

## ARTICLE I

### ENACTING CLAUSE, TITLE, AND PURPOSES

#### SECTION 1.1 - ENACTING CLAUSE

An Ordinance adopted under authority of, and in accordance with the provisions of the Township Rural Zoning Act No. 184 of the 1943 Public Acts of Michigan, as amended, to establish comprehensive zoning regulations of Liberty Township, Jackson County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

#### SECTION 1.2 - TITLE

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

#### SECTION 1.3 - PURPOSES

This Ordinance has been established for the purpose of:

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

## ARTICLE II

### GENERAL PROVISIONS

#### SECTION 2.1 - SCOPE

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

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days of such effective date and be subject thereafter to the provisions of Section 5.7 of this Ordinance.

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

#### SECTION 2.2 - DEFINITIONS

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

##### 2.2.1 Accessory Structure, Building, or Use:

A detached structure, building, or use on the same lot with, and of a nature customarily incidental and subordinate to the principal structure, building, or use.

##### 2.2.2 Alley:

A public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to abutting property.

##### 2.2.3 Alter:

Any structural change in the supporting or load bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.

##### 2.2.4 Apartment:

A dwelling unit in an apartment house arranged, designed, or occupied as a residence by a single family, individual, or group of individuals.

##### 2.2.5 Automobile Service Station:

Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair, or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.

2.2.6 Automobile Wrecking:

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts.

2.2.7 Basement:

A story of a building having more than one-half (1/2) its height below grade.

2.2.8 Boarding House or Rooming House:

A dwelling where meals and/or lodging are provided for compensation to persons by pre-arrangement for definite periods of time.

2.2.9 Building:

An enclosed structure having a roof supported by columns, walls, or other devices and used for the housing, shelter, or enclosure of persons, animals, or chattels.

2.2.10 Building Height:

The vertical distance measured from average grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip, or gambrel roofs.

2.2.11 Building Setback Line:

A line parallel to or concentric with property lines delineating the minimum allowable distance between the street right-of-way and the front of any building.

2.2.12 Central Sanitary Sewerage System:

Any person, firm corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant, but not including septic tanks.

2.2.13 Central Water System:

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a central water system from a central location or plant.

2.2.14 District:

A portion of the Township of Liberty within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

2.2.15 Drive-In Establishment:

A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons

while in the motor vehicles as well as within the building.

2.2.16 Dwelling Unit:

One (1) or more rooms with independent cooking facilities designed as a unit for residence by only one (1) family.

2.2.17 Dwelling - Single Family:

A building containing not more than one (1) dwelling unit designed for residential use, complying with the following standards:

- a. It shall have a minimum "Main Floor" area of not less than 750 square feet and shall be no less than 20 feet wide across the primary structure.
- b. The dwelling shall have 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 manufactured home, such dwelling shall also be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system and shall have a wall of the same perimeter dimensions of the dwelling and constructed with similar materials and which are similar in appearance and quality of workmanship as the original structure.
- c. It does not have exposed wheels, towing mechanism, undercarriage or chassis.
- d. The dwelling shall contain storage area either in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure being of standard construction similar to or of better quality than the principle dwelling, such storage shall be in addition to the space for the storage of automobile and shall be equal to not less than fifteen (15%) percent of the minimum square footage requirement of this ordinance for the zone in which the dwelling is located. In no case, however, shall more than two hundred (200) square feet of storage area be required by this provision.
- e. The dwelling shall contain no additions of rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.
- f. The dwelling shall comply with all pertinent building and fire codes.
- g. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by the state or Federal Law or otherwise specifically required in the ordinance of Liberty Township pertaining to such parks.

2.2.18 Dwelling - Two-Family:

A detached building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

2.2.19 Dwelling - Multiple-Family:

A building designed for or occupied by three (3) or more families living independently of each

other with separate housekeeping and cooking facilities for each.

2.2.20 Easement:

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than twenty (20) feet.

2.2.21 Essential Services:

The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions or boards, of underground or overhead gas, electric, steam or water transmission or distributing systems; collection, communication, supply or disposal systems; dams, weirs, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants; and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

2.2.22 Family:

A single individual doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body or persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

2.2.23 Home Occupation/Home Business:

Home Occupation:

An incidental and secondary use of a dwelling unit for business purposes. It is a permitted use in the agricultural and residential zoning districts when it meets the following standards:

- a. Home occupations shall be conducted solely by persons residing at the residence.
- b. All business activity and storage must take place within the interior of the dwelling or accessory building.
- c. No alteration to the exterior of the residential dwelling, accessory buildings or yard that alters the residential character of the premises is permissible.
- d. The home occupation shall not generate a volume or character of pedestrian or vehicular traffic beyond that normally generated by homes in the residential or agricultural neighborhood.
- e. Only a personal driveway may be used and there shall be no parking lots.
- f. No vehicles used in the conduct of the occupation may be parked, or otherwise kept at the premises, other than as are normal for use for domestic or household purposes.
- g. A sign announcing a home occupation shall be permitted as follows:
  1. In the Agricultural zoning district, a home occupation shall be permitted one (1) sign with a maximum area of three (3) square feet.
  2. In any residential zoning district, a home occupation shall be permitted one (1)

sign with a maximum area of three (3) square feet. Further, the sign shall be positioned flat against the front of the building.

