated public road for construction of a single family residence. If a raised system is required, any tank, drain tile or other buried component of the septic system shall be at least 25 feet from any lot line. This does not include the berm. If an in-ground system is required, any tank, drain tile or other buried component of the septic system shall be at least 20 feet from the lot line. The final grade of the material covering the septic system, and the final grade of the lot shall be established so that any increased water run-off attributable to installation of the septic system shall drain to the front road ditch or follow drain patterns, without increasing the amount of water run-off to adjoining properties. A site plan to scale is required before a building permit will be issued.

Sec. 20-404 One Family Dwelling Regulations

A one-family dwelling and any additions or alterations, thereto, erected or placed in the township, other than mobile homes located in a licensed mobile home park, shall conform to the following regulations in addition to all other regulations of this Ordinance:

- (1) The plan outline of the dwelling, including only heated living area with foundations, shall be large enough to contain it within a square of 20 feet on a side. This size requirement shall not make any houses existing at the date of amendment non-conforming so that they cannot be enlarged or improved. Every dwelling shall have a minimum square footage of ground floor area as measured by outside wall dimensions. For the purposes of this section a basement or cellar except as defined in Section 20-31 shall not count as a story and a breezeway or garage shall not be included in the computation of ground floor area.
 - (a) **Single story dwelling:** The plan outline of the dwelling, including only heated living area of a single story dwelling shall have a total minimum of 1100 square feet on the ground floor.
 - (b) **One and one half story dwelling:** The plan outline of the dwelling, including only heated living area of a one and one half-story dwelling shall have a minimum of 900 square feet on the ground floor. The upper floor to have a minimum of 450 square feet, for a total minimum of 1350 square feet.
 - (c) **Two story dwelling:** The plan outline of a dwelling, including only heated living area of a two story dwelling shall have a minimum of 800 square feet on the ground floor, and a minimum of 800 square feet on the second floor, for a total minimum of 1600 square feet.
 - (d) **Bi-level:** The plan outline of a dwelling, including only heated living area of a bi-level dwelling shall have a minimum of 900 square feet on the main level, and 450 square feet on the bi-level in ground area, for a total minimum of 1350 square feet.

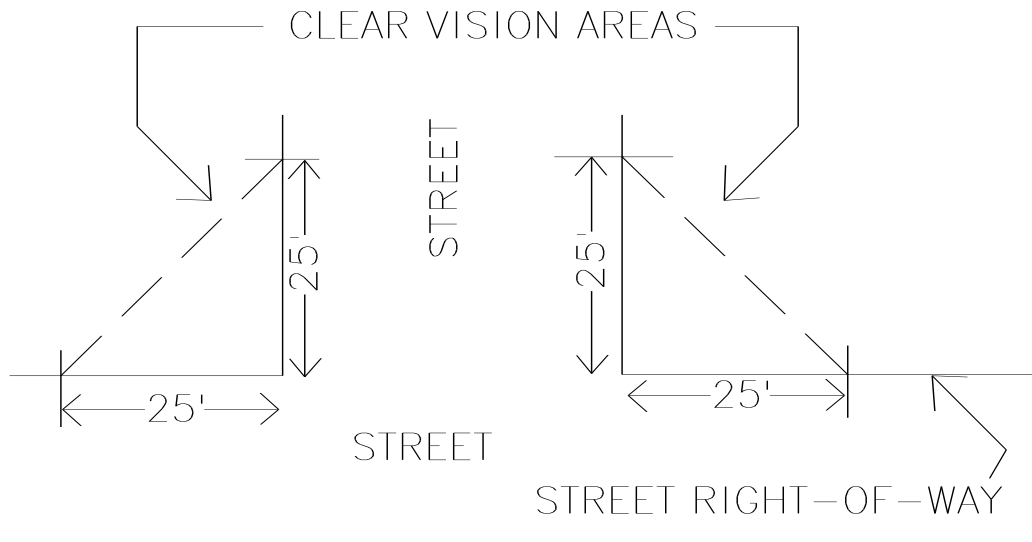
- (e) **Tri-level:** The plan outline of a dwelling, including only two main heated living areas of a tri-level dwelling shall have a minimum of 900 square feet on the main level, and 450 on the tri-level for a total of 1350 square feet. One level could be partially in the ground, but not a basement
- (2) The home, the placement thereof, and the premises upon which it shall be located shall meet all requirements of the township zoning ordinance relating to uses, size of premises, floor area, setback, side lot, and rear lot requirements specified for the particular zoning district in which such premises is situated.
- (3) The home shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities are available to the premises, the home shall be connected thereto.
- (4) It shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall have a foundation wall of the same perimeter dimensions of the mobile home and constructed of such material and type as required in the applicable building code for single-family dwellings, and shall be secured to the premises by an anchoring system or device compatible with those required by the state mobile home commission. All construction required therein shall be commenced only after a building permit has been obtained in accordance with the building code applicable within the township.
- (5) Each mobile home shall be installed with the wheels removed. Additionally, it shall have no exposed towing mechanism, undercarriage, or chassis.
- (6) The dwelling shall contain storage capability area in a basement area located under the dwelling and an attic area and closet areas, or in a separate structure of standard construction similar to or better quality than the principal dwelling which storage area shall be equal to ten (10) percent of the total square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- (7) The dwelling is aesthetically compatible in design and appearance with the other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively, with windowsills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwellings; has not less than two (2) exterior doors with the second one (1) being either in the rear or side of the dwelling; and contains steps connected to the exterior door areas or to porches connected to the door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the township building inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of the building inspector's decision. Any determination of compatibility shall be based

on the standards set forth herein, as well as the character, design, and appearance of one (1) or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the more common standard designed homes.

- (8) Construction of, and all plumbing, electrical apparatus and insulation within and connected to the mobile home shall be of a type and quality conforming to the state construction code (BOCA) Single-Family Dwelling Code (1975), and as from time to time amended, except insofar as such standards are modified by certain federal preemptive legislation, 42 USA 4501 et seq. It shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (9) If placed within a flood zone, the mobile home shall meet all requirements of construction of dwellings on-site within the district.
- (10) All homes shall conform to the square footage requirements of this ordinance

Sec. 20-405 Clear Vision Zone

There shall be a clear vision zone at all corners of intersecting roads, or road junctions, consisting of a triangular area defined by the point of intersection of the right-of way lines and the two (2) points extended along such lines a distance of twenty-five (25) feet from the point of intersection and within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of two (2) feet to eight (8) feet above centerline elevation of abutting streets, except that not more than two (2) trees with trunks of not more than thirty (30) inches in diameter each, and clear of any branched for such heights may be located within such area; provided, however, that this section shall not prohibit the requirements of a greater clear vision area where such is necessary in view of permitted traffic, anticipated traffic volumes or geographic conditions.



Sec. 20-406 Curb Cuts and Driveways

Curb cuts and driveways may be located and constructed only upon proof of a driveway permit issued by the Genesee County Road Commission.

Sec. 20-407 Sanitary Landfill

The operation of a sanitary landfill is permitted in M-1, and M-2 zoning districts. All landfills must comply with the Genesee County Solid Waste Management Plan and the Solid Waste Management Act (PA 641).

Sec. 20-408 Fences, Walls, and Other Protective Barriers

All fences, walls, and other protective barriers of any nature or description located in the township shall conform to the Flushing Township Fence Ordinance.

Sec. 20-409 Incinerators and Outside Trash Containers

(a) Incinerator facilities as accessory uses in commercial buildings constructed after December 5, 1989, shall be built subject to all township, county, state and federal regulations.

(b) Outside trash containers shall be permitted in the RU-2, RU-3, RU-4, C-1, C-2, C-3, M-1, and M-2 districts, provided that they comply with the following requirements:

- (1) Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle, which does not conflict with the use of off-street parking area or entrances to or exits from principal buildings nearby.

- (2) The trash containers, and the surrounding ground area shall be maintained in a neat and orderly appearance, free from rubbish, wastepaper or other debris. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.
- (3) There shall be compliance with all township, county, and state health ordinances and statutes.

Sec. 20-410 Lot Grades

(a) All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures.

(b) Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems such as to provide adequate drainage and not jeopardize such existing drainage systems, and shall be approved by the township building inspector and such other authorities having jurisdiction over such system.

Sec. 20-411 Setback

From the edge of right-of-way to the nearest point of any structure the setback shall be 25':

- (1) When buildings have been built upon the majority of the parcels in the block closer than permitted by this chapter, the applicant may build to the setback line of the mean average of the buildings in the block; provided, further, that the setback on corner lots of record as of December 5, 1989, or lots of record in the future on the side streets, shall not reduce the buildable width on parcels of land to less than a twenty-four-foot-wide building.
- (2) The setback in industrial districts may be to the property line except when adjacent to a residential district, in which case the side or rear yard requirements of that residential district shall prevail for the adjacent one hundred (100) feet adjoining such residential district.

Sec. 20-412 Sewer and Water Connection Permit

Before any building permit shall be issued under terms of this chapter, the applicant shall obtain a permit in writing from the county health department or the township building inspector approving his plans for sewage disposal and water supply, in accordance with the state law, county regulation, or township ordinance, whichever is the most restrictive. No building or structure shall hereafter be erected or altered and used for an outside toilet of any type whatsoever unless located and erected in conformance with the laws of the state and the rules and regulations of the state department of health, and township and county health department, whichever is the more restrictive.

Sec. 20-413 Storage in Front Yard

Nothing in this chapter shall permit the storage or parking of any vehicle or non permanent structure within the required front yard of any lot within a residential district, except that the parking of an operable passenger vehicle on a driveway located on private property shall not be prohibited.

Sec. 20-414 Water Supply

Every building or structure hereafter erected or moved upon any premises and used in whole, or in part, for dwelling, recreational, business, commercial, or industrial purposes shall be provided with a safe, adequate, and sanitary water supply. All plumbing work relating to the water supply system shall conform to the standards of material and installations set forth by the state plumbing code, a copy of which is on file in the township clerk's office.

Sec. 20-415 Private Water Supply

(a) Where a public water system is not available, each fixture from which water for human consumption may be obtained shall be supplied with water from a private system that complies with the regulations of minimum standards for the location and construction of wells for the production of untreated public and semi-public water supplies other than municipal supplies as adopted by the State Council of Health, September 16, 1941, as amended thereof, a copy of which is on file at the office of the Township Clerk. When it is found necessary to develop a private water supply for drinking or domestic purposes from a spring, lake, stream, or body of surface water, each case shall be considered as a separate problem, subject to the field investigation by a representative of the state or county department of health before approval for use may be given by the township building inspector.

(b) A copy of a report describing water quality and quantity shall be forwarded by the well drillers to the builder and supplied to the township building inspector before a final building inspection permit shall be issued. The building inspector shall advise the new prospective homeowner by letter of the procedure for obtaining a water potability test from the state. In cases where the new home is built for prospective customers, it shall be the responsibility of the contractor to provide this information to the homeowner prior to sale.

Sec. 20-416 Performance Standards

(a) Smoke control. No individual or individuals shall cause, suffer, or allow to be discharged in the atmosphere from any source, smoke, the shade or appearance of which is equivalent to or greater than that density described as No. 2 of the Ringelmann Chart; provided, however, that smoke, the shade or appearance of which is equivalent to but not darker than No. 2 of the Ringelmann Chart for a period or periods aggregating four (4) minutes in any thirty (30) minutes shall be permitted; and provided further, that smoke, the shade or appearance of which is equivalent to but not darker than No. 3 of the Ringelmann Chart for a period or periods aggregating three (3) minutes in any fifteen (15) minutes shall also be permitted when building of a new fire or when breakdown or

malfunctioning of equipment occurs such as to make it evident that the emission was not reasonably preventable.

(b) Control of noise. At no point on the boundary of any non industrial district shall the sound pressure level of any operation exceed the described levels in the designated octave bands below:

Octave Band in Cycles per Second	Maximum Permitted Sound Level in Decibels
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

(c) Odors. There shall be no emission of odorous matter in such quantities as to be offensive at lot boundary lines.

- (1) Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.
- (2) There is hereby established as a guide in determining such quantities of offensive odors, Table III, (Odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual" copyright 1951, by Manufacturing Chemists' Association, Inc., Washington, DC.

(d) Control of glare or heat. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the lot lines.

(e) Control of vibrations. No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

(f) Control of radioactivity or electrical disturbance. There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbance.
(Ordinance. No. 82, 15.16, 2-24-83)

(g) Outdoor storage and waste disposal.

- (1) No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located

on the same lot as the tanks or drums of fuel are excluded from this provision.

- (2) All outdoor storage facilities for fuel, raw materials, and products; and all fuel, any raw materials, and products stored outdoors shall be enclosed by a fence adequate to conceal any facilities from any adjacent properties.
- (3) No materials or wastes shall be deposited upon a lot in a form or manner that may be transferred off the lots by natural forces or causes.
- (4) All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

Sec. 20-417 Mobile Home Park Development

(a) All proposed structures or uses of land or structures shall be subject to the site plan review provisions of Article XIX

- (1) If the initial development or any successive stage of development shall not proceed and be completed, as proposed and contemplated by the original license or successive licenses, then such failure shall be reported to the Michigan Department of Commerce or any other authority issuing such license.
- (2) "The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code".
 - a. There shall be at least one (1) mobile home site provided for every mobile home, and it shall be grass covered or covered with macadam, or equivalent dust free material. The space directly underneath the mobile home shall be of such construction as to be of a permanent nature considering the weight and size of the mobile home.
 - b. A mobile home shall be in compliance with the following minimum distances:
 1. Twenty feet from any part of an attached or detached structure of an adjacent mobile home which is used for living purposes.

2. Ten feet from either of the following:
 - (i) An on-site parking space of an adjacent mobile home site.
 - (ii) An attached or detached structure or accessory of an adjacent mobile home which is not used for living purposes.
 3. Fifty feet from a permanent park-owned structure such as community buildings, offices, maintenance and storage facilities and similar structures.
 4. One hundred feet from a baseball or softball field.
 5. Twenty-five feet from the fence of a swimming pool.
 6. On-site detached storage sheds shall be a minimum of 3 unobstructed feet from the mobile home it serves, unless the wall adjacent to the mobile home is lined with Class A fire-resistant material.
 7. Attached or detached structures or accessories of a mobile home that are not used for living space shall be a minimum distance of 10 feet from an adjacent mobile home or its adjacent attached or detached structures.
- c. Any part of a structure such as steps, porches, supported or unsupported awnings, decks, car ports or similar structures, that is part of a mobile home shall be set back the following minimum distances:
1. Ten feet from the edge of an internal road.
 2. Seven feet from an off-site parking bay.
 3. Seven feet from a sidewalk.
 4. Twenty-five feet from a natural or manmade lake, object, or waterway.
- d. Steps shall not encroach into parking areas.
- e. A mobile home length may vary depending on park design and layout and the mobile home to be installed; however, the minimum standards pertaining to distance between mobile homes shall be complied with.
- f. Site dimensions may be completed to include the space requirements for mobile homes which may contain expanded

rooms, or in anticipation of the attachment of expansions such as add-on-rooms. In accordance with R 125.941.

(c) Loading and unloading. Loading and unloading areas shall be provided as required by the Mobile Home Commissions rules.

(d) Parking areas. Two parking spaces shall be provided for each mobile home unit.

(e) Lot requirements.

(1) Mobile homes, permanent buildings and facilities, and other structures shall not be located closer than 10 feet from the property boundary line of the mobile home park or mobile home condominium.

(2) If mobile homes, permanent buildings and facilities, and other structures abut a public right-of-way, they shall not be located closer than 50 feet from the boundary line, except that if the boundary line runs through the center of the public road, the 50 feet shall be measured from the road right-of-way line. This rule does not apply to internal roads if dedicated for public use, if the roads do not present a nuisance or safety hazard to the park tenants or condominium owners. In accordance with R 125.944.

(f) Heights. No building shall exceed the height of two and one-half (2 1/2) stories or twenty-five (25) feet.

(g) Design requirements.

(1) No zoning for mobile home parks shall be approved for any land area of less than fifteen (15) acres, which fifteen (15) acres shall be fully developed for total occupancy prior to occupancy by the first mobile home.

(2) The placement of mobile homes or any structures within a mobile home park shall be in accordance with Section 20-1201 of this ordinance.

(3) A mobile home park or mobile home condominium that contains fifty or more mobile home sites which are constructed pursuant to a permit to construct issued under the authority of the Michigan Department of Commerce shall have not less than 2% of the park's gross acreage dedicated to open space, but not less than 25,000 square feet, and the designated open space areas shall be shown on the preliminary plans submitted to the Planning Commission.

(4) If the mobile home park abuts property on which there is an existing residential development or property zoned Residential Agricultural (RA), Residential Suburban Agricultural (RSA), Residential Urban Single-Family (RU-1), Residential Urban Multiple-Family (RU-2), or Residential Urban Transient (RU-3), the park shall be required to provide screening along the park boundary abutting the residential development or the property zoned as stated herein. Screening shall be a ten foot planting

strip along the perimeter of the mobile home park which abuts the residential development or property zoned as stated herein. Further, in all cases, the mobile home park shall provide screening along the park boundary abutting a public right-of-way. The landscaping shall consist of evergreen trees or shrubs of a minimum three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be used if they conceal the mobile home park as effectively as the required landscaping described above.