- h. No article shall be sold or displayed anywhere on the premises except that which is prepared or produced by the home occupation.
- i. No equipment or process shall be used in a home occupation which generates noise, vibration, glare, fumes, odor or electrical interferences that are nuisances to persons off the premises. Any electrical equipment processes that create visual or audible interference with radio or television receivers off the premises or that cause fluctuations in line voltages off the premises shall be prohibited.
- j. Hazard of fire, explosion, radioactivity, or chemical contamination shall not exist at any time as a result of a home occupation. Annual certification of compliance with this provision by the Township's Fire Chief may be required.
- k. The conduct of the home occupation shall not violate any of the township's ordinances concerning nuisance, fire or health, or any other township, county, state or other applicable laws or regulations.

Examples of Home Occupations: This list is not intended to limit the kinds of home occupations that can comply with the conditions of this section.

- (1) Dressmaking.
- (2) Handicrafts.
- (3) Typing, secretarial services.
- (4) Tutoring, limited to six (6) students.
- (5) Office facility of a sales representative provided that no transactions are made in person on the premises.

Home Business:

An incidental and secondary use of a residential property for business purposes. It is a conditional use in the AG and R districts and, in addition to the requirements of Section 5.5, a home business must meet the following standards:

- a. A home business shall be permitted only in a single family dwelling unit or in an accessory structure.
- b. Home businesses shall be conducted solely by persons residing at the residence and/or with the assistance of one person who does not reside on the premises.
- c. There shall be no change in the exterior appearance of the structure or premises to accommodate the home business, or other outdoor visible evidence of conduct of the home business, and there shall be no external or internal alterations not customary in residential areas.
- d. No article shall be sold or displayed anywhere on the premises except that which is prepared or produced by the home business.
- e. No exterior storage associated with or resulting from a home business shall be permitted.
- f. No equipment or process shall be used in a home business which generates noise, vibration, glare, fumes, odor or electrical interferences that are nuisances to persons off the premises. Any electrical equipment processes that create visual or audible interference with radio or television receivers off the premises or that cause fluctuations

in line voltages off the premises shall be prohibited.

- g. Hazard of fire, explosion, radioactivity, or chemical contamination shall not exist at any time as a result of a home business. Annual certification of compliance with this provision by the Township's Fire Chief may be required.
- h. The conduct of a home business shall not violate any of the township's ordinances concerning nuisance, fire or health, or any other township, county, state other applicable laws or regulations.
- 1. A sign announcing a home occupation shall be permitted as follows:
  - 1. In the Agricultural zoning district, a home occupation shall be permitted one (1) sign with a maximum area of three (3) square feet.
  - 2. In any residential zoning district, a home occupation shall be permitted one (1) sign with a maximum area of three (3) square feet. Further, the sign shall be positioned flat against the front of the building.

2.2.24 Hotel:

A building containing guest rooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guest room.

2.2.25 Junk Yard:

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

2.2.26 Kennel:

Any lot or premises on which three (3) or more dogs, four (4) months old or more are confined either permanently or temporarily.

2.2.27 Lot:

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

2.2.28 Lot Area:

The area within the lot lines, but excluding that portion in a road or street right-of-way.

2.2.29 Lot Corner:

A parcel of land at the junction of and fronting or abutting on two (2) or more intersecting streets.

2.2.30 Lot Depth:

The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

2.2.31 Lot Coverage:

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

2.2.32 Lot of Record:

A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Jackson County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

2.2.33 Lot Through (Double Frontage):

An interior lot having frontage on two (2) parallel or approximately parallel streets.

2.2.34 Lot Width:

The width of the lot measured at both the center line of the existing road and the required front yard setback line.

2.2.35 Mobile Home:

A detached portable residential dwelling unit, prefabricated on its own chassis. It shall have a minimum width across every section of fourteen (14) feet. The unit shall contain sleeping accommodations, a flush toilet, tub or shower, and eating and living quarters. It is designed to be transported on its own wheels or on a flatbed arriving at the site where it is to be occupied as a complete dwelling and shall be connected to existing utilities. A travel trailer is not to be considered a mobile home. This definition shall not in any way amend, abrogate or supersede any of the requirements for a single-family dwelling,

including but not limited to the minimum square feet and minimum width requirements of Section 2.2.17.

2.2.36 Mobile Home Park:

A tract of land prepared and approved according to the procedures in this Ordinance to accommodate mobile homes on rented or leased lots.

2.2.37 Mobile Home Subdivision:

A legally platted residential subdivision accommodating mobile homes.

2.2.38 Motel:

Any establishment in which individual cabins, courts, or similar structures or units are let or rented to transients for periods of less than thirty (30) days. The term "motel" shall include tourist cabins and motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel, or mobile home park.

2.2.39 Off-Street Parking:

A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

2.2.40 Parking Space, Area, Lot:

An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.

2.2.41 Quarry:

Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of fifty (50) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure or public highway.

2.2.42 Riding Academy:

Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

2.2.43 Roadside Stand:

A structure temporarily operated for the purpose of selling produce raised or produced primarily on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

2.2.44 Sign:

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

- a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- b. Flags and insignias of any government, except when displayed in connection with commercial promotion;
- c. Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- e. Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.

2.2.45 Sign Area:

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.

2.2.46 Sign, On-Site:

A sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

2.2.47 Site Plan Review:

A review by the Zoning Board and the Township Board of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

2.2.48 Story:

That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

2.2.49 Street:

A public or private thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width.

2.2.50 Structure:

Anything constructed, erected or placed with a fixed location on the surface of the ground.

2.2.51 Travel Trailer:

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

2.2.52 Yard, Front:

An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.

2.2.53 Yard, Rear:

An open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.

2.2.54 Yard, Side:

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

2.2.58 Feedlots:

A concentrated confined animal or poultry operation designed where in the animals or poultry are fed at the place of confinement and crop or forage production is not sustained in the area of confinement and requires a permit from the MICHIGAN DEPARTMENT OF NATURAL RESOURCES.

2.2.59 Family Day Care Home:

A private home in which one but less than seven (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. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

2.2.60 Group Day Care Home:

A private home in which more than six (6) but not more than twelve (12) 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. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

2.2.61 Communications Tower:

A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

2.2.62 Ordinary High Water Mark:

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation

SECTION 2.3 - UNDEFINED TERMS

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

SECTION 2.4 - APPLICATION OF REGULATIONS

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

## ARTICLE III

### ESTABLISHMENT OF ZONING DISTRICTS

#### SECTION 3.1 - ESTABLISHMENT OF ZONING DISTRICTS

Liberty Township is hereby divided into the following zoning districts:

AG-1	Agricultural District
RNF-1	Rural Non-Farm Residential District
RL-1	Lake Residential District
RS-1	Suburban Residential District
RM-1	Multiple-Family Residential District
C-1	Commercial District
I-1	Light Industrial District

#### SECTION 3.2 - OFFICIAL ZONING MAP

The zoning districts as provided in Section 3.1 of this Ordinance are bounded and defined on a map entitled, "Official Zoning Map, Liberty Township, Jackson County, Michigan", dated April 5, 1972, as amended which map, with all explanatory matter thereon, is hereby adopted as a part of this Ordinance.

##### 3.2.1 Identification of Official Zoning Map:

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

#### SECTION 3.3 - INTERPRETATION OF DISTRICT BOUNDARIES

Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroad rights-of-way lines, section lines, one-quarter (1/4) section lines, one-eighth (1/8) section lines, or a corporate limit line, all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map.

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

## ARTICLE IV

### ZONING DISTRICTS REGULATIONS

The intent, permitted uses, conditional uses, height, area, and density regulations of each district are set forth in this section.

#### SECTION 4.1 - OPEN DISTRICTS

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

##### 4.1.1 Agricultural District (AG-1):

The intent of this district is to set aside land suitable for agricultural development and agricultural related uses.

##### a. Permitted Uses:

1. General and specialized farming and agricultural activities except commercial feedlots, but including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, fur-bearing animals, and other farm animals, and plants, trees, shrubs, and nursery stock.
2. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.
3. Single-family detached dwellings.
4. Home occupations as defined in Section 2.2.23.
5. Kennels.
6. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
7. On-site signs only in accordance with the regulations specified in Article V, Section 5.2.2.
8. Essential services and structures of a non-industrial character, but not including maintenance depots and warehouses, only in accordance with the regulations specified in Article V, Section 5.17.
9. Accessory uses or structures.
10. Family Day-Care Home licensed or registered under Act 116 of the Public Acts of 1973.

##### b. Conditional Uses, subject to the provisions of Section 5.5 (as amended 2/13/80).

1. Quarries.

Golf courses.

3. Group or organized camps, camping grounds, and general or specialized resorts.
4. Airports.
5. Public and private nurseries, primary or secondary non-profit schools, and colleges and universities.
6. Convalescent homes, nursing homes, hospitals, sanitariums, and orphanages.
7. Riding academies and stables.
8. Churches and other buildings for religious worship.
9. Cemeteries.
10. Golf driving ranges.
11. Travel trailer parks.
12. Feedlots as under regulations of P.A. 152 (see Section 5.5.10).
13. Animal hospitals.
14. Sanitary landfills as defined by state statutes.
15. Transfer stations.
16. Towers or other structures of any type in excess of 100'.
17. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
18. Group Day-Care Home licensed or registered under Act 116 of the Public Acts of 1973 and subject to the provisions of Section 5.21.

Communication towers as regulated in Section 5.5.10 (h).

Home businesses as defined in Section 2.2.23.

c. Area, Yard, Height, and Bulk Requirements:

See Section 4.5.

## SECTION 4.2 - RESIDENTIAL DISTRICTS

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

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

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

##### a. Permitted Uses:

1. Single-family detached dwellings.
2. Home occupations as defined in Section 2.2.23.
3. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
4. Essential services, only in accordance with the regulations specified in Article V, Section 5.17.
5. Accessory uses or structures.
6. Family Day-Care Home licensed or registered under Act 116 of the Public Acts of 1973.