(5) Two-way streets within a mobile home park shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street. The minimum width of a one-way street shall be 13 feet where no parallel parking is permitted, 23 feet where parallel parking is permitted on one side, and 33 feet where parallel parking is permitted along both sides. Mobile home park owners shall provide adequate maintenance of such roads, lanes, alleys and streets. No vehicle, trailer, or similar conveyance, either public or private, shall be parked in any roads, lanes, alleys or streets within such park except as designed and approved in the original site plan.

(h) General requirements.

(1) If boats, boat trailers and utility trailers are permitted to be parked within the mobile home park adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this ordinance and shall be adequately locked, fenced and permanently buffered.

(2) Each mobile home shall have a safe and unobstructed primary exit and an emergency exit.

(3) All gas and electrical service conduits shall be underground.

a. Each mobile home site shall be provided with underground gas and electrical service.

b. When separate meters are installed, each meter shall be located on a uniform post on each mobile home site.

c. Wiring shall comply with the recommended standards of the local utility company and the Township Building Code and State Electrical Code.

(4) The plans and specifications for water and sewage shall be submitted to the township for review as part of the preliminary plan review process. The plans and specifications for water and sewage shall be approved by the County Health Department, State Health Department and Michigan Department of Commerce, as appropriate.

a. A public sewer shall be required in mobile homes parks, if available. If public sewers are not available, alternate sewage collection and disposal systems shall be in conformity with Part 3 of the Michigan Department of Public Health's Mobile Home Park Rules, R 325.3331 to R 325.3335.

b. Fire hydrants shall be installed in all mobile parks for which public water systems are available and shall be in compliance with the requirements and provisions of the local fire code in effect at the time of permit application.

c. If public water supply is not available to the mobile home park, the mobile home park owner shall submit proof from the Public Health Department or other appropriate agency that an adequate and acceptable water supply is available to the mobile home park.

(5) All vehicular and pedestrian circulation systems within a mobile home park shall be illuminated as follows:

a. Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illuminated level shall not exceed the average illumination level of an adjacent illuminated thoroughfare.

b. At all street intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than 0.25 foot candles.

c. Roads, parking bays, and pedestrian walkways shall be illuminated at no less than 0.05 foot candles.

d. If a central park mailbox area or park directories, or both, are provided, they shall be illuminated at not less than 3.15 horizontal foot candles on any box or any entry on the directory.

e. Outdoor recreational facilities shall be adequately lighted, when in use.

f. A mobile home park owner shall maintain all lighting in continuous operating condition.

(6) Facilities shall be provided for and maintained by the owner to accommodate the following:

a. Uniform garbage collection receptacles which shall be kept in a sanitary condition at all times and shall ensure that the exterior property areas are maintained free from organic and inorganic material that might become a health hazard, accident or fire hazard. Garbage and rubbish disposal systems within a mobile home park shall be established and maintained in accordance with Part 5 of the Michigan Department of Public Health Mobile Home Park Standards, R 325.3351 - 325.3354.

- b. Activities requiring large amounts of water such as animal washing or car washing shall be conducted only in designated approved areas.
 - c. Domestic animals or house pets shall not be allowed to run at large or commit any nuisance within the limits of the mobile home park.
- (7) Every mobile home within a mobile home park shall be equipped at all times with fire extinguishing equipment in good working order, or such type, size, and number so located within the park as to satisfy applicable regulations of the State Fire Code and R 125.1703.
- a. No open fire shall be permitted at any place which may endanger life or property.
 - b. No fire shall be left unattended at any time.
 - c. Fire extinguishers shall bear a label indicating approval by a nationally recognized independent testing laboratory and be approved for such service by the Commissioner of the State Police.
 - d. Each fire extinguisher shall be periodically examined and kept at all times in a usable condition in compliance with the regulations of the fire department.
- (8) No commercial activity, including the business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development shall be permitted, except as follows:
- a. New or used mobile homes located on lots within the mobile home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This Section shall not prohibit the sale of a used mobile home by a resident of the mobile home development provided the development permits the sale.
 - b. Home occupations shall be permitted in accordance with Section 20-120 of the zoning ordinance.
- (9) The grounds of a mobile home park shall be graded and provide for drainage in accordance with the standards promulgated by the Michigan Department of Public Health, R 325.3341 - R 325.3349.
- (10) The developer and/or owner shall make adequate provisions and enforce the requirement that each mobile home be uniformly and adequately skirted in accordance with Mobile Home Commission Rule 125.1604.
- (11) Each mobile home installed in a mobile home park shall be installed in accordance with Mobile Home Commission Rule 125.1602.
- (12) No mobile home within a mobile home park shall be placed on blocks, posts, walls or any other temporary foundation, except as permitted in accordance with the rules promulgated by the Mobile Home Commission

and no other buildings or foundations shall be attached to a mobile home, except units manufactured in accordance with HUD standards for installation as additions to mobile homes and provided such additions are installed in accordance with the manufacturer's specifications.

- a. This shall not prohibit the use of an awning of aluminum, canvas, or fiber glass, which space shall be screened in.
 - b. The screened area shall not be greater than 14 feet in width nor shall such area be enclosed or glassed in except as otherwise permitted herein.
- (13) There shall be no storage of any kind underneath any mobile home and each mobile home shall be maintained in a clean and presentable condition at all times.
- (14) All cooking and fuel services shall be provided through electricity or gas from public utility mains or from a central storage tank within the mobile home park.

Sec. 20-418 Industrial Parks

Industrial park development shall meet the following conditions:

(a) Permitted uses shall include all uses permitted by right within this district. Special uses may be permitted by right within this district. Special uses may be permitted, subject to the special use provisions of Article XVIII.

(b) The minimum required land area for an industrial park shall be twenty (20) contiguous acres.

(c) The development of an industrial park shall be in accordance with an overall plan for development to the park, which plan shall be approved by the Township Planning Commission.

(d) The developer shall provide within the industrial park, a sanitary sewage system which shall be of sufficient size and design to collect all sewage from structures within the industrial park, which system shall connect with township system. If sewers are not available, the park's sanitary sewer system shall be designed so as to dispose of all sewage and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the state, county health department, the county drain commissioner and the township.

(e) The developer shall provide within the industrial park a storm drainage system which shall be of sufficient size and design as will in the opinion of the township's engineer collect, carry off, and dispose of all predictable surface water runoff within and draining into the industrial park, and shall be so constructed as to conform with the statutes, ordinances and regulations of the state, the county drain commissioner and the township.

(f) If a public water system is not available the developer shall provide within the industrial park a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.

(1) The developer shall also provide a fire hydrant within four hundred (400) feet of each structure.

(2) Such water system shall conform to the statutes, ordinances and regulations of the state, the county health department, the county drain commissioner and the township.

(g) All industrial parks shall have direct access to a paved state or county primary highway.

(h) Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the industrial park without undue congestion or interference with normal traffic flow.

(1) All points of vehicular access to and from public streets shall be located not less than two hundred (200) feet from the intersection of any street lines with each other.

(i) No part of any parking access and/or service area may be located closer than one hundred fifty(150) feet of any residential property line.

(j) Parking, loading or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park.

(k) Any industrial park adjoining any residential development shall be provided with a buffer of at least sixty (60) feet along the adjacent property line. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purposes. A landscaped planting area of at least (60) feet shall also be provided along all street frontage.

(l) Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors.

(1) These facilities will be arranged in such a manner so as to protect abutting streets, and adjacent properties from unreasonable glare or hazardous interference of any kind.

(m) Maximum building coverage on any lot within the industrial park shall not exceed thirty (30) percent.

(n) Minimum lot sizes within an industrial park shall be one (1) acre.

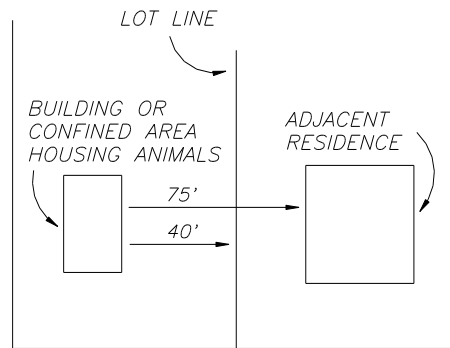
Sec. 20-419 Farm Animals and Horses

On parcels under twenty (20) acres in size in the RSA district, the breeding rearing or housing of farm animals including horses, shall meet the following requirements.

(a) The breeding, rearing and housing of the farm animals under this provision shall be for non-commercial purposes. Examples of commercial activities would be the raising of animals for resale, the raising of animals for butchering and sale of meat, skin, etc. Non-commercial uses would include the raising of the animals as pets, for recreational uses such as horseback riding, or the raising of the animals for butchering for meat for the resident.

(b) Animals shall be confined in a suitably fenced area or paddock. Any area or building in which animals are confined shall be at least 40' from a lot line and at least 75' from a residence on an adjacent lot.

**MINIMUM SETBACK –
FARM ANIMALS AND HORSES**



(c) The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

(d) For private use by the owner or lessee of the land and dwelling, the following number of animals are allowed at a rate of one (1) animal unit for the first two (2) acres of land and one (1) additional animal unit for every two (2) additional acres. One animal unit is equivalent to:

- (1) One (1) horse or, donkey or mule , cow or similar animal.
- (2) Two (2) pigs, or similar animal
- (3) Three (3) sheep, three (3) goats or similar animal.
- (4) Twenty (20) fowl or similar animal.

ARTICLE V OFF STREET PARKING

Sec. 20-500 Off-Street Loading and Unloading

There shall be provided on the same land with every building structure, or part thereof erected or occupied for manufacture, storage, display of goods or for a hotel, hospital, school, funeral home, laundry, dry cleaning establishments, or other use involving the receipt or distribution by vehicles of materials or merchandise incidental to such activity, sufficient space for standing, loading and unloading vehicles to avoid undue interference with public streets, sidewalks or alleys. Such space shall be no less than ten (10) by twenty-five (25) feet for each ten thousand (10,000) square feet of floor area or part thereof with a minimum height clearance of fourteen (14) feet. Such space is not to be a part of any area provided for off-street parking area, and further, there shall be a door no less than three (3) feet, six (6) inches by six (6) feet, eight (8) inches adjoining the loading area.

Sec. 20-501 Off-Street Parking Requirements

(a) In all zoning districts, off-street parking facilities for the storage or parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings erected, altered, or extended after December 5, 1989, shall be provided and maintained as herein prescribed.

- (1) Loading and unloading space as required by this chapter shall not be construed as supplying off-street parking space.
- (2) When units or measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one (1) parking space.
- (3) Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before December 5, 1989, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
- (4) Off-street parking facilities for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve. The location of required off-street parking facilities for other than one- and two-family dwellings shall be within three hundred (300) feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building.
- (5) In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is not mentioned and which such use is similar to, shall apply.
- (6) Nothing in this section shall be construed to prevent collective provision of off-street parking facilities for two (2) or more buildings or uses, provided

collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the schedule, or an variance is granted per Section 20-2208 of this ordinance.

- (7) The amount of required off-street parking space for new uses or building additions to existing buildings as specified above shall be determined in accordance with the schedule set forth in section 20-501(b), and the space so required for a building permit and shall be irrevocably reserved for such use.
- (8) For the purpose of this subsection, the words "floor area" shall mean the gross floor area, used or intended to be used, for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not mean floors or parts of floors used principally for non-public purposes such as storage, incidental repair, incidental process or packaging, or show windows unless specifically mentioned in the requirement.
- (9) In any district other than a residential district, the off-street parking areas shall be surfaced with concrete, plant-mixed bituminous material, crushed rock, gravel or cinders, shall be maintained in a smooth, firm, usable and dust proof condition, and shall be properly graded and drained to dispose of all surface water.
- (10) The Planning Commission may grant a special use permit for any customer or employee parking other than a commercial parking lot in any part of an RSA, or RU-1 zoning district located within three hundred (300) feet of any part of the parcel of land causing such parking need. When such parking area is located in a commercial or manufacturing zoning district, no special use permit is required. Parking lots for a charge shall be located in commercial or manufacturing zoning districts.

(b) Off-street parking spaces shall be provided for each land use activity in accordance with the following minimum schedule

- (1) Residential uses:

Dwelling unit	2 spaces per unit
Motels	1 space per rooming unit
Hotels	1 space per room
Rooming houses, fraternity houses, dormitories, etc.,	1 space per bed or 1 space per 100 square feet, whichever will require the larger number of parking spaces
Mobile home parks	2 spaces per site
Travel trailer parks	1 1/2 space per site

(2) Institutional and public assembly uses:

Nursery, elementary and junior high schools	1 space per classroom plus 5 spaces or 1 space per 3 permanent seats or per 21 square feet of assembly hall, whichever will require the largest number of parking spaces
High schools, and colleges with dormitory facilities	4.5 spaces per classroom, or 1 space per 3 permanent seats or 21 square feet of assembly space, whichever will require the largest number of parking spaces
Colleges without dormitory facilities	10 spaces per classroom, plus 1 space per 3 permanent seats or 21 square feet of assembly space whichever will require the largest number of parking spaces
Stadia and sports area	1 space per 4 seats
Swimming pools	1 space per 3 seats, or per 40 square feet of pool surface, whichever will require the largest number of parking spaces.
Assembly halls, churches, mortuaries, theaters	1 space per 3 seats or per 21 square feet of assembly space, whichever will require the largest number of parking spaces
Hospitals	2.25 spaces per bed
Convalescent homes, homes for the aged	1.0 space per bed

(3) Commercial uses:

Business offices except as otherwise specified herein	1 space per 75 square feet of floor area
Professional offices or architects, attorneys, accountants, engineers, real estate brokers, etc.	1 space per 100 square feet of floor area but not less than 3 spaces
Medical and dental clinics	1.33 spaces per 100 square feet of floor area, but not less than 10 spaces
Retail stores, except as otherwise specified herein	1 space per 100 square feet of sales area, with a minimum of 5 spaces
Retail stores of appliances, furniture, motor vehicles, hardware, lumber, and building materials	1 space per 300 square feet of sales area, but not less than 10 spaces
Restaurants and bars	1 space per 30 square feet of sales area
Beauty or barber shops	1 space per 100 square feet of floor area
Service shops	1 space per 30 square feet of sales area, with a minimum of 3 spaces
Bowling alleys	7 spaces per lane
Poolrooms, bow and arrow, and other recreation facilities	1 space per 50 square feet of activity area
Service stations	1 space per 10 square feet of office space plus 2 spaces per hoist, but a minimum of 5 spaces
Public stables	1 space for each horse kept

- (4) Industrial uses. Parking space requirements for all industrial uses shall equal the employee load factor, as proposed in the application for a building permit, or at a rate of one (1) space per six hundred (600) square feet, whichever is greater; provided, however parking requirements for administrative offices shall be in addition to any such industrial use requirement. Any expansion of work force will require a retroactive increase in the number of parking spaces.
- (5) Exception. The parking requirements for all uses proposed on a lot shall be cumulative, unless the commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, so that its particular land use parking requirements can be advantageously used during other non conflicting hours by the other contiguous land uses, in which event the required parking spaces for such particular land uses may be reduced by the commission to a minimum of the greatest number of spaces required for any such contiguous land uses.
- (6) Design requirements. An off-street parking layout and dimensional requirements showing compliance with this chapter shall be submitted to the building inspector for approval before the issuance of a building permit for the structure for which the parking facility is required.

- a. Each parking space shall consist of an area not less than ten (10) feet wide by twenty (20) feet deep; provided, however, such dimensions shall be increased, when necessary, to permit safe ingress and egress.
- b. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and maneuvered without moving or damaging another.
- c. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, or improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the township.

ARTICLE VI CONDOMINIUM DEVELOPMENTS

Sec. 20-600 Condominium Developments

(a) Pursuant to authority conferred by Section 141 of the Condominium Act, (MCLA 559.241), Public Act 59 of 1978, as amended, all site condominium developments must be approved by the Flushing Township Planning Commission.

(b) Fees: Fees for the review of site condominiums shall be established from time to time by resolution by the Flushing Township Board.

(c) Zoning Compliance. All site condominium subdivisions and structures herein shall comply with all the use, size, sign, height, area and setback regulations of the zoning district in which the subdivision is located unless modified through the development of "Planned Unit Development".

(d) Site Condominium Subdivision review and approval procedures. Application for review and approval of site condominium procedures shall be made pursuant to the approval procedures outlined for "Planned Unit Developments", if applicable, and "Site Plan Review".

(e) Site Condominium Subdivision review application - Required information. A person, firm or corporation shall provide the following information with respect to the project:

- (1) Information as required under the Site Plan Review Provisions of this ordinance.
- (2) Location and size of condominium units, limited common areas, general common areas, sidewalks, landscaping features, signs and utilities.
- (3) Street and utility specifications and sectional diagrams.
 - i. If a site condominium subdivision is proposed to have private streets the Planning Commission shall require that the private streets be developed to the standards contained in 20-305.
 - ii. All public streets shall comply with the requirements of the township's subdivision control ordinance.
- (4) A copy of the proposed Master Deed and restrictions.
- (5) A completed Environmental Assessment Worksheet.

(f) Expansion or Conversion of Site Condominium projects. 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

ARTICLE VII DISTRICT REGULATIONS

Section 20-700 Table of Purposes	
Zoning District	Purpose
RSA - Residential Suburban Agricultural District	The purpose of this district is to provide a rational pattern of residential development within existing agricultural areas while continuing to permit agricultural operations
RU-1 – Residential Urban District	The purpose of this district is to provide a transition form urban to rural agricultural areas. Low Density single-family residential uses are the principal use in this district with limited agricultural uses permitted.
RU-2 - Residential Urban Medium Density District	The purpose of this district is to provide areas where development can occur with a greater range of types of single-family detached and single-family attached residences.
RU-3 - Residential Urban High Density District	The purpose of this district is to provide areas for high density multi-family developments and complimentary uses.
RU-3 - Residential Urban Mobile Home Park District	The purpose of this district is to permit siting of mobile home parks within the township and provide for the appropriate accessory uses
SR – Sports and Recreation District	The purpose of this district is to permit the appropriate siting of large scale sports and recreational land uses in the township
C-1 Local Commercial District	The purpose of this district is to provide sites for local commercial businesses that provide services to residential neighborhoods. The district is designed to permit the location of these uses adjacent to the neighborhoods they serve while protecting residences from the impact of non-residential uses.
C-2 General Commercial District	This district is intended to provide an area for establishment of a general business within the township.
C-3 Commercial Shopping Center District	This district is intended to provide an area for large scale commercial developments that are beyond the scope of neighborhood or general commercial businesses.
M-1 Light Manufacturing District	This district is designed to permit heavy commercial and light industrial uses that do not require availability of water and/or sewer and which is adequately buffered from incompatible uses.
M-2 - Heavy Manufacturing District	The purpose of this zone is to provide locations adjacent to existing urban areas for heavy industrial activities.

Section 20-702 Table of District Regulations

Zoning District	Lot Area (Sq ft)	Lot Width (ft)	Lot Depth (ft)	Setbacks			Lot Coverage (%)	Maximum Building Height (Stories)
				Front (ft)	Side (ft)	Rear (ft)		
RSA	30,000 9,900 (a)	100 80 (a)	200	20	10	25	25	2.5
RU-1	20,000 9,900 (a)	100 80 (a)	N/A	20	10	25	30	2.5
RU-2	20,000 9,900 (a)	100 80 (a)	400	20	20	25	N/A	2.5
RU-2 (three family homes)	26,300 16,500 (a)	150 130 (a)	400	20	20	25	N/A	2.5
RU-2 (four family homes)	29,600 19,600 (a)	180 150 (a)	400	20	20	25	N/A	2.5
RU-2 (duplexes, lodging houses and tourist homes)	23,000 13,200 (a)	120 105 (a)	400	20	20	25	N/A	2.5
RU-2 (garden apartments or townhouses)	1 ac		400	40	40	40	N/A	2.5
RU-3	(b)	N/A	N/A	80	80 100 (c)	80 100 (c)	N/A	2.5 (d)
RU-4	15 ac	N/A	N/A	(e)	(e)	(e)	N/A	2.5
SR	N/A	N/A	N/A	80	80 100 (c)	80 100 (c)	N/A	2.5
C-1 (Amended 10/04/05)	22,500	150*	150*	50*(g)	50*(g)	50*(g)	N/A	2.5
C-2 (Amended 10/04/05)	22,500	150*	150*	50*(h)	50*(h)	50*(h)	N/A	2.5
C-3	5 ac	200	N/A	80	80 100 (c)	80 100 (c)	N/A	2.5
M-1	4 ac 1 ac (f)	N/A	N/A	80	80 150 (c)	80 150 (c)	N/A	2.5
M-2	4 ac 2 ac (f)	N/A	N/A	80	80 200 (c)	80 200 (c)	N/A	2.5

Footnotes

- (a) For lots with municipal water and sewer
- (b) Minimum lot area shall be that necessary to meet required front, side and rear setbacks
- (c) When the lot line is adjacent to a single family residential zone
- (d) The height may be extended over 2.5 stories as long as it is within the firefighting capability of the township and is not a violation of other applicable township ordinances
- (e) See mobile home development provisions of the Site Regulation Article
- (f) 1 acre lots are permitted within an industrial park
- (g) At the discretion of the Planning Commission the minimum dimensions of the front and rear yard and the side yards may be adjusted so that the total of the front and rear yards is a minimum of 100 feet and the total of the side yards is a minimum of 100 feet, and provided any building or structure on the lot is located at a minimum of 30' from the road right of way and a minimum of 20' from the rear lot line and any property line abutting residential property. Any lot zoned C-1, as of the effective date of this ordinance, which does not meet the currently established minimum yard requirements may be used for any permitted C-1 use, provided the total of the front and rear yards equals at least 40% of the total lot depth, and the total of the side yards equals at least 40% of the lot width, and provided any building or structure on the lot is located at a minimum of 30' from the road right of way and a minimum of 20' from the rear lot line and any property line abutting residential property. The Planning Commission may, at its discretion require a buffer along any line abutting residential property.
- (h) At the discretion of the Planning Commission the minimum dimensions of the front and rear yard and the side yards may be adjusted so that the total of the front and rear yards is a minimum of 100 feet and the total of the side yards is a minimum of 100 feet, and provided any building or structure on the lot is located at a minimum of 30' from the road right of way and a minimum of 20' from the rear lot line and any property line abutting residential property. Any lot zoned C-2, as of the effective date of this ordinance, which does not meet the currently established minimum yard requirements may be used for any permitted C-2 use, provided the total of the front and rear yards equals at least 40% of the total lot depth, and the total of the side yards equals at least 40% of the lot width, and provided any building or structure on the lot is located at a minimum of 30' from the road right of way and a minimum of 20' from the rear lot line and any property line abutting residential property. The Planning Commission may, at its discretion require a buffer along any line abutting residential property.

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
RESIDENTIAL AND RELATED USES											
Adult foster care family home	P	P	P								
Adult foster care small group (1-6 persons)	P	P	P								
Apartment buildings				P							
Bed and Breakfast (not over 5 guest rooms)	P	P	DS								
Cluster subdivisions	DS	DS									
Commercial uses of a convenience or service nature and designed to provide for the needs of mobile home park residents.					DS						
Detached single family homes	P	P									
Detached single family homes subject to the dimensional requirements of the RU-1 district			P								
Duplexes subject to the conditions listed for duplexes in the Special Use Permit provisions of this ordinance			P	P							
Garden apartments and townhouses as subject to their design standards specified in the Site Regulation article of this ordinance			P	P							
Home occupations except when a Site Plan is required	NS	NS	NS	NS	NS						
Lodging houses (not over 5 guest rooms)			P	P							
Mobile home parks subject to the mobile home development provisions of the site regulations article					P						
Planned Unit Development		DS	DS	DS							
Senior housing				DS							
Similar uses as determined by the Township Planning Commission	DS	DS	DS	DS	DS	DS	DS	DS	DS	DS	DS

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
Three and four unit multi-family dwellings			P	P							
Three family dwellings			P	P							
Tourist homes (not over 5 guest rooms)				P							
Townhouses	DS										
Two unit multi-family dwellings	DS	DS									

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
CIVIC, NON-PROFIT, INSTITUTIONAL, RECREATION AND RELATED USES											
Adult foster care congregate care facility				DS							
Adult foster care large group homes				DS							
Adult Foster Care Small Group Home (7-12)			DS								
Archery ranges	DS	DS	DS								
Assisted living facility				DS							
Child care center		DS					P	P	P	P	P
Churches	DS	DS	DS				DS	DS	DS		
Clubs	DS	DS	DS				DS	DS	DS		
Community buildings	DS	DS	DS				DS	DS	DS		
Dog field trails						P					
Driving ranges	DS	DS	DS			DS					
Essential services	DS	DS		DS		DS		DS	DS	DS	DS
Essential service structures, excluding power plants	DS	DS	DS	DS	DS	DS	DS	DS	DS	DS	DS
Golf courses and country clubs	DS	DS	DS			DS					
Golf driving range; and lighted golf courses outside of miniature golf courses.						DS					
Government institutions								DS	DS	DS	DS
Group day care home	NS	NS	NS								
Home for the Aged				DS				DS			
Hospice facility				DS				DS			
Hospitals or sanitariums		DS	DS								

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
Human cemeteries	DS	DS	DS								
Ice skating rink and roller skating rink						P					
Miniature golf course		DS	DS								
Non-profit library	DS	DS	DS				DS	DS	DS		
Nursing home				DS				DS			
Pet cemeteries	DS	DS									
Public or private park						P					
Recreation vehicle and campground parks						DS					
Rifle, pistol ranges; skeet, trap ranges; archery ranges						P					
Schools	DS	DS	DS				DS	DS	DS		
Ski slope						P					
Subacute care facility				DS				DS			
Swimming Pool (Public)						P					
Tennis Courts						P					
Toboggan run						P					
Township municipal buildings and identification signs for them	DS	DS	DS				P	P	P		
Use customarily incidental to the operations and management of sport or gun clubs or public or private recreation facilities.						P					

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
AGRICULTURAL AND RELATED USES											
Agricultural implements, equipment and machinery								DS	P	P	P
Agricultural labor camp	DS										
Agricultural research and testing	DS										
Agricultural Tourism Facility	DS										
Earth Removal	DS										
Facilities for bulk collections, storage and distribution of agricultural products to wholesale and retail markets	DS										
Farm animals for non-commercial purposes on less than 20 acres as permitted by sec. 20-418.	P										
Feed lots	DS										
General or specialized farming	P	DS									
Greenhouses	P	DS									
Greenhouses - Non Retail	P										
Greenhouses – Retail	DS						P	P	P		
Kennels	DS										
Nurseries	P	DS									
Private Landing Strip	DS										
Private or public stables	DS										
Raising of cattle, swine, sheep, goats, dogs, cats, fowl or rabbits, provided the site is at least 20 acres in size and no pens, corrals, kennels or barns are closer then 75 feet from any property line or 150 feet from any existing right-of-way	P										

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
Roadside stands	DS										
Sale of produce	DS										
Storage and sale of seed, feed, fertilizer and other agricultural products	DS										
Truck gardening	P	DS									
Veterinary services to livestock	DS										

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
ACCESSORY USES, STRUCTURES AND BUILDINGS											
Accessory structures in front yard	DS	DS									
Child care center		DS					A	A	A	A	A
Church Revival	A	A	A				A	A	A		
Customer or employee parking lot	DS	DS									
Display or storage of merchandise only within established building setback lines but not on public property.							A	A	A	A	A
Off-site signs	DS										
On-site signs	A	A	A	A	A	A	A	A	A	A	A
Temporary construction field office	A	A	A	A	A	A	A	A	A	A	A
Temporary dwellings except destruction of structures by fire, acts of God, or any act of a public enemy (Sec 20-312)	DS	DS	DS	DS							
Temporary travel trailer	NS	NS	NS	NS							
Transient amusement enterprises, including circuses, carnivals, etc.	DS	DS	DS	DS							

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
COMMERCIAL AND RELATED USES											
Aircraft, automobiles, automotive parts								DS	DS	P	P
Amusement, commercial. Including skating rinks, indoor hooting galleries, games of skill and science, miniature golf courses, and arcades								DS	DS		
Amusement park									DS	DS	
Art, antique, book, curio, gift or novelty shop							DS	P	P		
Auction								DS	P	DS	
Auditorium								DS	DS	DS	DS
Automobile bumping, painting, welding, upholstering and general repair service								DS	DS	P	P
Automobile sales lot for new or used cars								DS	DS	P	
Automobile, truck and tractor rental								DS	P	DS	
Awning sales and services								DS	P		
Bakeries							DS	DS	P		
Baking shop where no baking is done on the premises							P	P	P		
Ballroom and/or dancehall								DS			
Barber and beauty shop							P	P	P		
Bars and taverns							DS	DS	DS		
Bicycles, sales and service								DS	P		
Billboard, unlighted, lighted or flashing										DS	
Boats and marine supplies, retail sales and service								DS	DS	P	
Bowling alley or billiard or pool hall								DS	DS	DS	

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
Broadcasting or recording studio, radio or television								DS	DS	DS	DS
Business activities of a neighborhood character							DS	DS			
Business machines								DS	DS	P	
Bus station								DS	DS		
Carnival or circus, or enterprise of a similar type including pony rings									DS	DS	
Car wash								DS	P		
Casket sales								DS	DS		
Catering establishment								DS	P	DS	
Cleaning and dyeing distribution shop (no processing)								DS	DS	DS	P
Cleaning establishment								DS	DS	DS	P
Clothing store							DS	DS	P		
Dancing school								DS			
Delicatessen							DS	DS	DS		
Department store and/or variety store								DS	P		
Drawing reproduction/printing								DS	DS	P	
Dressmaking							DS	DS	DS		
Dress shop							DS	DS	P		
Drive-in theaters									DS	DS	DS
Drive-thru's							DS	A	A		
Drugstore								DS	P		
Dry cleaning and dyeing establishment								DS	DS	DS	P
Electrical contractor, sales and service								DS	P	P	P

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
Express office and/or terminal								DS	DS	DS	
Extraction of fruit juices								DS	DS		
Fairground									DS	DS	
Feed store								DS	P		
Floor covering and wallpaper store								DS	P		
Florist, retail sales							P	P	P		
Fuel distribution facility										P	P
Funeral home or mortuary							DS	DS			
Furniture and/or appliance store								DS	P		
Government Institutions								DS	DS	DS	DS
Hardware								DS	DS	P	
Hotel									P	DS	
Indoor theaters								DS	DS		
Industrial and residential machinery and tools (gross weight no to exceed one thousand (1,000) pounds									DS	P	P
Interior decorating store							DS	P	P		
Intoxicating liquor, package sales								DS	DS		
Jewelry store							DS	DS	P		
Kennel for boarding only of dogs, cats and other household pets, including animal hospital which activities are conducted wholly within the building, including veterinary hospital								DS	DS		
Large service business									DS	P	P
Laundry collecting shop, self service laundry							DS	DS	DS		

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
Laundry, commercial and industrial									DS	DS	DS
Local store selling at retail, fish, fruit, food, hardware, meats (no butchering) vegetables and beer and wine under SDM license.							DS	DS			
Lodge (non profit fraternal or religious associations)								DS	DS		
Machine shop, incidental to a permitted use.								DS	DS	P	P
Medical or dental clinic and/or laboratory								DS	DS		
Millinery store							DS	DS	P		
Mini-Storage Facilities								DS	DS	P	P
Monument sales								DS	P	P	P
Motel and motor court								DS	P	DS	
Motorcycles and motor scooters sales and service								DS	P	P	
Mover, terminal, garage and storage									DS	P	P
Newspaper publishing								DS		P	P
Office equipment – retail sales								DS	P		
Parking, public for which a charge is made								DS	DS	DS	P
Pawnshop								DS		DS	
Pet shop and bird store								DS	P		
Photographer							DS	DS	P		
Plumbing, heating and air conditioning contractor -- sales and service								DS	P	P	P
Racetrack								DS	DS	P	P
Railroad right-of-way, including switching, storage, freight yards and sidings								DS	DS	P	P

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
Rental Establishments – goods and equipment								DS	DS		
Residential apartments on 2 nd floor of commercial uses							P	P	P		
Restaurants and drive-in restaurants							DS	DS	DS	DS	
Restaurants, Open Front							DS	P	P		
Restaurants, with live entertainment or outdoor seating								DS	DS		
Sales and service, general							DS	DS	P		
Secondhand store							DS	DS	P		
Service stations								DS	P		
Shoe repair							DS	P	P		
Small engine repair/Lawnmower repair and service (indoor only)							DS	DS	P		
Stadium, baseball, football or any other type						DS		DS	DS	DS	DS
Stationary store							P	P	P		
Supermarket								DS	P		
Tailor shop catering to custom tailoring and minor cleaning and pressing activities							P	P	P		
Taxidermist								DS		P	
Trailer sales and service								DS	P	P	

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
INDUSTRIAL AND RELATED USES											
Acetylene gas manufacture											DS
Acid manufacture											DS
Ammonia, bleaching powder, alcohol or chlorine manufacture											DS
Asphalt mixing plant, manufacture or refining											DS
Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts, such as condensers, transformers, crystal holders										P	P
Automobile wrecking and junk yards if carried on wholly within a building											DS
Blacksmith, machine, wrought iron shop, excluding punch presses over 20-ton capacity, drop hammer and automatic screw machines										DS	P
Blast furnaces or coke ovens											DS
Boiler works											P
Brick products, tile or clay products manufacture											P
Building, enclosed (except for on-site delivery vehicles) including warehouses										P	P
Building material sales yard, including but not limited to rock, sand, gravel and the like										P	P
Cement, lime, gypsum, or plaster of paris manufacture											DS
Chemical manufacture											P
Coal yard											P
Concrete products or cement products manufacture											P