##### b. Conditional Uses, subject to the provisions of Section 5.5 (as amended 2/13/80).

1. Planned-unit residential developments.
2. Golf courses, but not including golf driving ranges.
3. Country clubs; public swimming pools; recreation centers; and parks, playgrounds, and playfields.
4. Churches and other buildings for religious worship.
5. Public and private nursery; primary and secondary non-profit schools.
6. Essential service structures of a non— industrial character, but not including maintenance depots or warehouses.
7. Government- or community-owned buildings.
8. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
9. Group Day-Care Home licensed or registered under Act 116 of the Public Acts of 1973 and subject to the provisions of Section 5.21.

Home businesses as defined in Section 2.2.23.

##### c. Area, Yard, Height, and Bulk Requirements:

See Section 4.5.

#### 4.2.2 Lake Residential District (RL-1):

This district is designed to preserve and enhance areas which are suitable for lake front residential development, principally single-family dwellings at moderate densities, with consideration to protecting the lake waters from potential pollutants.

##### a. Permitted Uses:

1. Single-family detached dwellings.
2. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
3. Essential services, only in accordance with the regulations specified in Article V, Section 5.17.
4. Accessory uses or structures.
5. Home occupations as defined in Section 2.2.23.
6. Family Day-Care Home licensed or registered under Act 116 of the Public Acts of 1973.

##### b. Conditional Uses, subject to the provisions of Section 5.5 (as amended 2/13/80).

1. Planned-unit residential developments.

Parks and playgrounds.

3. Churches and other buildings for religious worship.
4. Essential service structures of a non— industrial character, but not including maintenance depots or warehouses.
5. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
6. Group Day-Care Home licensed or registered under Act 116 of the Public Acts of 1973 and subject to the provisions of Section 5.21.

Home businesses as defined in Section 2.2.23.

##### c. Area, Yard, Height, and Bulk Regulations:

See Section 4.5.

#### 4.2.3 Suburban Residential District (RS-1):

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

a. Permitted Uses:

1. Single-family detached dwellings.
2. Home occupations as defined in Section 2.2.23.
3. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
4. Essential services, only in accordance with the regulations specified in Article V, Section 5.17.
5. Accessory uses or structures.
6. Family Day-Care Home licensed or registered under Act 116 of the Public Acts of 1973.

b. Conditional Uses, subject to the provisions of Section 5.5. (as amended 2/13/80).

1. Planned-unit residential developments.
2. Country clubs, recreation centers, public swimming pools, parks, playgrounds, and playfields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary non-profit schools.
5. Essential service structures of a non— industrial character, but not including maintenance depots or warehouses.
6. Government- or community-owned buildings.
7. Golf courses, but not including golf driving ranges.
8. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
9. Group Day-Care Home licensed or registered under Act 116 of the Public Acts of 1973 and subject to the provisions of Section 5.21.

Home businesses as defined in Section 2.2.23.

c. Area, Yard, Height, and Bulk Requirements:

See Section 4.5.

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

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

a. Permitted Uses:

1. Multiple-family dwellings.
2. Two-family dwellings.
3. On-site signs, only in accordance with the regulations specified in Article V, Section 5.2.3.
4. Essential services, only in accordance with the regulations specified in Article V, Section 5.17.
5. Accessory uses or structures.
6. Rooming houses and boarding houses.
7. Home occupations as defined in Section 2.2.23.
8. Family Day-Care Home licensed or registered under Act 116 of the Public Acts of 1973.

b. Conditional Uses, subject to the provisions of Section 5.5. (as amended 2/13/80).

1. Planned-unit residential developments.
2. Public swimming pools, recreation centers, parks, playgrounds, and playfields.
3. Churches and other buildings for religious worship.
4. Public and private nurseries, primary and secondary non-profit schools, and colleges and universities.
5. Medical and dental clinics.
6. Hospitals, convalescent or nursing homes, sanitariums, and orphanages.
7. Essential service structures of a non— industrial character, but not including maintenance depots or warehouses.
8. Mobile home parks and subdivisions.

Offices.

10. Government- or community-owned buildings.
11. Funeral establishments.
12. Single-family dwellings.
13. Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar

in nature as other uses in the district and consistent with the general intent of the district.

14. Group Day-Care Home licensed or registered under Act 116 of the Public Acts of 1973 and subject to the provisions of Section 5.21.

Home businesses as defined in Section 2.2.23.

- c. Area, Yard, Height, and Bulk Requirements:

See Section 4.5.

## SECTION 4.3 - COMMERCIAL DISTRICT

### 4.3.1 Commercial District (C-1)

The Commercial District is designed to allow limited commercial enterprises at appropriate locations to encourage efficient traffic movement, parking, and utility service; advance public safety; and protect surrounding property. The commercial district is intended to regulate the location of commercial uses according to a well-considered zoning plan which determined the appropriate location and intensity of commercial uses with consideration given to the capability of public infrastructure; potential nuisances and hazards which may cause unsafe conditions; and the relationship of commercial uses to each other and to other areas devoted to agricultural, residential, or industrial use and to streets and highways.

The Commercial District is intended to allow local commercial uses as permitted uses and general commercial uses as conditional uses. Local commercial uses provide convenient goods and personal services that meet the regular and recurring needs of the neighborhood resident population. General commercial uses provide convenience and comparison goods and personal and professional services for the entire area.