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
Contractor's equipment storage yard or plant or centers.										P	P
Distillation of bones, coal, tar or wood											DS
Distribution plants, parcel delivery service, ice and cold storage plants										P	P
Draying, freighting or trucking terminals										P	P
Drop forge industries using power hammers											DS
Dye stuff manufacture											P
Explosives, manufacture or storage											DS
Fat rendering, except as an incidental use											DS
Fertilizer manufacture											DS
Food processing, smoking, curing, or canning											P
Freight classification yards											P
Freight yard										P	P
Garbage, offal or dead animals dumping or reduction											DS
Glue manufacture											DS
Incineration of garbage											DS
Industrial park										P	P
Iron, steel, brass or copper foundries or fabrication plants											P
Laboratories, experimental or testing, chemist shop										P	P
Laundry, cleaning and dyeing works and carpet or rug cleaning										DS	P
Manufacturing, assembly, processing, storage, packing and/or treatment of raw materials or previously processed material										DS	P

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS											
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2	
Manufacturing, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials; bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns and paint not requiring a boiling process.												P
Manufacturing , compounding, processing and packaging or treatment of bakery goods, candy cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments (except fish, meat, fowl, vegetables, vinegar and yeast)											P	P
Manufacturing of and maintenance of electric and neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.											P	P
Manufacturing of musical instruments, toys, novelties, rubber or metal stamps											P	P
Manufacturing of pottery, figurines or similar ceramic products, using previously pulverized clay.											P	P
Meat packing plants												DS
Oil drilling and production of oil, gas, or hydrocarbons												P
Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture												P
Paper and pulp manufacture												DS
Plumbing or sheet metal shop											P	P
Poultry or rabbit killing incidental to a retail business on same property											P	P

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
Power plants											P
Public utility service yard and electrical receiving transforming station										P	P
Quarry and stone mills											P
Railroad repair shops											P
Retail lumberyard including incidental millwork										P	P
Rock crushing											DS
Rolling mills											P
Rubber manufacturer											P
Salt works											P
Sawmills											DS
Slaughter of animals and killing of poultry											DS
Smelting of tin, copper, zinc or iron ores											DS
Soap manufacture											DS
Stockyard or feeding pen											DS
Storage, sorting, collecting, or piling of rags, paper, iron or junk											DS
Stove or shoe polish manufacture											P
Tanneries or the curing or storage of raw hides											DS
Tar or tar products manufacture or distilling											DS
Vehicle assembly including painting, upholstering, rebuilding, conditioning, body and fender work, repairing, tire recapping or retreading, battery manufacture										DS	P

ZONING DISTRICT USES

SCHEDULE OF USES (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))

TYPE OF USE	DISTRICTS										
	RSA	RU-1	RU-2	RU-3	RU-4	SR	C-1	C-2	C-3	M-1	M-2
Wholesale storage of petroleum											P
Wool pulling or scouring											P

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Article VII (RSA) – Section 20-701

ARTICLE XVIII SPECIAL USE PERMITS

Sec. 20-1800 Special Land Use Permit Review - Intent

These special use permit review procedures are instituted to provide an opportunity to use a lot for an activity which, under usual circumstances, would be detrimental to other permitted land uses and cannot be permitted within the same district, which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the community and providing protection to adjacent land uses. In order to provide maximum flexibility, special land uses have been classified as discretionary and non-discretionary. It is the intent of these provisions to permit the review and approval of non-discretionary land uses by administrative personnel, while providing for more extensive standards and review procedures by the Planning Commission to review discretionary special land uses. These procedures are adopted to provide guidelines for the Planning Commission to follow in arriving at any decision over which such commission has jurisdiction, and to provide for the public health, safety, morals, and general welfare, as well as to provide for the interest of the property owner.

Sec. 20-1801 Review Procedures

(a) An application for the approval of a special land use shall be made by an owner of an interest in the land on which the special land use is to be located, to the township clerk accompanied by the necessary fees as provided by ordinance or resolution and documents as provided for herein. In the case of a discretionary special land use the application shall be accompanied by copies of a site plan drawn to a scale of one (1) inch equals twenty (20) feet and meeting the requirements of Section 20-1903. In the case of a non-discretionary land use the application shall be accompanied by a plot as required for issuance of a zoning permit along with any additional information required by the Zoning Administrator that is necessary for him/her to determine if the application meets the ordinance requirements

(b) The special land use permit application may be accompanied by an application for a zone change, where such a zoning change is necessary to the consideration of the application, provided all applicable provisions for a zoning change application have been complied with. Where an application for a non-discretionary special land use permit and zone change are considered together, the notice requirements for zoning amendments shall be followed. Where the application is for a non-discretionary special land use permit, the application shall be submitted to the Zoning Administrator who will have 14 days in which to determine if the application meets the specific non-discretionary standards established for that particular special land use. Where the discretionary special use permit application is not accompanied by an application for a zoning change, the following procedure shall apply:

(Amended by Adoption December 14, 2006, Sec.20-1801 (b))

- (1) Upon receipt of an application for a special land use which requires a decision on discretionary ground, one (1) notice that a public hearing for a special land use appeal will be held shall be published in a newspaper which circulates in the township and sent by mail, or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet including those outside the jurisdiction of Flushing Township. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall:
(Amended by Adoption December 14, 2006, Sec. 20-1801 (1))

- a. Describe the nature of the special land use request.
- b. Indicate the property which is the subject of the special land use request.
- c. State when and where the public hearing will be held
- d. Indicate when and where written comments will be received concerning the request.

- (2). The commission shall hear any person wishing to express an opinion on the request for the special land use permit and review the special land use permit application at the time the request is being considered.

- (3). The Planning Commission may deny, approve, or approve with conditions, a request for special land use approval. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration, which specifies the basis for the decision and any conditions imposed.

(c) The zoning change application, if any, shall be referred within ten (10) days after receipt by the township clerk to the Planning Commission for its review.

- (1) Upon consideration of the request for zoning change, the commission shall review and communicate its recommendations on the zoning change application to the Township Board within ten (10) days after application was considered, in accordance with the procedure prescribed by applicable statute and this chapter.

(d) The commission shall, within fourteen (14) days after the meeting or public hearing, at which the application of special land use was considered, advise the applicant, the building inspector, and the township clerk of its findings and of its approval with any conditions the commission may find necessary or appropriate, or its disapproval with its reasons in writing.

(1) The conditions imposed by the commission may include those conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads used by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. The conditions imposed shall meet all of the following requirements:

- a. Be designed to protect the natural resources, the health, safety, and welfare, and the social and economic well-being of those who will use the land, use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use of activity.
- c. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

(2) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the landowner. The Planning Commission shall maintain a record of conditions which are changed.

(e) The building inspector shall, upon receipt of notice of approval and upon application by the applicant, accompanied by a receipt attesting to the payment of all required fees, issue a building permit or other permit for the approved special use, provided he has found satisfactory compliance with all condition precedents imposed by such approval.

(f) An aggrieved person entitled to notice under this section or a property owner aggrieved by the decision of the Planning Commission which decision has been made pursuant to this section, may appeal this finding of the Planning Commission to the Zoning Board of Appeals using the procedure outlined in section 20-2209.

Sec. 20-1802 Standards for Decisions Involving Special Land Use Requests

At the meeting where an application for special land use is considered, the commission shall consider the requests in accordance with the following standards:

- (a) That the special land use shall be consistent with and promote the intent and purpose of this chapter.
- (b) That the proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment and the capacities of public services and facilities affected by the proposed land use.
- (c) The special land use sought is consistent with the public health, safety, and welfare of the township.
- (d) A request for approval of the land use or activity, which is in compliance with the standards stated in this chapter, the conditions imposed pursuant to this chapter, and other applicable ordinances and state and federal statutes shall be approved by the commission.

Sec. 20.1803 Standards for Non-Discretionary Special Land Use Permits

(A) Home Occupation.

A home occupation may be permitted within a single-family residential dwelling subject to the following conditions.

- (1) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used for the purposes of the home occupation, and shall be carried out completely within such dwelling.
- (2) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign not exceeding two

- (2) square feet in area, non illuminated, and mounted flat against the wall of the dwelling.
- (3) No home occupation shall be conducted in any accessory structure.
- (4) There shall be no sale of any goods manufactured elsewhere in connection with such home occupation except for sales incidental to the home occupation.
- (5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking, generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
- (6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premise, or causes fluctuations in line voltage off the premises.
- (7) Home occupations shall be carried on by a member or members of the family residing on the premises, and not over one (1) employee not residing on the premises.

(B) Temporary Dwellings.

A mobile home or travel trailer may be permitted upon a lot for use as a temporary residence while construction is diligently pursued upon a permanent residence meeting all requirements of this chapter; provided, however;

- (1) all health requirements affecting the provisions of water and sanitary sewer services are complied with and approved by the building inspector
- (2) all such construction shall have been completed within one (1) year from the issuance of the building permit
- (3) nothing in this section or this chapter shall permit the occupancy of a cellar without a complete residential structure thereon sufficient to permit the issuance of an occupancy permit.

(C) Temporary Travel Trailer

The Zoning Administrator may issue a discretionary special use permit for a travel trailer or recreational vehicle without charge, to a bona fide visitor and family desiring to occupy a travel trailer or other recreational vehicle while visiting a resident of this township, which permit shall expire thirty (30) days after issuance. No such permit shall be issued unless application is made by the visitor in control of such trailer or vehicle and the consent in writing of the owner or the occupant in control of the premises to such parking, use and occupancy and to the use of the sanitary facilities as provided in subsection (l) of Section 20-319 above is attached thereto. The travel trailer or recreational vehicle shall conform to the standards outlined in Section 20-319. No such permit shall be renewed by the building inspector, but this shall not prevent the Zoning Board of Appeals from authorizing such permit upon proper application as elsewhere provided, and not more than two (2) such permits shall be issued to any person in any one (1) twelve-month period.

(D) Circuses,

carnivals or other transient amusement enterprises. Circuses, carnivals or other transient amusement enterprises may be permitted as a special use in any the RSA district, upon approval by the Zoning Administrator, pursuant to the following conditions

- (1) Posting of a bond running to the township in an amount sufficient to hold the township free of all liabilities incident to the operation of such activity and to indemnify any adjoining landowner for any damages resulting from the operation of such activity, and which damages shall be provable before the court having jurisdiction over the premises on which the damages occurred and payable through such court.
- (2) The site shall consist of at least 10 acres of land
- (3) The operation shall be located at least 500' from the nearest residence
- (4) Lighting shall be designed so as not to shine onto adjacent land or road right-of-way
- (5) The operation will last for no more then 7 days

Sec 20-1804 Requirements for Permitted Special Uses.

(A) Accessory Structures

(1) Accessory Structures in Front Yards. Accessory structures may be permitted in the front yard of a lot located in RSA and RU-1, subject to the following conditions:

- (i) The lot the accessory structure is to be located on is at least 400 feet deep or contiguous to a river or lake.
- (ii) The accessory structure shall conform to all minimum front and side yard set backs required for principal structures in the district where the lot is located.
- (iii) The accessory structure shall be screened from view of the roadway and adjacent lots, or be designed to be compatible with surrounding residential structures in size, height, style of exterior finish, and landscaping.

(2) Accessory Structure on a Lot without a Principal Structure. A structure which would otherwise be an accessory structure may be located on a lot without a principal structure, subject to the following conditions:

- (i) The accessory structure is located on the lot such that its placement will not interfere with the future placement of a principal structure in accordance with the requirements of this Ordinance, and further, that placement of the accessory structure meets all location and set back requirements of this Ordinance for accessory structures.
- (ii) The proposed location, size and type of the accessory structure and its intended use are reasonably related to the use and enjoyment of the property.
- (iii) The placement of the accessory structure and its intended use will not adversely affect the value, use and enjoyment of other property.
- (iv) The accessory structure shall not be used for human habitation.

(Amended by adoption April 21, 2011, Section 20-1804(A) Accessory Structures)

(B) Agricultural Labor Camps

- (1) The dwelling units in agricultural labor camps provided for migratory employees engaged in agricultural activities on a farm shall be exempt from the minimum lot size and width requirements contained in this section. All structures in agricultural labor camps shall comply with the setback requirements established in this section and the provisions of Act No. 289 of the Public Acts of Michigan of 1965 (MCL 286.641 et seq., MSA 17.424(51) et seq.), as amended, and the administrative rules promulgated thereunder.

(C) Agricultural Research Facility

- (1) Activities permitted include those normally permitted by right or SUP in the RSA district as well as necessary office and storage buildings.
- (2) Any office or storage buildings should be designed to blend in with the rural residential/agricultural area.

(D) Agricultural Tourism Facilities

Agricultural Tourism Facilities are permitted by Discretionary Special Use Permit (DSUP) in the RSA Zoning District provided:

- (1) Adequate off-street parking is provided for the peak generation times of the proposed use.
- (2) Hours of operation are established that take into account the impact of traffic and noise on the surrounding land uses.

(Amended by adoption September 11, 2003)

(E) Airports

- (1) Lights: All lights, used for landing strips and other lighting facilities, should be so arranged as not to reflect towards adjoining districts.
- (2) Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied petroleum gases and explosives at the airport, comply with the State Rules and Regulations as established by Public Act #207 of 1941; the "Fire Prevention Act".
- (3) Off-Street Parking: Off-street parking should be provided in sufficient amounts to provide for the parking of automobiles and

other motor vehicles used by the employees, patrons and visitors to the airport and which should not be less than one (1) parking space for each one (1) employee, and one (1) parking space for each one (1) aircraft harbored at the airport.

- (4) Fencing: A six (6) foot chain link fence shall be provided along hazardous areas as a barrier to prevent hazards of inadvertently entering onto airport properties.
- (5) All applicable State and Federal aviation safety regulations are complied with.
- (6) Lodges, schools, churches, or other assembly buildings shall not be located within one thousand (1,000) feet of any runway.

(F) Amusement Park

- (1) Amusement parks shall be adequately buffered from surrounding areas.
- (2) Amusement parks shall be located on a county primary road.
- (3) Amusement park structures should be located in such a way as to ensure efficient movement of emergency vehicles through the site.

(G) Auto Body Repair, Engine Repair

- (1) All repair work is to be conducted inside an enclosed building.
- (2) All vehicles on site for over 24 hours shall be stored in an area enclosed by a six foot high obscuring fence.

(H) Automobile Gasoline filling, and service station, subject to the following:

- (1) The minimum lot area for gasoline, filling, and service stations shall be fifteen thousand (15,000) square feet, for stations having no more than two (2) service bays and no more than two (2) pump islands. There shall be an added three thousand (3,000) square feet for each additional service bay and one thousand five hundred (1,500) square feet for each additional pump island. At least one (1) street lot line shall be at least one hundred fifty (150) feet in length along one (1) major thoroughfare. The lot shall be so

shaped and the station so arranged as to provide ample space for vehicles which are required to wait.

- (2) The driveway or curb cuts for access to a service station shall not be permitted at such a location that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be located no less than ten (10) feet from an adjoining property line, twenty-five (25) feet from an intersection street right of way line, extended to the curb or pavement.
- (3) A four foot, six inch masonry obscuring wall shall be provided and maintained on those property lines adjacent to or abutting a residential district.
- (4) The entire surface used for parking or driveways area of the service station shall be paved with concrete or asphalt.
- (5) Any vehicles stored at the site over 24 hours shall be in an area enclosed by a six foot high obscuring fence.

(I) Automobile Sales Lot for New or Used Cars

- (1) The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
- (2) Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any (2) streets.
- (3) No major repair or minor refinishing shall be done on the lot.
- (4) All lighting shall be shielded from adjacent residential districts.

(J) Automobile Wrecking and Junkyards if carried on wholly within a building or provide for the following.

- (1) All junkyards shall be planted with evergreens and other suitable plantings and used for no other purpose.
 - a. Such buffer shall be planted with evergreens and other suitable plantings and used for no other purpose.
- (2) All junkyards shall be enclosed on all sides by a tight unpierced fence or wall with a height of not less than the height of the stored objects, but in no case less than eight (8) feet.

(K) Bed and Breakfast

- (1) The sleeping rooms of the tourist home operation shall be confined to the principal dwelling unit.
- (2) Tourist homes are permitted in single-family detached dwellings only.
- (3) Tourist homes shall comply with the home occupation regulations of this ordinance.

(L) Car Wash

Car Washes are permitted by right in the C-2 Zoning District and by Discretionary Special Use Permit in the C-1 Zoning District provided:

- (1) The driveway or curb cut shall be at least 10 feet from an adjoining property line, 25 feet if the adjoining property is zoned RSA, RU-1 or RU-2 or is the site of an existing single family residence.
- (2) A four foot, six inch masonry obscuring wall shall be provided and maintained on those property lines adjacent to property that is zoned RSA, RU-1 or RU-2 or is the site of an existing single family residence.
- (3) The entire surface used for parking, maneuvering or cleaning of vehicles shall be paved with concrete or asphalt.
- (4) All car washes shall have public sanitary sewer service and a public water supply or demonstrate adequate private water supply.
(Amended by adoption September 11, 2003)

(M) Churches

- (1) Minimum of one acre plus 1/2 acre per 100 person seating in principle worship area.
- (2) Full-time schools or cemeteries that are part of the church operation must separately meet the SUP requirements for those uses, although parking requirements may be shared.
- (3) Parking shall not be permitted in the required front yard and must be fenced or bermed as required in Section 20-501.

- (4) No buildings shall be located closer than 75 feet from a side lot line or 25 feet from the rear lot line.