#### a. Permitted Uses:

1. Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service laundromats; and sale and repair shops for watches, shoes, radios, and televisions.
2. Business services including banks, loan offices, real estate offices, and insurance offices.
3. Offices of an executive, administrative, or professional nature.
4. Retail sale of foods, drugs, hardware, notions, books, and similar convenience goods.
5. Churches and other buildings of religious worship; museums.
6. Government- or community-owned buildings, but not including schools.
7. Eating and drinking establishments, but not including drive-in types.
8. Business schools including dance schools, music schools, and art schools.
9. Indoor retail sales establishments.
10. Funeral homes.
11. Printing establishments.
12. On-site signs, only in accordance with the regulations as specified in Article V, Section 5.2.4.
13. Essential services and structures of a non-industrial character.
14. Accessory use or structures.

#### b. Conditional Uses, subject to the provisions of Section 5.5 (as amended 2/13/80).

1. Clubs and fraternal lodges.

2. Hotels or motels.
3. Small animal clinics.
4. Eating and drinking establishments, including drive-in types.
5. Sales, rental, and service of motor vehicles, trailers, and boats.
6. Drive-in and drive-through retail and service establishments, including drive-in theaters.
7. Indoor and outdoor commercial amusement.
8. Automobile repair garages.
9. Indoor commercial amusement and recreation services including theaters, bowling alleys, and roller and ice skating rinks.
10. Automobile service stations.
11. Communication towers as regulated in Section 5.5.10 (h).

Uses not specifically authorized as permitted uses or conditional uses in this district, but which are similar in nature to specified permitted or conditional uses, may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.

c. Area, Yard, Height, and Bulk Requirements:

See Section 4.5.

#### SECTION 4.4 - INDUSTRIAL DISTRICT

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

##### 4.4.1 Light Industrial District (I-1):

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

a. Permitted Uses:

1. Wholesale merchandising or storage warehouses.
2. Vehicle repair garages, but not including auto junk yards.
3. Trucking terminals.
4. Farm machinery and equipment sales and repair.
5. Contractor's yard.
6. Lumber yard.
7. Industrial office buildings.
8. General service and repair establishments including dyeing, cleaning, or laundry works and upholstery or appliance repair.
9. Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment.
10. Skilled trade services including plumbing, electric, heating, printing, and painting establishments.
11. Research and testing laboratories.
12. Essential services and structures.
13. On-site and off-site signs only in accordance with the regulations as specified in Article V, Section 5.2.5. and 5.2.6.

b. Conditional Uses, subject to the provisions of Section 5.5. (as amended 2/13/80).

1. Generally including those light manufacturing uses similar to the permitted uses in this district which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.

Communication towers as regulated in Section 5.5.10 (h).

c. Area, Yard, Height, and Bulk Requirements:

See Section 4.5.

**SECTION 4.5 - DISTRICT AREA, YARD, HEIGHT, AND BULK REGULATIONS**

Zoning District	Zoning Symbol	Lot Requirements			Minimum Yard Requirements			Maximum Building Height Requirements		Minimum Transition Strip Requirements	Comment	
		Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front	Side	Rear	Principal	Accessory			
Agricultural District	AG-1	1 acre	200'	10%	60'	30'	50'	2 1/2 story or 35'	80'	n/a	Single-family detached dwelling units.	
		2 acres				60**					All other uses.	
Rural Non-Farm Residential District	RNF-1	3/4 acre	150'	20%	35'	20'	35'	2 1/2 story or 35'	25'	n/a	Single-family detached dwelling units.	
		1 acre				35**					All other uses.	
Lake Residential District	RL-1	10,000 sq'	80'	30%	35'	25'	50***	2 1/2 story or 35'	25'	n/a	Single-family detached dwelling units with sewerage and water systems.	
		15,000 sq'	120'			10'					25' total	Single-family detached dwelling units without central sewerage and water systems.
		1 acre	120'			35' *					All other uses.	
Suburban Residential District	RS-1	10,000 sq'	100'	30%	35'	10'	20'	2 1/2 stories or 35'	25'	n/a	Single-family detached dwelling units with sewerage and water systems.	
		15,000 sq'	120'			25' total					35' *	Single-family detached dwelling units without central sewerage and water systems.
		1 acre	120'			All other uses.						
Multi-Family Residential District	RM-1	10,000 sq'	80'	25%	25'	10'	25'	2 1/2 stories or 35'	25'	n/a	Two-family dwelling units w/central sewerage and water systems.	
		15,000 sq'	120'			or					Two-family dwelling units without central sewerage and water systems.	
		15,000 sq'	120'			35' *					15,000 sq' for first 3 dwelling units plus 2,000 sq' for each additional dwelling unit.	

		1/2 acre	120'								All other uses.
Commercial District	C-1	15,000 sq'	100'	25%	35'	20'	35'	35'	35'	15' wide and fence, wall, or hedge 4'-6' high if abutting a residential district. 20' wide landscaped strip if fronting a public street.	n/a
Light Industrial District	I-1	20,000 sq'	80'	25%	35'	20' 35' *	35'	35'	n/a	25' wide and fence greater than 4' but less than 8' high if abutting a residential or commercial district. 20' wide landscaped strip if fronting a public street.	n/a

n/a - not applicable

\* Corner lot    \*\* Abutting a water body

#### 4.5.1 Compliance with Regulations:

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

#### 4.5.2 Yard Measurements:

- a. Lots which abut on more than one (1) street shall provide the required front yards along every street.
- b. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structure wall.

#### 4.5.3 Lot Width:

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80%) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80%) percent requirements shall not apply.

#### 4.5.4 Height Exceptions:

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

##### a. Height Limitations:

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

##### b. Increased Height:

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

#### 4.5.5 Accessory Structures:

- a. No detached accessory building or structure shall be located closer than ten (10) feet to any other building or structure.
- b. All detached accessory structures in any residential district shall be subject to the same dimensional requirements affecting the principal structure, except, than five (5) feet from any rear lot line or the rear yard portion of any side lot line; and shall not exceed twelve (12) feet in height.
- c. All accessory structures in non-residential districts shall be subject to the same standards and requirements as are required for all principal structures within such districts.
- d. All detached accessory structures in an agricultural district, ten (10) acres or less, shall be subject to the same dimensional requirements affecting the principal structure, except, than twenty (20) feet from any side lot line, and thirty-five (35) feet from any rear lot line or the rear yard portion of any side lot line.

4.5.6 Distance Between Grouped Buildings:

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

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

4.5.7 Lot-Building Relationship:

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

In the Agricultural District, no more than one (1) residential structure and its permitted accessory structures shall be permitted on a lot of record, except for the following: In an Agriculture District, one additional residence will be permitted for a working farm consisting of 80 acres or more actively farmed and resided on by the owner and a gross income of \$200.00 per acre, per year, and the eligibility for this provision shall be determined by the Township Zoning Administrator.

ARTICLE V

SUPPLEMENTAL REGULATIONS

SECTION 5.1 - PURPOSE

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

SECTION 5.2 - SIGN REGULATIONS

5.2.1 General Sign Regulations:

- a. No sign shall be erected at any location, whereby reason of the position, size, shape, color, movement, or illumination, may interfere with or obstruct the view of traffic, nor shall any sign be confused with any authorized traffic sign, signal, or device.
- b. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.
- c. In the Agricultural District and all residential districts, signs may be illuminated only by non-flashing, reflected light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets. All signs shall be placed no closer to the street right-of-way line than one-half (1/2) the minimum authorized front yard depth.
- d. In the Commercial District, all signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and streets. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- e. Unless otherwise specifically stated, all signs shall conform to the yard and height requirements of the district in which said sign is located.
- f. Signs on commercially-zoned property located on US-127 may be placed up to ten (10) feet from the front property line and shall conform to all other provisions of the District.

### 5.2.2 Permitted On-Site Signs in the Agricultural District:

The following on-site signs are permitted on any one (1) lot in the Agricultural District:

- a. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building, not exceeding six (6) square feet in area.
- b. One (1) on-site sign announcing a home occupation not to exceed three (3) square feet in area.
- c. One (1) on-site sign identifying a park, school building, or other authorized use not to exceed eighteen (18) square feet in area.
- d. One (1) on-site sign advertising the type of farm products grown on the farmstead not to exceed twelve (12) square feet in area.

### 5.2.3 Permitted On-Site Signs in Residential Districts:

The following on-site signs are permitted on any one (1) lot in residential districts:

- a. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.
- b. One (1) on-site sign announcing a home occupation, boarding home, or professional service, not to exceed three (3) square feet in area and it shall be attached flat against the front wall of the building.
- c. One (1) on-site sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area. Such sign shall be removed within one (1) year after the sale of ninety (90%) percent of all lots or units within said subdivision or development.
- d. One (1) on-site sign not having commercial connotations identifying a multiple-family building or development or mobile home park, to exceed eighteen (18) square feet in area.
- e. One (1) on-site sign identifying a school, church, public building, or other authorized use, not to exceed eighteen (18) square feet in area.

### 5.2.4. Permitted On-Site Signs for commercially-zoned lots without frontage on US-127:

The following on-site signs are permitted on any one (1) lot in the Commercial Zoning District:

- a. One (1) on-site identification sign may be affixed flat against the wall of a building. The total sign area shall not exceed one-quarter (1/4) square foot for each foot in length or height of the wall, whichever is greater. No such sign shall extend above the wall to which it is affixed.
- b. One (1) on-site free-standing identification sign may be erected for a neighborhood shopping center. Such sign shall not exceed twenty-four (24) square feet in area, nor be closer to the front, side, or rear property line than one-half (1/2) the distance of the required setback.
- c. One (1) on-site free-standing identification sign may be erected for each separate enterprise situated on an individual lot not within a shopping center. Such sign shall not

exceed eighteen (18) square feet in area, nor be closer to the front, side, or rear property line than one-half (1/2) the distance of the required setback.