(N) Cluster Subdivisions

- (1) The proposed subdivision shall consist of a tract of land at least twenty (20) acres in area, which shall be serviced by a public sanitary sewer line and public water.
- (2) The application shall be endorsed unequivocally for such development by all the owners of the tract, and procedure and documents shall be provided to assure development under a single administration and as approved by the Planning Commission.
- (3) Residential densities may be at not less than nine thousand nine hundred (9,900) square feet per dwelling unit based upon the total land area.
- (4) The developer shall dedicate not less than twenty (20) percent of the total land area for parks, woodlands, conservation district, playgrounds, golf courses, tennis courts, or other open space areas, such as to encourage the preservation of natural features. Such land may be dedicated to the township, or may be reserved for private use, in which case satisfactory arrangements shall be made, acceptable to the township for the development, operation, and maintenance of all such areas.
 - a. The location, extent, and purpose of areas dedicated for open space or recreational use within any subdivision shall be approved by the Planning Commission and the Township Board.
 - b. The development, operation, and maintenance of dedicated land for private open space or recreational use shall be guaranteed by a trust indenture approved by the township and shall be filed with the register of deeds of the county simultaneously with the recording of the final plat of the subdivision.

(O) Drive-in Business of Retail or Service Nature (including drive-in restaurants), subject to the following:

- (1) A setback of at least sixty (60) feet from the right of way line of any existing or proposed street must be maintained.

- (2) Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets and when two points are located on the same street they shall be at least 60 feet apart.
- (3) All lighting shall be shielded from adjacent residential districts.
- (4) A six foot high completely obscuring wall shall be provided when the site abuts or is adjacent to more restrictive districts.

(P) Duplexes

- (1) Duplex means a single dwelling structure designed and used for two separate households. Each unit of the duplex shall satisfy the requirements of this ordinance for a single family dwelling, except that it shall be permissible for the units of the duplex to share a common driveway and utilities, including a common well or municipal water connection, a common septic system or municipal sanitary sewer connection, gas, and electricity. The two units shall be separated by material having a minimum two hour fire rating;. Each unit of the duplex shall have a separate means of ingress and egress. The duplex and the lot on which the duplex is located shall be considered a single property with a single tax description. The units of a duplex may not be considered separate properties for tax or ownership purposes.
- (2) Lots for duplexes shall be at least 23,000 sq. ft. and at least 120 feet wide if public water or sewer are not available and used. If public water and sewer are used, the lots may be a minimum of 13,200 sq. feet and 105 feet wide.

(Q) Earth Removal

- (1) The use of the land for the removal of soil, sand, gravel, or other earthy materials, is not permitted in any district until a earth removal permit from the Planning Commission is issued in accordance with the standards and limitations described hereinafter. Except, however, that no permit from the Planning Commission shall be required if a previously issued building permit has been applied for and obtained and earth removal required for the erection of such building for basements, grading, drains, pipes, or other services to the property has been described in detail in the application for such building permit and shown to be a necessary part of such proposed construction for which the permit is issued. A temporary earth removal permit may be reviewed annually by the Planning

Commission, but may only be revoked if the permit holder fails to meet the requirements of the permit. Such permit shall not be issued in any zoning district except RSA and then only if the owner or operator of land used for earth removal shall demonstrate to the Planning Commission that no dangerous condition, including dangerous conditions to children or trespassers upon the land, will be permitted to develop or remain, and also that no stagnant water shall be permitted to collect upon the land, nor shall the stability of the land or of any adjoining land be caused to become unstable or permitted to be left unstable, nor shall such a permit be granted if such earth removal shall leave the surface of the land in an unstable condition or unfit for the growing of turf or offensive to the future use of the land or the adjacent lands for the uses to which the land is then zoned.

- (2) The Planning Commission may require filing of a suitable indemnity bond or agreement as provided for in this section, the terms of which shall run to the protection of the township or to such party or parties of adjacent or nearby lands who may be adversely affected by failure to comply with the terms of such permit. The permit shall require a date certain for the restoration of the land and shall be conditioned upon the applicant complying with a definite time schedule of earth removal and restoration. The Planning Commission may require the applicant to take such necessary precautions including the fencing and posting of notices to insure the safety of nearby owners, including children or trespassers upon the property, and may require the applicant to secure liability insurance to protect any person who might be injured by the development of an attractive nuisance upon such land and may require that such insurance name as an insured party the township.
- (3) The permit may be suspended at any time by the Zoning Administrator if a serious or dangerous condition shall develop pending a hearing by the Planning Commission to determine if the SUP should be revoked.
- (4) An earth removal special use permit will be considered expired when the area covered by the permit has been excavated and restored as outlined in the permit.

(R) Essential Services (All Districts)

- (1) For public service installations, including public utility transformer stations, gas regulator stations, radio, television and microwave transmitter towers. The lot area and width shall be not less than that specified for the district in which the proposed use is located.

- (2) The yard and setback requirements shall not be less than that specified for the district in which the proposed use is located.
- (3) No building shall be erected to a height greater than that permitted in the district in which the proposed use is located with the exception of commercial freestanding towers.
- (4) In residential areas all buildings shall be harmonious in appearance with the surrounding residences by suitable plant material and shall be fenced as approved by the Planning Commission.
- (5) Where mechanical equipment is located in the open, it shall be screened from the surrounding residential area by suitable plant material and shall be fenced as approved by the Planning Commission.

(S) Greenhouses, Retail

Retail greenhouses are permitted by right in the C-1, C-2 and C-3 zoning districts and by Discretionary Special Use Permit in the RSA zoning district

- (1) In the RSA zoning district, a maximum of fifteen (15) percent of the area used for sales (both indoor and outdoor) shall be used to display products which were not grown or produced on site. This requirement shall not apply in the C-1, C-2 and C-3 Zoning District.
- (2) No outside storage shall be permitted in RSA.
(Amended by adoption September 11, 2003)

(T) Hospitals, Convalescent Homes, Sanitariums and Nursing Homes

- (1) Ambulance and delivery areas shall be obscured from view of the right of way and adjacent property and access to these areas shall be directly from the road.
- (2) Access will be from a county primary road.

(U) Human cemeteries: Public, Private or cemeteries subject to the following conditions:

- (1) The site shall be no less than ten (10) acres and shall be so designated as to provide all ingress and egress directly onto or from a public road.

- (2) The location of proposed service roads, entrances, and driveways shall be so designated in relationship to the public road that pedestrian and vehicular traffic safety is encouraged.
- (3) No principal or accessory building shall be closer than fifty (50) feet from any abutting residentially zoned boundary line.
- (4) The provisions of P.A. 368 of 1978 that require local health department review are to be followed.

(V) Industrial Park, subject to the following conditions:

- (1) Permitted uses shall include all uses permitted by right within this district. Special uses may be permitted, subject to the special use provisions of Article XVIII.
- (2) The minimum required land area for an industrial park shall be twenty (20) contiguous acres.
- (3) The development of an industrial park shall be in accordance with an overall plan for development to the park, which plan shall be approved by the Township Planning Commission.
- (4) The developer shall provide within the industrial park, a sanitary sewage system which shall be of sufficient size and design to collect all sewage from structures within the industrial park, and that system shall connect with the township system. If sewers are not available, the park's sanitary sewer system shall be designed so as to dispose of all sewage and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the state, county health department, the county drain commissioner and the township.
- (5) The developer shall provide within the industrial park a storm drainage system which shall be of sufficient size and design as will in the opinion of the township's engineer collect, carry off, and dispose of all predictable surface water runoff within and draining into the industrial park, and shall be so constructed as to conform with the statutes, ordinances and regulations of the state, the county drain commissioner and the township.
- (6) If a public water system is not available the developer shall provide within the industrial park a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.

- a. The developer shall also provide a fire hydrant within four hundred (400) feet of each structure.
 - b. Such water system shall conform to the statutes, ordinances and regulations of the state, the county health department, the county drain commissioner and the township.
- (7) All industrial parks shall have direct access to a paved state or county primary highway.
- (8) Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the industrial park without undue congestion or interference with normal traffic flow.
 - a. All points of vehicular access to and from public streets shall be located not less than two hundred (200) feet from the intersection of any public street lines with each other.
- (9) No part of any parking access and/or service area may be located closer than one hundred fifty (150) feet from any residential property line.
- (10) Parking, loading or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park.
- (11) Any industrial park adjoining any residential development shall be provided with a buffer of at least sixty (60) feet along the adjacent property line. Such buffers shall be planted with evergreens and other suitable plantings and used for no other purposes. A landscaped planting area of at least sixty (60) feet shall also be provided along all street frontage.
- (12) Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors.
 - a. These facilities will be arranged in such a manner so as to protect abutting streets, and adjacent properties from unreasonable glare of hazardous interference of any kind.
- (13) Maximum building coverage on any lot within the industrial park shall not exceed thirty (30) percent.
- (14) Minimum lot sizes within an industrial park shall be one (1) acre.

(W) Kennels

- (1) Kennels shall comply with all applicable county and state regulations.
- (2) Minimum lot size shall be at least two acres for the first four dogs and an additional 1/3 acre for each additional dog.
- (3) Building and dog runs shall be at least seventy five (75) feet from the lot line.
- (4) Animals shall be boarded within enclosed buildings.
- (5) Exterior runs may only be used during daylight hours.

(X) Mini-Storage Facilities (Outdoor and/or Indoor Storage)

Mini-Storage Facilities, with either outdoor or indoor storage, are permitted by right in the M-1 and M-2 Zoning Districts and by Discretionary Special Use Permit in the C-2 and C-3 Zoning Districts.

- (1) Minimum parcel area for the entire development is four (4) acres.
- (2) Access to the facility shall be from a county primary road.
- (3) All outdoor storage areas shall be appropriately screened from surrounding property, as determined by the Planning Commission.
- (4) Maximum building height shall be nineteen (19) feet.

(DIAGRAM COMING FROM DOUG PIGGOTT)

- (5) Parking for the storage leasing office and a caretaker's residence shall meet the parking requirements in Article 6 of this Ordinance's parking regulations. A ten (10) foot wide parking strip shall be required in front of each row of storage units and a twelve (12) foot wide travel lane provided between buildings (see Figure 18-1).
(Amended by adoption September 11, 2003)

(Y) Open Space Community

Second Reading on December 10, 1998
Effective on Publication December 17,
1998

Amendment Effective April 26, 2001

- (1) Intent: It is the intent of this section to offer an alternative to traditional suburban residential development for the purpose of:
- Encouraging the use of township land in accordance with its character and adaptability;
 - Assuring the permanent preservation of open space, agricultural lands, and other natural resources;
 - Allowing innovation and greater flexibility in the design of residential developments;
 - Facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
 - Ensuring compatibility of design and use between neighboring properties; and,
 - Encouraging a less sprawling form of development, thus preserving open space as undeveloped land.

These regulations are intended to preserve a traditional rural character to the land use pattern in the township through the creation of small residential nodes contrasting with open space and less intensive land uses. This section is not intended as a device for ignoring the zoning regulations of the township, the standards set forth therein, nor the planning concepts upon which the zoning ordinance has been based.

These regulations are intended to result in a specific development substantially consistent with zoning ordinance standards, yet allow for modifications from the general standards to insure appropriate, fair and consistent decision making.

- (2) Scope: For the purposes of this section, an “open space community” is defined as a predominantly single family residential development in which dwelling units are placed together into one or more groupings within a defined project

area. The dwelling units are separated from adjacent properties or other groupings of dwellings by substantial open space that is perpetually protected from development.

- (3) Eligibility Criteria: To be eligible for open space community consideration, the applicant must present a proposal for residential development that meets each of the following:
- a. Recognizable Benefits: An open space community shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the township. This benefit should accrue, in spite of any foreseeable detriments of the proposed developments.
 - b. Minimum Project Size: The minimum size of an open space community development shall be five (5) acres of contiguous land. For the inclusion of dwellings other than single family units, an open space community must have a minimum gross site of twenty-five (25) acres.
 - c. Open Space: The proposed development shall contain at least as much open space area as would otherwise be required by the existing zoning.
 - d. Unified Control: The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
 - e. Guarantee of Open Space: The applicant shall guarantee to the satisfaction of the township planning commission that all open space portions of the development will be maintained in the manner approved in perpetuity. Documents shall be presented that bind all successors and future owners in fee title to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the township and the land uses continue as approved in the open space community plan.

- (4) Project Design Standards: A proposed open space community shall comply with the following project design standards:
- a. Location: An open space community may be approved in the RSA zoning district.
 - b. Permitted Uses: An open space community is generally restricted to single family residential dwelling units. In projects of (25) acres or more, the Planning Commission may permit up to fifty percent (50%) of the dwelling units to be other than single family dwelling units, provided that the total number of dwelling units does not exceed the density for the site as computed in Subsection (5)h and the number and arrangement of the multi-family dwellings does not negatively impact the rural character of the area.
 - c. Base Zoning Regulations: Unless specifically waived or modified by the planning commission, all zoning ordinance requirements for the underlying zoning district, except, for minimum lot area and other township regulations shall remain in full force. In no event shall the minimum lot area required for computation purposes of Subsection (5)h. be greater than the minimum square footage required for a lot in the RSA zoning district.
- (5) Open Space Requirements
- a. An open space community shall maintain a minimum of forty percent (40%) of the gross area of the site as dedicated open space held in common ownership. Except as noted in Subsection (5)e. any undeveloped land area within the boundaries of the site may be included as required open space.
 - b. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state.
 - c. The total area of dedicated open space shall equal or exceed the total area by which all dwelling unit lots are reduced below the minimum square footage required for a lot in the RSA zoning district.

- d. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the planning commission, such as:

Recorded deed restrictions.

Covenants that run perpetually with the land, or

A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L.399.251).

Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

1. Indicate the proposed allowable use(s) of the dedicated open space.
 2. Require that dedicated open space be maintained by parties who have an ownership interest in the open space.
 3. Provide standards for scheduled maintenance of the open space.
 4. Provide for maintenance to be undertaken by the Township of Flushing in the event that the dedicated open space is inadequately maintained, or is determined by the township to be a public nuisance, with the assessment of costs upon the property owners.
- e. Area Not Considered Open Space: The following land areas are not included as dedicated open space for the purposes of this article:
 1. The area of any street right-of-way proposed to be dedicated to the public.
 2. Any submerged land area.
 - f. Continuing Obligation: The dedicated open space shall forever remain open space, subject only to uses approved by the township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation, or agricultural

purposes except for easements for utilities and septic systems, shall be strictly prohibited.

- g. Allowable Structures: Any structures(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the dedicated open space, subject to the approved open space plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the required open space area.
- h. Dwelling Density: The permitted density of residential uses within an open space community shall be based upon a minimum lot area of 20,000 square feet. All computations shall be stated to the nearest square foot.

The number of dwelling units allowable within an open space community project shall be determined in the following manner:

The applicant shall prepare, and present to the planning commission for review, a parallel design for the project that is consistent with state and township requirements and design criteria for a tentative preliminary plat. This design shall include all information as required by the guidelines adopted by the planning commission pursuant to Subsection (7)a. The planning commission shall review the design and determine the number of lots that could be feasibly constructed following the parallel design. This number, as determined by the planning commission, shall be the maximum number of dwelling units allowable for the open space community project.

- i. Regulatory Flexibility: To encourage flexibility and creativity consistent with the open space community concept, the planning commission may grant specific departures from the requirements the zoning ordinance for yard, lot, and bulk standards as a part of the approval process. Any regulatory modification shall be approved through a finding by the planning commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals.
- j. Access: Direct access onto a county road shall be required to an open space community. The nearest edge

of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).

- k. Internal Roads: Construction of private roads or private access drives as a means of providing access and circulation is encouraged. Private roadways within an open space community are exempted from the design requirements of the township private road ordinance, if the planning commission makes the following findings:
 - 1. A deed restriction is placed on the project site that perpetually vests fee simple of the land area in the parties adjoining the road and prohibits future transfer to the public, and,
 - 2. A maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, is reviewed and approved by the township planning commission.
 - l. Natural and Cultural Features: The development shall be designed to promote the preservation of natural and cultural features. These features are mapped in a general manner in the Township Master Plan and cover floodplain, wetlands, steep slopes, prime farmland soils, potential railway areas and historical sites. The open space community plan should incorporate land containing these features into the open space element of the plan to the extent possible. In addition, if animal or plant habitats of significant value exist on the site, the planning commission, as a condition of approval, may require that the open space community plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
- (6) Project Standards: In considering any application for approval of an open space community site plan, the planning commission shall make their determination on the basis of the standards for site plan approval set forth in Section 20-1900, as well as the following standards and requirements:
- a. Compliance with the Open Space Community Concept: The overall design and land uses proposed in connection with an open space community shall be consistent the intent of the open space community concept, as well as with specific design standards set forth herein.

- b. **Compatibility with Adjacent Uses:** The proposed open space community plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:
 - 1. The bulk, placement, and materials of construction of proposed structures.
 - 2. Pedestrian and vehicular circulation.
 - 3. The location and screening of vehicular use or parking areas.
 - 4. The provision of landscaping and other site amenities.
- c. **Impact of Traffic:** The open space community shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
- d. **Protection of Natural Environment:** The proposed open space community shall be protective of the natural environment. It shall comply with all applicable environmental protection laws and regulations.
- e. **Compliance with Applicable Regulations:** The proposed open space community shall comply with all applicable federal, state and local regulations.