5.2.5 Permitted On-Site Signs for commercially-zoned properties with frontage on US-127, and all Industrial Districts:

The following on-site signs are permitted on any one (1) commercially-zoned lot with frontage on US-127, and all Industrial Districts:

- a. One (1) on-site sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches. The total sign area shall not exceed one-half (1/2) square foot for each foot in length or height of the wall, whichever is greater.
- b. One (1) on-site free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side, or rear property line, than one-half (1/2) the distance of the required building setback.
- c. One (1) on-site free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed eighty (80) square feet in area, nor be closer to the front, side, or rear property line, than one-half (1/2) the distance of the required building setback.

5.2.6 Off-Site Signs:

Off-site signs, signs advertising a product for sale or a service to be rendered at a location other than the premises, shall be permitted on any commercially-zoned property with frontage on US-127, and all Industrial Districts under the following conditions:

- a. Off-site signs are required to conform to yard and height requirements as other principal structures or buildings in the zone in which they are situated.
- b. Where two (2) or more off-site signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.
- c. The total surface area, facing in the same direction of any off-site sign, shall not exceed three hundred (300) square feet in area.
- d. No off-site sign shall be erected on the roof of any building, nor have one (1) sign above another sign.
- e. Off-site signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.

5.2.7 Signs for Automobile Service Stations:

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way to a height of sixteen (16) feet other than

necessary supports, and not exceeding twenty-five (25) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

5.2.8 Elimination of Nonconforming Signs:

Nonconforming signs shall be eliminated or made to conform by the owner within five (5) years after the date of the enactment of this Ordinance.

SECTION 5.3 - OFF-STREET PARKING REQUIREMENTS

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

#### 5.3.1 Plans:

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

#### 5.3.2 Location of Off-Street Parking Areas:

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

#### 5.3.3 Parking in Residential Districts:

Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed three-fourths (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zone.

#### 5.3.4 Off-Street Parking Area Design:

- a. Each off-street parking space for automobiles shall be not less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition.
- b. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
- c. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:
  1. For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
  2. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet.
  3. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
  4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- d. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
- e. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
- f. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.

- g. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- h. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one- or two-family dwellings.

#### 5.3.5 Collective Parking:

Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

#### 5.3.6 Determining Requirements:

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

##### a. Floor Area:

In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

##### b. Places of Assembly:

In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

##### c. Fractions:

When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

5.3.7 Schedule of Off-Street Parking Spaces:

<u>Use</u>	<u>Parking Space Requirements</u>
Automobile or machinery sales and service garages	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.
Automobile service stations	One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees.
Bank, business, and professional offices	One (1) space for each two hundred (200) square feet of gross floor area.
Barber shops and beauty parlors	One (1) space for each chair plus one (1) space for each employee.
Bowling alleys	Seven (7) spaces for each alley.
Churches, auditoriums, stadiums, sports arenas, theaters, dance halls, assembly halls other than schools	One (1) space for each four (4) seats.
Dwelling unit	Two (2) spaces for each family or dwelling unit.
Funeral homes and mortuaries	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle, whichever is greater.
Furniture, appliance stores, household equipment and furniture repair shops	One (1) space for each four hundred (400) square feet of floor area.
Hospitals	One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.
Hotels, motels, lodging houses, boarding homes	One (1) space for each living unit plus one (1) space for each two (2) employees.
<u>Use</u>	<u>Parking Space Requirements</u>
Manufacturing, fabricating, processing and bottling plants, research and testing laboratories	One (1) space for each two (2) employees on maximum shift.
Medical and dental clinics	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee.
Restaurants, beer parlors, taverns, and night clubs	One (1) space for each three (3) patrons of maximum seating capacity plus one (1) space

	for each two (2) employees.
Self-service laundry or dry cleaning stores	One (1) space for each two (2) washing and/or dry cleaning machines.
Elementary and junior high schools, private or public	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
Senior high school and institutions of higher learning, private or public	One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.
Super market, self-service food and discount stores	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees.
Telephone exchange buildings	One (1) space for each two (2) employees on the largest working shift.
Wholesale establishments and warehouses	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

5.3.8 Exception:

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

SECTION 5.4 - OFF-STREET LOADING AND UNLOADING REQUIREMENTS

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

5.4.1 Plans:

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

5.4.2 Off-Street Loading Area Design:

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

#### 5.4.3 Off-Street Loading Area Space Requirements:

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

### SECTION 5.5 - CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of the Township of Liberty into districts in each of which may be permitted specific uses which are mutual compatible and conditional uses. Conditional uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Section is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish conditional uses. The standards for approval and requirements provided for under the provisions of this Section shall be in addition to those required elsewhere in this Ordinance which are applicable to the conditional use under consideration.

#### 5.5.1 Authority to Grant Permits:

The Zoning Board as hereinafter provided, shall have the authority to recommend to the Township Board the approval, denial, or approval subject to condition as specified in subsection 5.5.6, of the conditional use permit. The Township Board shall have the authority to approve, deny, or approve with conditions as specified in Section 5.5.6, the conditional use permit.

#### 5.5.2 Application and Fee:

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Zoning Board through the Township Clerk by filing an official conditional use permit application form; submitting a site plan in accordance with Section 5.6; and payment of the required fee as established by resolution of the Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

#### 5.5.3 Data, Information and Site Plan Application Requirements:

An application for a conditional use permit shall include the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, and a site plan as specified in, and in accordance with, Section 5.6 - Site Plan Review and Approval, of this Ordinance.