(7) **General Requirements**

- a. **Review Procedures:** The application for approval of an open space community shall be made according to the procedures and guidelines required for approval of a Special Use Permit, with the following exceptions: Following the initial submission of an application for an open space community, but prior to completion of the proposed site plan the applicant shall meet with a subcommittee of the Planning Commission composed of not more than 3 members on the site of the proposed project to discuss the design of the project in compliance with Subsection (5).

- b. Recording of Action: The applicant shall record an affidavit with the register of deeds containing the full legal description of the project site, specifying the date of final township approval, and declaring that all improvements will be carried out in accordance with the approved open space community plan unless an amendment is adopted by the township. In addition, all deed restrictions and easements shall be duly filed with the register of deeds of the county and copies of recorded documents presented to the township.
- c. Initiation of Construction: If construction has not commenced within twenty-four (24) months of final approval, all township approvals become null and void. The applicant may apply in writing to the planning commission for an extension, not to exceed twelve (12) months. A maximum to two (2) extensions may be allowed.
- d. Continuing Adherence to Plan: Any property owner who fails to maintain an approved site design shall be deemed in violation of the use provisions of the zoning ordinance and shall be subject to the penalties for same.

(8) Scheduled Phasing

- a. Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the open space community and the residents of the surrounding area.
- b. Timing of Phases: Each phase of the project shall be commenced within twenty-four (24) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, approval of the site plan shall become null and void.

(9) Revision of Approved Plans

- a. General Revisions: Approved plans for an open space community may be revised in accordance with the procedures set forth in Section 20-18.01.

- b. Minor Changes: Minor changes to an approved open space community plan may be permitted by the planning commission following normal site plan review procedures outlined in Section 20-1900, subject to the finding of all of the following:
 - 1. Such changes will not adversely affect the initial base for granting approval.
 - 2. Such minor changes will not adversely affect the overall open space community in light of the intent and purpose of such development as set forth in this article; and
 - 3. Such changes shall not result in the reduction of open space area as required herein.

(Z) Pet Cemetery

- 1) Pet Cemetery means 1 (one) or any combination of the following:
 - a. A burial ground for earth internments of animal remains.
 - b. A mausoleum for crypt entombments of animal remains.
 - c. A crematory for the cremation of animal remains.
 - d. A columbarium for the deposit of cremated animal remains.
- (2) A pet cemetery may be used for disposition of dead dogs, cats, rabbits and other pets, but shall not include horses, cattle, swine or other farm or non-domesticated animals.
- (3) Special use permits to operate a pet cemetery shall be limited to operation of a burial ground, unless otherwise stated in the special use permit. The special use permit shall designate the specific areas which may be used as a burial ground and only the area so designated shall be used as a burial ground.
- (4) A crematory shall follow all requirements mandated by Federal and State law and regulations and shall be housed in a separate structure used exclusively for the crematory. The size, nature and location of the structure housing the crematory shall be set forth in the special use permit.

- (5) A special use permit shall not be issued for operation of a mausoleum and/or columbarium except upon review and approval of the plans and the specifications for the structure to house the mausoleum and/or columbarium
- (6) Grave markers installed in a burial ground shall be installed flush with the ground.
- (7) There shall be no decorations placed on animal grave sites except natural flowers or decorations, such as wreaths constructed from evergreens or other living materials. Under no circumstances shall there be decorations of paper or plastic.
- (8) All burial operations, mowing of burial grounds, maintenance work shall be undertaken during the hours of 9 a.m. until dusk
- (9) The site shall be no less than ten (10) acres and shall be so designated as to provide all ingress and egress directly onto or from a public road.
- (10) The location of proposed service roads, entrances, and driveways shall be so designated in relationship to the public road that pedestrian and vehicular traffic safety is encouraged.
- (11) No principal or accessory building shall be closer than fifty (50) feet from any abutting residentially zoned boundary line.
- (12) The provisions of P.A. 368 of 1978 that require local health department review are to be followed.
- (13) Construction of a fence or buffer strip along the property line of the site may be required as determined necessary by the Planning Commission.

(AA) Planned Unit Development Provisions

(Amended by Adoption July 25, 2002)

A planned unit development may be permitted as a special use provided such development is found not detrimental to the public health, safety, and the general welfare of the occupants and the community and complies with the following minimum requirements.

(1) General Requirements

- a. The minimum required land area for a planned unit development shall be sixty (60) contiguous acres.

- b. The developer shall provide within the planned unit development a sanitary sewage system which shall be of sufficient size and design to collect all sewage from all present and proposed structures in the planned unit, shall connect with the township system, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the state, the county health department, the county drain commissioner and the township.
- c. The developer shall provide within the planned unit development a storm drainage system which shall be of sufficient size and design as will in the opinion of the township's engineer and/or Planning Commission collect, carry off and dispose of all predictable surface water runoff within the development and any adjoining contributory areas, and shall be so constructed as to conform with the statutes, ordinances, and regulations of the state, the county health department, the county drain commissioner and the township.
- d. No planned unit development shall be approved unless it shall have a central water supply system connected to a public water supply system.
 - 1. The developer shall provide a fire hydrant within four hundred (400) feet of each structure.
 - 2. Water systems shall conform to the statutes, ordinances, and regulations of the state, the county health department, the county drain commissioner and the township.

(2) Permitted uses

- a. Single-family attached or detached dwelling.
- b. Apartment building or townhouse.
- c. Accessory private garage.
- d. Public or private park or recreation areas which may include a golf course, swimming pool, tennis court, ski slope, toboggan run, ice skating rink and other similar recreational uses, but which may not include any use or activity which produces noise, glare, odor, air pollution, fire or other safety hazards, smoke, fumes or other pollutants detrimental to existing or prospective occupants or the general public.
- e. Municipal building.
- f. School.

- g. Church, temple, synagogue, parsonage or parish house, convent.
- h. Theater for stage productions or films, but not a drive-in theater.
- i. Studio of artist, sculptor, musician or photographer, but no goods or objects shall be sold or publicly displayed on the premises.
- j. Restaurant.
- k. Business activities of a local or neighborhood character, conducted within an enclosed building only, providing necessary services for the day to day operation of a household, and which can be supported economically by a small neighborhood area, including business of the type included in, although not limited to, the following:
 - 1. Bakery shops where no baking is done on the premises.
 - 2. Barber and beauty shop.
 - 3. Cigar store.
 - 4. Cleaning and dyeing distribution shop (no processing.)
 - 5. Dairy products, retail sales.
 - 6. Delicatessen.
 - 7. Dressmaker, custom.
 - 8. Drugstore.
 - 9. Florist, retail sales.
 - 10. Laundry collecting shop, self-service laundry, hand laundry.
 - 11. Local store selling, at retail, fish, fruit, food, hardware, meats (no slaughtering), and vegetables, and beer and wine under SDM license and gasoline from not more than one (1) pump island.
- l. Adult Foster Care Family Home
- m. Adult Foster Care Small Group Home
- n. Adult Foster Care Large Group Home
- o. Nursing Home
- p. Subacute Care Facility
- q. Home for the Aged
- r. Hospice Facility
- s. Adult Foster Care Congregate Care Facility
- t. Assisted Living Facility
- u. Senior Housing
- v.. Signs
 - 1. All signs under the residential sections of a Planned Unit Development shall meet the requirements of the sign ordinance Chapter 13.5 Signs, Section 13.5-58 Residential R-U2 (MD) and , R-U4 (MHP)

Amendment approved 5/11/00.

2. All signs under the commercial and recreational sections of a Planned Unit Development shall meet the requirements of Sec. 13.5-63 Commercial-General Provisions, and Sec. 13.5-64 Commercial C-1, M-1, M-2 Permanent Signs.
3. All signs in a Planned Unit Development shall need the approval of the Planning Commission.

(3) Parking as provided according to Section 20-501 shall be required.

(4) Density and Design Standards

- a. Area limitations for various uses. Within a planned unit development the following percentages of the total land area shall be devoted to the specified uses:
 1. A maximum of eighty (80) percent for residential use; land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences, but it shall not include usable open space which is available for use by the general public or by persons who do not live in the residences or groups of residences immediately adjacent to it, unless otherwise provided herein.
 2. A maximum of twenty (20) percent for non-residential uses and required parking; provided, however, that open air recreational uses, other open spaces uses and land devoted to streets shall not be included in determining non-residential use.
 - (3) A minimum of twenty (20) percent for open air recreational uses and other reusable open space. Usable open space shall be defined as an open area designed and developed for common use by the occupants of the development or by others for recreation (whether commercial, private or public), courts, gardens or household service activities such as clothes drying, which space is effectively separated from automobile traffic and parking and is readily accessible; the term shall not include space devoted to streets and parking.
- b. Residential density. The density of residences shall not exceed six (6) units per acre of the land within the development which is devoted to residential use and usable open space.

- c. Lot size. There shall be no minimum lot size, no minimum setbacks, no minimum percentage of lot coverage and no minimum lot width for any unit. Provided, however, that in areas of single-family and/or townhouse structures which are to be sold and for which the care and maintenance of the grounds and exteriors associated with such structures will be the responsibility of the purchaser of such structures or such structures or parts of such provisions of the subdivision regulations. For purposes of determining overall densities within the planned unit development, the number of units located in such platted areas shall be included.
- d. Height. The height of any structures within a planned unit development shall be related to the location of the structures such as to equal the distance to the adjacent property line; provided, however, the height limitation shall be related to the fire fighting capability of the township and provided further that this provision shall not affect any structure of less than twenty-five (25) feet.
- e. Location of structures. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
- f. Protection of open spaces. Open spaces between structures, including those spaces being used as public or private recreational areas, shall be protected by adequate covenants running with the land or by conveyances or dedications, as the Planning Commission shall specify.
- g. Roads and parking areas. The dimensions and construction of roads, alleys and parking areas within the development, whether or not dedication of them to the township is contemplated, shall conform with all applicable state, county and township ordinances.

(5) Procedure

- a. Before any special use permit or building permit is issued for land or a building in a planned unit development, the developer shall obtain approval of an overall plan for development of the land. For this purpose, he shall submit to the Planning Commission a plan prepared by a registered community planner, or a registered architect which:

1. Shall state the acreage's to be devoted to the specific uses;
 2. Shall set forth the proposed density of dwelling units;
 3. Shall include a major thoroughfare plan and public utility plan;
 4. And shall include a separate plan showing the location of parks, open recreation areas, and other open spaces, schools, and other public or community uses.
- b. The criteria for approval of any planned unit development shall be those which are included within the Special Use Permit review procedures section of this chapter (Article XVIII). Criteria shall include the desirability of the planned unit development's design in terms of traffic safety, health, drainage, densities, land use relationships of proposed uses to each other and uses adjacent to the site and its overall relation to the community development plan
- c. If the plan is approved by the Planning Commission the developer shall thereafter submit a detailed plan, containing all the information required of this chapter.
1. The Planning Commission shall review the detailed plan to determine that it complies with this chapter and with the overall plan originally submitted by the applicant for the section in which the proposed structure is located.
 2. Approval of any detailed plan shall lapse unless construction is started in that section within one (1) year.
 - a. No conveyance of land within the development may be made until the developer has complied with all township, county and state regulations.

(BB) Ponds

Second Reading approved on April 8, 1999

Effective upon publication on April 15, 1999

Amendment effective on publication on December 30, 2001

Definitions:

POND - A natural or manmade body of water used to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation and other related uses for the personal use of the property owner and/or tenants.

For purposes of this section, pond shall not include a landscape, garden or ornamental pond with less than 100 square feet of surface area and a depth of 3 feet or less.

a. Intent:

The regulations set forth in this section are designed to provide for the regulation of a pond and to specify the conditions and circumstances under which such ponds may be developed to protect the health, safety and general welfare of the residents of the community, preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse effect upon the existing general and aesthetic character of the township.

b. General Provisions and Conditions

1. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to construct a pond within the Township without first securing a construction permit from the building official. A site plan has to be approved by the Planning Commission for conditions and site approval. A pond shall be a special use permitted on property zoned RSA.
2. A pond shall not be constructed on a lot or parcel of land that is less than 2 acres in size.
3. Water shall be maintained in all pond excavations, and built in a spring or natural water drainage area according to current County topography maps and drain districts, showing existing property grades and also future pond grades.
4. Ponds shall be engineered and designed according to all provisions and conditions of this Ordinance, including engineered drawings, drawn to scale by a qualified designer showing all site buildings, easements, size, setbacks, etc. Such plot plan shall be approved by the Building Inspector before a hearing shall be scheduled.
5. All soil and similar materials excavated during the construction of the pond shall remain on the property, unless an Earth Removal Permit has been obtained.
6. If a pond exceeds 4.9 acres it would be classified as a lake, and could be cause for other permit requirements.

7. The parcel should contain natural land forms which are so arranged that the change of elevation within the site includes slopes of ten (10) percent or less; and water drainage could provide water to fill pond.
8. The subject site and/or adjoining properties do not contain natural assets including trees, wood-lots, endangered species habitats, wetlands, 100 year floodplains, natural watersheds, or similar features that would be altered by the establishment of the pond.
9. The outside edge of the pond is not within fifty (50) feet of an existing County Drain.
10. The proposed pond is not located within one hundred (100) feet of a public road right-of-way, private easement, or school site.
11. The proposed pond is not within fifty (50) feet of an existing wetland.

c. Application and Review Procedures

1. Application shall be made to the Township Building Official. Applications shall contain the name and address of the applicant, a legal description of the property upon which the pond will be established, a site plan submitted site plan check list in accordance with Site Plan Review procedures and/or Section 20-1800 under P-1 - Earth Removal.
2. If and when it ever becomes necessary to obtain a permit from the Department of Natural Resources or the Genesee County Drain Commission, it shall be the responsibility of the landowner to obtain the permits prior to meeting with the Planning Commission.
3. The applicant shall also provide evidence from a civil engineer, or similar allied professional that water can be continuously maintained in the pond once it is constructed. A pond should be built in a spring area or a water drain off area to provide fresh water. (A well is not a qualified source of water).

d. Design Requirements

Private ponds shall be permitted as an accessory use provided they meet the following requirements.

1. The setback distance for the pond shall be a minimum of seventy-five (75) feet from the waters edge at its highest point from any adjoining property line. There shall be a minimum of 25 feet

between the edge of any berm or other placement of elevated soils removed from the excavated pond and any adjoining property line. The total height, as measured from original grade, of any berm or elevated soils and any fence or other materials built or placed upon the berm, except trees or other vegetation, shall not exceed a total of 6 feet. This provision shall not prohibit the placement of an otherwise appropriate fence across a part of such berm, which may cause the height of the fence to exceed 6 feet at the point of crossing the berm.

2. There shall be a distance of not less than fifty (50) feet between the outside edge of the pond and any building.
3. There shall be a distance of not less than fifty (50) feet from the water's edge to any overhead transmission lines.
4. Slopes of the excavation shall not exceed a ratio of four-(4) feet horizontal to one-(1) foot vertical, to a depth below water of six-(6) feet on shallow walk in side, and no more than six-(6) feet horizontal to six-(6) feet vertical at three sides of pond. Ponds must be a minimum of 15 feet depth to existing grade in deepest spot to keep water from being stagnant, unless topography demands special consideration.
5. All areas disturbed during construction shall be seeded with bluegrass or other high quality grasses and maintained in good condition to prevent erosion.
6. The Township Planning Commission may, at its discretion, require the installation of a fence no less than four (4) feet in height to protect the health, safety, and welfare of the property owners and or tenants, neighboring uses, and Township residents.
7. The Township Planning Commission may, at its discretion, require the installation of a berm to be appropriately designed for height and width, whose slope shall be no more than at a 30 degree angle to prevent erosion and to protect the health, safety, and welfare of the property owners and or tenants, neighboring uses, and Township residents.

e. Limitations

1. No pond shall be located upon, cross, or extend beyond an existing property line and a permit shall not be issued for construction of a pond on more than one property, unless, in addition to the other requirements of this section:

- (a) The owners of each property on which any part of the pond is to be located, submit a joint application for a special use permit, signed by each property owner.
 - (b) Each property owner executes a reciprocal easement, in recordable form, satisfactory to the planning commission which describes the benefits and burdens to each property, including adequate provisions to assure maintenance of the pond.
 - (c) The easement shall be recorded as a pre-condition to issuance of the permit.
2. Construction of a pond shall be completed within twelve (12) months of the issuance of the construction permit. Extension may be granted by the Planning Commission for a reasonable cause shown.
 3. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the Township or by other public agencies having jurisdiction.

f. Fees Required

1. Fees for the review of applications for the purpose of obtaining a construction permit for a pond shall be \$50. The fee may be changed at a later date by resolution of the Township Board.
2. There shall be a minimum \$7,500 Performance Bond presented at the time permit is issued. Total amount of bond to be determined by the Planning Commission. The \$7,500 Earth Removal Performance Bond may be combined with the Performance Bond for a pond.
3. Bonding or insurance shall be in accordance with our Earth Removal Permit.

Adopted the 13th day of December, 2001 by unanimous vote of the Charter Township Board of Trustees.

(CC) Private Landing Strip

Private Landing Strips are permitted by Discretionary Special Use Permit in the RSA Zoning District provided:

- (1) Site Requirements – lodges, schools, churches or other public meeting places shall not be within five hundred (500) feet of said strip or hanger. No concentrated animal feeding operation shall be within one thousand (1,000) feet of the landing strip or hanger, or within the flight path of planes landing or taking off.
- (2) Performance Standards – all federal and state aviation safety regulations shall be complied with.
(Amended by adoption September 11, 2003)

(DD) Recreation Vehicle and Campground Parks

- (1) Site conditions. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.
- (2) Soil and ground cover. Adequate provisions shall be provided for the elimination of objectionable dust and for the prevention of soil erosion.
- (3) Minimum park size. Minimum park size for a recreation vehicle park and/or campground park shall be ten (10) acres.
- (4) Campsite size. The minimum campsite size for either a recreational vehicle site or campsite within a park will be five thousand (5,000) square feet unless otherwise specified by the Planning Commission in its site plan review.
- (5) Required separation between trailers and recreational vehicles. Trailers should be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings, carports or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the trailer.
- (6) Design of access to parks. Entrances and exits to the parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits. No entrance or exist shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at

intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver. No entrance or exit from a park shall be permitted through a residential district nor require movement of traffic from the park through a residential district.

- (7) Parking. At least one and one-half (1 1/2) parking spaces shall be provided in the total park per travel trailer and recreation vehicle site. At least one (1) of these parking spaces shall be provided within each such site.
- (8) Accessory uses. Management headquarters, toilets, dumping stations, showers, laundry facilities, and other convenience uses and structures customarily incidental to operation of a park are permitted as accessory uses to the park. Such establishments and the parking areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the park. Except in the case of public-owned parks, such establishments shall be restricted in their use to occupants of the park. Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park. The structures housing such facilities shall not be accessible from a public street, but shall be accessible only from a street within the park.
- (9) Recreational facilities. A minimum of eight (8) percent of the gross site area for the park shall be set aside and developed as common use areas for open or enclosed recreation facilities.
- (10) Buffering, setbacks, screening and landscaping. Each park shall set aside along the perimeter of the district the following areas that shall be landscaped and used for no other purposes:
 - a. Minimum front setback. Twenty-five (25) feet except when the park fronts on a state highway; then the minimum shall be fifty (50) feet.
 - b. Minimum side setback. When abutting residential districts, the said setback shall be fifty (50) feet; when abutting a dedicated public right of way, the side setback shall be twenty-five (25) feet on the side street; when abutting any other zone district, the side setback shall be fifteen (15) feet along the interior lot line.
 - c. Minimum rear setback. Fifteen (15) feet except when the rear yards abuts a dedicated public right of way or a

residential district. If the rear yard abuts a dedicated public right of way, the minimum shall be twenty-five (25) feet. If the rear yard abuts a residential district, the minimum rear setback shall be fifty (50) feet.

- d. Where needed to enhance aesthetics or to insure public safety, the campgrounds shall be enclosed by a fence, wall, landscape screening, earth mounds or by other designs approved by the Planning Commission which will complement the landscape and assure compatibility with the adjacent environment.
- (11) Water supply and sewage disposal. All camping sites for tents, campers and recreational vehicles shall have a public water supply system with water under pressure piped to within three hundred (300) feet of each vehicle, tent or camper site and with fire hydrants available within three hundred (300) feet of each campsite. An enclosed toilet and sewage facility approved by the state and county health departments with hot and cold running water available herein shall be provided in every private park for recreational vehicle, tent or camper. Such facility shall be located not further than five hundred (500) feet from every campsite within the park. If public sewer shall be available within five hundred (500) feet of any such park, the park sewer system shall be connected thereto.
 - (12) Length of stay. No park shall be used as a permanent place of abode, dwelling or business or for indefinite periods of time. Occupancy extending beyond three (3) months in any twelve-month period shall be presumed to be permanent occupancy.

(EE) Restaurants, Open Front

Open Front Restaurants are permitted by Discretionary Special Use Permit in the C-1 Zoning District and by right in the C-2 and C-3 Zoning Districts.

- (1) Waste containers shall be provided.
- (2) Fences or landscaping shall be required to control blowing debris.
- (3) All signs placed on the building shall be flat and interior signs visible to patrons through glass or an opening shall not exceed twenty-five (25) percent of that area.
- (4) Additional parking shall be provided based on the capacity of any outdoor seating or lounge areas.

- (5) Outdoor eating areas shall be illustrated on a site plan and approved by the Planning Commission.
- (6) Where the use abuts a residential district there shall be no outdoor amplification, such as speakers, unless the applicant demonstrates compliance with the Township Noise Abatement Ordinance.
(Amended by adoption September 11, 2003)

(FF) Restaurants, with Live Entertainment and/or Outdoor Seating

Restaurants, with live entertainment and/or outdoor seating are permitted by Discretionary Special Use Permit in the C-2 and C-3 Zoning Districts, provided:

- (1) The principal building shall be setback at least one hundred (100) feet from a residential district.
- (2) A wall at least five (5) feet high shall separate the site from any adjacent residential district.
- (3) The applicant shall acquire any other permits required under township ordinance.
(Amended by adoption September 11, 2003)

(GG) Roadside Stand

- (1) The stand and any off street parking shall be outside the road right of way.
- (2) At least one parking space shall be provided for every 15 square feet of roadside stand.

(HH) Schools

- (1) Fences for recreational facilities may exceed six feet with the approval of the Planning Commission.
- (2) Parking shall not be located within the required front yard setback and must be fenced or bermed as required in Section 20-501.

(II) Shopping Centers. The general plan for a shopping center shall include specific evidence and facts showing that it has considered and made provision for, and the development shall be executed in accordance with the following essential conditions:

- (1) The proposed development shall be constructed in accordance with an overall plan, shall be designed as a single architectural unit with appropriate landscaping, and shall provide initially for the construction of a minimum of fifteen thousand (15,000) square feet of floor area.
- (2) *All buildings shall be arranged in an integral development.*
- (3) Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center without undue congestion to or interference with normal traffic flow. All points of vehicular access to and from public streets shall be located not less than two hundred (200) feet from the intersection of any public street lines with each other.
- (4) No part of any parking access and/or service areas may be located closer than forty (40) feet of any property line adjacent to a residential district.
- (5) Parking, loading, or service areas used by motor vehicles shall be located entirely within the lot lines of the shopping center and shall be physically separated from public streets.
- (6) Any shopping center development adjoining any residential development shall be provided with a buffer of at least forty (40) feet along the adjacent property line.
 - a. Such buffer shall be planted with evergreens and other suitable plantings and used for no other purposes.
 - b. A landscaped planting area of at least twenty (20) feet shall also be provided along all street frontage.
- (7) All shopping center developments shall have access to a paved state or a county primary highway. No regular public access shall be made through a residential public street.
- (8) The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage.
- (9) Lighting facilities shall be required where deemed necessary for the safety and convenience of shoppers and employees. These facilities will be arranged in such a manner so as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.

(JJ) Stables

- (1) At least two acre per horse for the first twenty acres.
- (2) Foals born on parcels where horses are kept presently may be kept for up to two (2) years, but in no case shall there be more than one horse and one foal per two acre.

(KK) Stadiums and Race Tracks

- (1) All ingress and egress shall be from a county primary road or state highway.
- (2) Acceleration and deceleration lanes shall be provided where possible.
- (3) When a side or rear lot line is adjacent to a residential district or a parcel with a residence, that lot line will be buffered by a landscaped area 100 feet wide.

(LL) Townhouses

A townhouse means a dwelling structure designed and used as attached single family dwellings for 2, 3, but no more than four (4) separate households. Except as provided below, each unit of the townhouse shall satisfy the requirements of this ordinance for a single (family) household dwelling. Each unit of the townhouse shall have a ground floor and shall have at least two separate means of ingress and egress. There shall be no community doors or means of access directly from one unit to another. Each unit shall have: 1) its own driveway or access to a public road, 2) its own space for the parking of motor vehicles, 3) separately supplied and metered utilities 4) separate well or municipal water connection, 5) separate septic system or municipal sanitary sewer connection. Each unit of the townhouse shall be separated from the other units by a wall or other construction with a minimum two hour fire rating. The townhouse may be constructed with a 0 side lot, i.e., a common wall. Each unit within a townhouse may be owned separately, designated a separate parcel with a separate tax parcel identification number. Each unit shall include the real property immediately contiguous to the front and back of the unit with the side lot lines being the extension of the center of the common walls of the unit to the back and to the front lot lines. The side lots of the parcel on which the townhouse is located shall be part of the property of the corresponding end units of the townhouse. (Adopted the 10th day of January, 2008, by vote of the Charter Township of Flushing Board of Trustees)

(MM) Veterinarian

- (1) Crematoriums are permitted as an accessory use only
- (2) Veterinarian facilities must be located directly on a county primary road.

- (3) All buildings must be 75 feet from the side lot lines.
- (4) Boarding of animals while being treated is permitted as an accessory use only and all boarding must be within an enclosed building.
- (5) Exterior runs for animals may only be used in the daylight hours.

(NN) Residential Wind Energy Systems

- (1) General – Residential wind energy systems may be permitted in all zoning classifications subject to a Discretionary Special Use Permit and appropriate building permit. An application for a Discretionary Special Use Permit shall include a current site plan drawn to scale showing all property lines, existing structures, the proposed placement of the wind energy system, including footprint, maximum height, all electrical or utility connections and applicant’s preliminary study of sustained winds at the proposed location.

- (2) Purpose – It is the purpose of this ordinance to promote the safe use of small wind energy systems that are designed to reduce the on-site consumption of utility-supplied electricity.

This ordinance applies to all wind energy systems constructed and operated in Flushing Township whether or not the system is capable of feeding produced energy into the local utility grid.

- (3) Definitions

Residential Wind Energy System – A wind energy system consists of a wind turbine(s) tower, and associated conversion electronics which has a rated capacity of not more than ten kilowatts (in total if multiple turbines are placed) and which is intended to reduce on-site consumption of utility power.

Tower – As described in this ordinance, the term “tower” refers to the vertical component of a wind energy system, whether guyed or freestanding for the exclusive purpose of elevating the wind turbine/generator and attached blades or rotors above the ground. The term “tower” may also refer to the structure that elevates a wind anemometer for the purpose of feasibility studies preliminary to placement of a wind energy system.

Shadow Flicker – The phenomenon created by light casting a shadow on moving turbine blades. Where this shadow is cast, creates a potential annoyance to adjoining property owners.

- (4) Regulations –

Maximum height of a freestanding or guyed wind energy installation shall be eighty (80) feet to the top of the blade at the maximum vertical

position. Installations, which are attached to existing structures in excess of fifty (50) feet in height, may exceed the eighty foot limitation.

The minimum height for blade ground clearance shall be twenty feet.

All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

The tower shall be designed and installed so as not to provide a ladder or other publicly accessible means of climbing the tower, for a minimum of height of 12 (twelve) feet above the ground.

Guy wires associated with towers shall be marked and clearly visible to a height of six feet above the ground.

The tower shall not be lighted, used for placement of antennas or other purposes and not related directly to the support of a wind turbine.

Set back to the base of the tower shall be no less than one and a half times the total height of the installation. Any guy wire anchors may be no closer than ten feet from the property boundary. (It is noted that for safety reasons, this setback requirement restricts the placement of wind energy systems to relatively large lot sizes).

Noise level associated with a wind energy installation shall be limited to a maximum of 55 decibels as measured at the property line nearest the tower.

All wind energy installations must be equipped with manual and automatic over speed controls to limit the blade speed to the engineered design limits of the installation.

Tower and turbine placement shall be such that shadow flicker does not interfere with adjoining property owners.

A wind energy installation that is not functional for a period of twelve (12) consecutive months, shall be promptly removed by the owner.

A wind energy installation must comply with all applicable FAA regulations, including any necessary approvals for installations close to airports.

A wind energy installation shall not contain advertising and must be constructed of material rendering the installation visually unobtrusive.

Installations of wind energy systems of more than ten (10) kilowatts will be considered commercial installations and be treated on an individual basis.

All installations of wind energy systems shall be done in accordance with State and Federal construction and electrical codes.

(Amend by Adoption on December 10, 2009 Sections 20-1804 to add subsection NN to provide for the use and regulation of residential wind energy)

SECTION 20-1805

TOWER ORDINANCE

Approved 5/27/99

AN ORDINANCE TO ESTABLISH GENERAL GUIDELINES FOR THE SITING OF WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS; TO PROVIDE DEFINITION PERTINENT THERETO; TO PROVIDE FOR THE ISSUANCE OF PERMITS AND LEASE AGREEMENTS; TO PROVIDE THAT WIRELESS TELECOMMUNICATIONS TOWERS ARE PERMITTED USES IN ALL ZONING DISTRICTS AFTER SPECIAL APPROVAL; TO PROVIDE FOR PERMITTED LOCATIONS; TO PROVIDE CONDITIONS FOR PERMITTED USES, ACCESSORY USES AND USES AFTER SPECIAL APPROVAL; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR AN EFFECTIVE DATE.

SECTION 1 Definitions

a. "Alternative tower structure" means 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" means 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 telecommunications signals or other communication signals.

c. "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

d. "FAA" means the Federal Aviation Administration.

e. "FCC" means the Federal Communications Commission.

f. "Height" means, 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.

g. "Preexisting towers and preexisting antennas" means any tower or antenna for which a building permit has been issued or a Use After Special Approval has been properly granted 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 not expired.

h. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

i. "Township" means the Charter Township of Flushing.

SECTION 2 Purpose

The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas.

SECTION 3 Goals

The goals of this section are to:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas.
2. Encourage the location of towers in non-residential areas.
3. Minimize the total number of towers throughout the community.
4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.
5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
8. Consider the public health and safety of communication towers.
9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, the Charter Township of Flushing shall give due consideration to the Township's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

SECTION 4 Applicability.

a. New Towers and Antennas. All new towers or antennas in the Township shall be subject to these regulations, except as provided in Sections 4 (b) through (d), inclusive.

b. Amateur Radio Station Operators Receive Only Antennas This section shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

c. Preexisting Towers or Antennas Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of Section 5 (f) and (g).

d. AM Array For purposes of implementing this section, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

SECTION 5 **General Requirements.**

a. Principal or Accessory Use Antennas and towers may be considered either principal 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. Lot Size For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage 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 Existing Sites Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Township or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for an administrative approval or Use After Special Approval under this section or other organizations seeking to locate antennas within the jurisdiction of the Township, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

d. Aesthetics Towers and antennas shall meet the following requirements:

- (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

e. Lighting 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 the surrounding views.

f. State or Federal Requirements All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such 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 for the removal of the tower or antenna at the owner's expense.

g. Building Codes, Safety Standards To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. 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 being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

h. Measurement For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Township irrespective of municipal and county jurisdictional boundaries.

i. Not Essential Service Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

j. Franchises Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained and shall file a copy of all required franchises with the Zoning Administrator.

k. Public Notice For purposes of this section, any Use After Special Approval request, variance request, or appeal of an administratively approved use or Use After Special Approval shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 8(b)(5)(a)(ii), Table 2, in addition to any notice otherwise required by the Zoning Ordinance.

l. Signs A small sign no larger than 8" x 8" shall be affixed to the base of each tower, or to the gate of any fence surrounding the tower; and shall set forth the name of the owner of the tower, the owner's address and telephone number, and the name or title and telephone number of a person to be contacted in the event of an emergency relating to the tower. No other signs shall be allowed on an antenna or tower.

m. Buildings and Support Equipment Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 9.

n. Multiple Antenna/Tower Plan The Township encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

SECTION 6 Permitted Uses.

a. General The uses listed in this Section are deemed to be permitted uses and shall not require administrative approval or a Use after Special Approval.

b. Permitted Uses The following uses are specifically permitted:

(1). Antennas or towers located on property owned, leased, or otherwise controlled by the

Township provided a license or lease authorizing such antenna or tower has been approved by the Township.

SECTION 7 Administratively Approved Uses.

a. General The following provisions shall govern the issuance of administrative approvals for towers and antennas.

(1) The Zoning Administrator may administratively approve the uses listed in this Section.

(2) Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in Section 8(b)(1) and 8(b)(3) of this ordinance and a nonrefundable fee as established by resolution of Flushing Township Board to reimburse the Township for the costs of reviewing the application.

(3) The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with Sections 5, 8(b)(4) and 8(b)(5) of this ordinance.

(4) The Zoning Administrator shall respond in writing to each such application within sixty (60) days after receiving it by either approving or denying the application. Reasons for denial shall be set forth in the written notification.

(5) In connection with any such administrative approval, the Zoning Board of Appeals may, in order to encourage shared use, grant a variance to waive any zoning district setback requirements in Section 8(b)(4) or separation distances between towers in Section 8(b)(5) by up to fifty percent (50%).

(6) In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopolies, administratively allow the reconstruction of an existing tower to monopole construction.

(7) If an administrative approval is denied, the applicant shall file an application for a Use After Special Approval pursuant to Section 8 prior to filing any appeal that may be available under the Zoning Ordinance.

b. List of Administratively Approved Uses The following uses may be approved by the Zoning Administrator after conducting an administrative review:

(1) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, on any property zoned M-1, M-2 or C-3.

(2) Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.

(a) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:

(i) The antenna does not extend more than thirty (30) feet above the highest point of the structure;

(ii) The antenna complies with all applicable FCC and FAA regulations; and

(iii) The antenna complies with all applicable building codes.

(b) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Zoning Administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(i) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.

(ii) Height

(a) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.

(b) The height change referred to in subsection (ii)(a) may only occur one time for each communication tower.

(c) The additional height referred to in subsection (ii)(a) shall not require an additional distance separation as set forth in Section 8. The tower's pre-modification height shall be used to calculate such distance separations.

(iii) Onsite location

(a) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location.

(b) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to section 8(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 8(b)(5).

(d) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section 8(b)(5) shall only be permitted when approved by the Zoning Board of Appeals.

(3) New towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district other than industrial or heavy commercial, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Zoning Administrator concludes the tower is in conformity with the goals set forth in Section 3 and the requirements of this ordinance; the tower meets the setback requirements in Section 8(b)(4) and separation distances in Section 8(b)(5); and the tower meets the following height and usage criteria:

(a) for a single user, up to ninety (90) feet in height;

(b) for two users, up to one hundred twenty (120) feet in height; and

(c) for three or more users, up to one hundred fifty (150) feet in height.

(4) Locating any alternative tower structure in a zoning district other than industrial or heavy commercial that in the judgment of the Zoning Administrator is in conformity with the goals set forth in Section 3 of this ordinance.

(5) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

SECTION 8 Use After Special Approval.

a. General The following provisions shall govern the granting of a Use after Special Approval for towers or antennas by the Planning Commission:

(1) If the tower or antenna is not a permitted use under Section 6 of this ordinance or permitted to be approved administratively pursuant to Section 7 of

this ordinance, then a Use After Special Approval shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

(2) Applications for Use After Special Approval under this Section shall be subject to the procedures and requirements as determined by the Township Planning Commission, except as modified in this Section.

(3) In granting a Use After Special Approval, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

(4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

(5) An applicant for a Use After Special Approval shall submit the information described in this Section and a non-refundable fee as established by resolution of the Township Board to reimburse the Township for the costs of reviewing the application.

b. Towers

(1) Information required. In addition to any information required for applications for Use After Special Approval, (as outlined on the permit document), applicants for a Use After Special Approval for a tower shall submit the following information:

(a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of site and all properties within the applicable separation distances set forth in Section 8(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Planning Commission to be necessary to assess compliance with this section.

(b) Legal description of the parent tract and leased parcel (if applicable).

(c) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

(d) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 5(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(e) A landscape plan showing specific landscape materials.

- (f) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - (g) A description of compliance with Sections 5(c), (d), (e), (f), (g), (j), (l), and (m), 8(b)(4), 8(b)(5) and all applicable federal, state or local laws.
 - (h) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 - (l) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality. The backhaul provider must be the holder of a telephone franchise in Flushing Township.
 - (j) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - (k) A description of the feasible location(s) 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.
 - (l) A statement verifying a "safe fall" zone for the tower, antenna or pole, including any and all attachments, shall be certified and sealed by a licensed engineer or architect and furnished with the application. Manufacturer's specifications of a safe fall zone may be substituted. No building, sidewalk, parking lot or other area in which pedestrian or vehicular traffic is anticipated shall be permitted within the safe fall area.
 - (m) A statement verifying that the tower, antenna or pole, including any and all attachments, will withstand wind speeds of up to 100 m.p.h. with no ice and 74 m.p.h. with up to 1/2 inch radial ice, shall be certified and sealed by a licensed engineer or architect and furnished with the application. Manufacturer's specifications may be substituted.
 - (n) The system shall be certified by a licensed engineer to verify that the signal(s) being transmitted will not interfere with the ability of surrounding uses to receive signals from different radio, television, telephone or other electronic equipment.
- (2) Factors considered in granting a Use After Special Approval for Towers. In addition to any standards for consideration of Use After Special Approval applications, the Planning Commission shall consider the following factors in determining whether to grant a Use After Special Approval, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this section are better served thereby:

- (a) Height of the proposed tower;
- (b) Proximity of the tower to residential structures and residential district boundaries;
- (c) Nature of uses on adjacent and nearby properties;
- (d) Surrounding topography;
- (e) Surrounding tree coverage and foliage;
- (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (g) Proposed ingress and egress; and
- (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 8(b)(3) of this ordinance.

In the event that the application is denied, the reason for denial shall be set forth in writing

(3) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of 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 a proposed antenna. An applicant shall submit information requested by the Planning Commission related 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:

- (a) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (d) 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.
- (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower

or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(4) Setbacks. The following setback requirements shall apply to all towers for which a Use After Special Approval is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this section would be better served thereby:

(a) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

(b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(5) Separation. The following separation requirements shall apply to all towers and antennas for which a Use after Special Approval is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this section would be better served thereby.

(a) Separation from off-site uses/designated areas.

(i) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

(ii) Separation requirements for towers shall comply with the minimum standards established in Table 1.

however, that the Planning Commission may waive such requirements if the goals of this section would be better served thereby.

(a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

(b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

SECTION 9 Buildings or Other Equipment Storage.

a. Antennas Mounted on Structures or Rooftops The equipment cabinet or structure used in association with antennas shall comply with the following:

(1) The cabinet or structure shall not contain more than 312 square feet of gross floor area or be more than 9 feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 200

square feet of gross floor area, shall be located on the ground and shall not be located on the roof of the structure.

(2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 25 percent of the roof area.

(3) Equipment storage buildings or cabinets shall comply with all applicable building codes.

b. Antennas Mounted on Utility Poles or Light Poles The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

(1) In residential districts, the equipment cabinet or structure may be located:

(a) In a front or side yard provided the cabinet or structure is no greater than 9 feet in height or 312 square feet of gross floor area and the cabinet/structure is located a minimum of 25 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.

(b) In a rear yard, provided the cabinet or structure is no greater than 9 feet in height or 312 square feet in gross floor area. The cabinet/structure

shall be screened by an evergreen hedge with an ultimate height of six (6) feet and a planted height of at least 36 inches.

(2) In commercial or industrial districts the equipment cabinet or structure shall be no greater than 9 feet in height or 312 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 8 feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

c. Antennas Located on Towers The related unmanned equipment structure shall not contain more than 312 square feet of gross floor area or be more than 9 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

d. Modification of Building Size Requirements The requirements of Section 9(a) through (c) may be modified by the Zoning Administrator in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by special use to encourage collocation.

SECTION 10 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 the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety-(90) day shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

SECTION 11 Nonconforming Uses

a. Not Expansion of Nonconforming Use Towers that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

b. Preexisting towers Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this section.

c. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas Notwithstanding Section 10, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a Use After Special Approval and without having to meet the separation requirements specified in Sections 8(b)(4) and 8(b)(5). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building

codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 10.

SECTION 12	Zoning Districts	
Article VII	(Residential Suburban Agricultural)	RSA
Article VIII	(Residential Urban District)	RU-1
Article IX	(Residential Urban Medium Density District)	RU-2
Article X	(Residential Urban High Density)	RU-3
Article XI	(Residential Urban Mobile Home Park)	RU-4
Article XII	(Sports and Recreation District)	SR
Article XIII	(Local Commercial District)	C-1
Article XIV	(General Commercial District)	C-2
Article XV	(Commercial Shopping Center District)	C-3
Article XVI	(Light Manufacturing District)	M-1
Article XVII	(Heavy Manufacturing District)	M-2

Flushing Township Zoning Ordinance as amended, are amended to add the following sections and/or subsections:

- a. Section 20-704. Uses permitted by discretionary special use permit:
(32) Wireless Telecommunication Towers and antennas as provided in Ordinance 67-98.
- b. Section 20-804. Uses permitted by discretionary special use permit.
(30) Wireless Telecommunication Towers and antennas as provided in Ordinance 67-98.
- c. Section 20-904. Uses permitted by discretionary special use permit:
(16) Wireless Telecommunication Towers and antennas as provided in Ordinance 67-98.
- d. Section 20.1004. Uses permitted by discretionary special use permit:
(6) Wireless Telecommunication Towers and antennas as provided in Ordinance 67-98.
- a. Section 20.1103. Uses permitted by discretionary special use permit:
(3) Wireless Telecommunication Towers and antennas as provided in Ordinance 67-98.

SECTION 13 Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 14 Repealer

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ARTICLE XIX SITE PLAN

Sec. 20-1900 Site Plan Review Procedure - Intent

The site plan review procedures are instituted to provide an opportunity for the Township Planning Commission to review the proposed use of a site in relation to adjacent land uses, environmental factors, drainage, pedestrian and vehicular circulation, off-street parking, structural relationships, public services and facilities, landscaping, accessibility, and other site design elements which may have an adverse effect on the public health, safety, morals, and general welfare, as well as to provide for the interest of the property owner.

Sec. 20-1901 Developments Requiring Site Plan

Site plan review procedures shall apply to all proposed uses, except one- and two-family dwellings. Condominium projects, including those involving one- and two-family dwellings shall require site plan review. Site plan review for mobile home parks shall be in accordance with the standards promulgated by the Mobile Home Parks Commission.

Any commercial district that abuts a residential area may require additional set backs and buffers for the health safety and welfare of the residentially zoned area.

Sec. 20-1902 Site Plan Review Requirements

Before any building permit shall be issued, a site plan drawn to a scale of one (1) inch equals twenty (20) feet, and at least two (2) copies of this site plan shall be submitted to the township clerk. Such site plan shall contain the following information:

- (a) Statistical data including: number of dwelling units, size of dwelling units (e.g., one-bedroom, two-bedroom, and three-bedroom), if any, and total gross acreage involved. In all other cases, the location, type, horsepower, fuel, dimensions and other data of all machinery to be used on the proposed site.
- (b) The location of principal and accessory buildings on the lot and the relationship of each structure to the other.
- (c) Vehicular traffic and pedestrian circulation features within and without the site.
- (d) The location and dimensions of all off-street parking areas including maneuvering lanes, service lanes, off-street loading spaces and other service areas within the development.
- (e) The location, dimensions and proposed use of all on-site recreation areas, if any.
- (f) The location of all proposed landscaping, fences or walls.
- (g) The height and dimensions of all structures.

- (h) Front, rear and side elevations of any typical structure proposed for development.
- (i) The location and capacity of private or public water and sanitary services and solid waste disposal facilities servicing the site.
- (j) The locations, dimensions and lighting of all signs.
- (k) The location, intensity and orientation of all lighting.
- (l) A location map indicating the relationship of the site to the surrounding land use for an area of not less than one (1) square mile.
- (m) A physiographic map showing the natural topography, the soil types, and suitability for intended use, natural features such as wood lots, lakes, drains, streams, and ditches, and surface coverage data (such as paved areas and structures) related to storm water runoff characteristics.
- (n) The site plan shall be sealed by a professional engineer, architect, landscape architect or community planner.
- (o) Location and size of interior and exterior areas and structures to be used for storage use, loading/unloading, recycling, or disposal of hazardous substances.
- (p) Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.
- (q) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store to transport storm water or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.
- (r) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.
- (s) Submission of the "Hazardous Substances Reporting Form for Site Plan Review."
- (t) Submission of the "State/County Environmental Permits Checklist."
- (u) 100 year floodplain.
- (v) Topographic lines at 1' intervals.
- (w) Proposed and existing utilities including water, sewer, storm sewer and lighting.
- (x) Driveway location.

(y) Current zoning of parcel and if the proposed use is not permitted in the district the parcel is zoned, an indication as to the proposed zoning. (Amended by adoption July 25, 2002)

(z) Statement on the plan as to whether wetlands exist on the site. (Added by adoption July 25, 2002)

Sec. 20-1903 Site Plan Review Procedures

Amended by adoption July 25, 2002

The site plan review process is intended to allow the Township the opportunity to review a proposed development prior to its construction, to determine compliance with the requirements of this Ordinance.

(a) Step One – preliminary site plan review – The applicant shall submit a complete site plan to the Zoning Administrator at least fifteen (15) days prior to the Planning Commission meeting. The Zoning Administrator shall submit one copy to any Township or State official as determined by the Planning Commission. In those instances where the Zoning Administrator or Planning Commission determines it necessary, the Township will submit a site plan for review by professional consultants. The applicant shall be responsible for reimbursing the Township for the cost of this review. Fees charged to the applicant must be paid prior to the issuance of a building permit for the site. The Planning Commission shall review the site plan to determine whether all required information is included, as well as identify any issues or concerns associated with the preliminary site plan. The Planning Commission shall then direct the applicant to submit a site plan which considers the Planning Commission preliminary review comments for final review.

(b) Step Two – final site plan review

(1) The Planning Commission shall review the site plan to determine its compliance with the requirements of this Ordinance, any conditions attached during preliminary review and proof of approval from all county, state and federal departments or agencies. Following their review of the site plan, the Planning Commission shall do one of the the following:

- (a) Approve the site plan.
- (b) Approve the site plan with conditions.
- (c) Postpone the decision on the site plan pending required additional information.
- (d) Deny the site plan.

(2) Record of review – A record of the decision shall be filed with the Township Clerk, including:

- (a) A copy of the submitted site plan, signed by both the applicant and the Zoning Administrator.
- (b) A copy of any meeting minutes related to the site plan.
- (c) A copy of any other relevant records related to the site plan.

(c) Construction observation – During the installation of all public utilities and township approved private infrastructure such as private roads and retention/detention basins, construction observation services will be provided by the Township Engineer or other appropriate owners representative such as the Genesee County Road Commission or Water and Waste Services. All costs will be paid by the applicant. The improvements that are to have construction observation services provided will be identified during final site plan approval.

(d) As-Builts – As-built drawings shall be provided to the township of all improvements requiring construction observation, unless determined unnecessary by the Planning Commission. A Certificate of Occupancy shall not be issued on a development until as-builts have been provided as required.

(e) Any disapproval of a site plan by the Planning Commission may be appealed to the Township Board of Zoning Appeals under provisions of Section 20-2209.

Sec. 20-1903 Approval

Site plans that contain the information required by the foregoing subsections and are in compliance with the ordinance standards and with modifications imposed by the Planning Commission as well as other applicable ordinances and state and federal statutes and agencies shall be approved. Site plans designed or constructed in non-compliance with requirements of other local, county, state or federal agencies are a violation of the approved site plan and the Township reserves the right to take enforcement action where such action is not preempted by state or federal law. Mobile home site plans meeting the criteria in Section 20-40 and the requirements of the Michigan Mobile Home Commission shall be approved.

Sec. 20-1904 Conditions

The modifications imposed by the commission may include those conditions necessary to ensure the public services and facilities affected by a proposed planned use or activity will be capable of accommodating increased service and facility loads used by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. The Planning Commission shall not have the authority to impose conditions upon mobile home park plans. These modifications and conditions imposed shall meet all of the following requirements:

- (a) Be designed to protect the natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (c) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Sec. 20-1905 Performance Guarantee

To ensure compliance with this zoning ordinance and any conditions imposed thereunder, the commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township, covering the estimated costs of improvements associated with the project for which site plan approval is sought be deposited with the clerk of the township to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. When a performance guarantee of this kind is required, the Planning Commission shall at the time of the imposition of this condition, establish procedures whereby a rebate of any portion of the deposit is made in reasonable proportion to the ratio of work completed on the required improvements as work progresses. The Planning Commission shall not require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond as part of the review of a mobile home park site plan.

Sec. 20-1906 Approval

The site plan contains information required by the foregoing subsection is in compliance with the ordinance standards and complies with the modifications imposed by the commission, as well as other applicable ordinances, and state and federal statutes, shall be approved. Mobile home park site plans meeting the criteria in Section 20-40 and the requirements of the Michigan Mobile Home Parks Commission shall be approved.

Sec. 20-1907 Standards for Approval

All site plan reviews shall use the following set of standards to judge whether the plan should be approved or denied.

(a) Off Site Improvements. No off site improvements can be required as a condition for site approval, unless the applicant has volunteered to construct such improvements as documented by their site plan drawing. However, if the lack of such off site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

(b) District Regulations The project must comply with the applicable district regulation regarding use, dimensions, off street parking and any other aspects of development.

(c) Special Use Standards If the site plan review is being conducted for a proposed Special Land Use Permit, any Special Use Standards relating to the use must also be satisfied.

(d) Transportation Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to roads rights of way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. When the adequacy of public road service to the parcel is questioned, the input of the Genesee County Road Commission shall be

sought. All parking areas shall be adequately screened to minimize headlight glare from shining onto adjacent property.

(e) Utilities Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use or sufficient provisions shall be made to provide these services on site. Private utility services, including electricity, telephone and natural gas, must be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.

(f) Fire Protection The proposed project must comply with applicable fire safety regulations. Also, current fire department personnel and equipment must be sufficient to serve the project or sufficient provisions shall be made to provide these services. Finally, location number and capacity of fire hydrants, if applicable, must be adequate to serve fire suppression needs.

(g) Environment Natural features of the landscape should be retained whenever practicable to serve as a buffer between the project and adjoining properties or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site will be developed with the goal of controlling any negative impacts the project might have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources, Genesee County Health Department or other agencies. In addition:

- (1) Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers or wetlands.
- (2) Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- (3) General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
- (4) State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

(h) Consistency With Ordinance Intent. The site plan should be generally consistent with the purpose and objectives of this ordinance and with the purpose of the Zoning District in which the subject parcel is located.