5.5.4 Public Hearings:

After a preliminary review of the site plan and an application for a conditional use permit, the Zoning Board shall hold a hearing on the site plan and conditional use request. Notice of the hearing shall be given by mail or personal delivery to the owners of property for which special land use permit 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. Notice of the public hearing shall also be published in a newspaper of general distribution in the township. Public notice shall be given not less than five (5) nor more than fifteen (15) days before the date of the public hearing on the application. If the name of the occupant is not known, the term "occupant" may be used in notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, business or organizations, notice maybe given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. Each notice given under this section shall:

- a. Describe the nature of the conditional use request;
- b. Indicate the property which is the subject of the conditional use request;
- c. State when, where and at what time the public hearing on the conditional use request will be considered; and
- d. Indicate when and where written comments will be received concerning the request.

5.5.5 Required Standards and Findings for Making Determinations:

The Zoning Board shall review the particular circumstances of the conditional use request under consideration in accordance with requirements of Section 5.6 - Site Plan Review and Approval and shall recommend approval of a conditional use request to the Township Board only upon approval of the site plan and finding of compliance with standards as included in subsection 5.6.7 and the standards for specific uses as specified in subsection 5.5.10.

5.5.6 Determination and Imposition of Conditions:

A review of an application and site plan requesting a conditional use permit shall be made by the Zoning Board in accordance with the Ordinance procedures and standards specified in this Ordinance. If a submitted application and site plan do not meet the requirements of the Ordinance, they shall not be recommended to the Township Board for approval. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating said changes.

If the facts in the case do not establish competent material and substantial evidence that the standards set forth in this Ordinance will apply to the proposed conditional use, the Zoning Board shall not recommend to the Township Board that said Township Board should grant a conditional use permit. The Zoning Board may recommend the imposition of conditions with the approval of

a conditional use permit application and site plan which are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this or other applicable ordinances and regulations. Such conditions, if imposed by the Township Board, shall be considered an integral part of the conditional use permit and approved site plan and shall be enforced by the Zoning Administrator.

These conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

#### 5.5.7 Approval, Granting of Permit:

Upon holding a public hearing and the finding that the requirements of subsections 5.5.2 through 5.5.6 of this Ordinance have been satisfactorily met by the applicant, the Zoning Board shall within thirty (30) days recommend approval, approval with conditions, or denial to the Township Board.

Approval and issuance of a conditional use permit by the Township Board shall signify prior approval of the application and site plan, therefore including any modification and any conditions imposed where necessary to comply with this Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the conditional use permit and shall be enforceable as such.

The decision to approve or deny a request for a conditional use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify: the basis for the decision, any changes to the originally submitted application and site plan necessary to insure compliance with the ordinance, and any conditions imposed with approval. Once a conditional use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special land use permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the Township Board upon recommendation of the Zoning Board and is documented as such.

When the Township Board gives final approval, a conditional use permit shall be issued to the applicant. The Township Board shall forward a copy of the permit to the applicant, Clerk, Zoning Inspector, and Zoning Board. The Zoning Inspector shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the Township Board.

#### 5.5.8 Performance Guarantee:

In authorizing a conditional use permit, the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to insure compliance with an approved site plan and the conditional use permit requirements. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the conditional use permit. In fixing the amount of such performance guarantee, the Township Board shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the township and future users or inhabitants of the proposed project or project area including, but not limited to roadways, lighting, utilities, sidewalks, screening, and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Act No. 288 of 1967, as amended. The Township Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses.

Said agreement shall be written as an element of the conditions surrounding the approval of the conditional permit.

5.5.9 Voiding of Conditional Use Permit:

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

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

5.5.10 Additional Development Requirements for Certain Uses:

A conditional use permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified.

a. Quarries:

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

1. There shall be not more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line.
2. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset.
3. On said lot no digging or excavating shall take place closer than one hundred (100) feet to any lot line.
4. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
5. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
6. Such removal processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, water-course, or body outside the lines of the lot on which such use shall be located.
7. Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.

8. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot lines and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
9. There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top edge of any slope.
10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
11. The operator shall file with the Zoning Board and the Zoning Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Zoning Board. The anticipated cost of carrying out the plans of restoration shall be included with said plans.
12. The operator shall file with the Township Board a performance bond, payable to Liberty Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the Liberty Township Board. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
13. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Zoning Board and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

b. Junk Yards:

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

1. It is recognized by this Ordinance that the location of such materials in an open area included in this Ordinance's definition of "junk yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, unpierced fence or wall at least seven (7) feet in height, and not less than the height of the materials on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.

2. All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
3. All roads, driveways, parking lots, and loading and unloading areas within any yard of a junk yard shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.

c. Drive-In Theaters:

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

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

d. Mobile Home Park:

1. All mobile home parks shall comply with the Trailer Coach Park Act of 1959, being Act 243, Public Acts of Michigan, 1959, as amended.
2. Every mobile home park shall be served by a central water supply system and a central sanitary sewerage system.
3. The land area of a mobile home park shall not be less than ten (10) acres.
4. Mobile home sites shall be at least four thousand (4,000) square feet in area.
5. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachments to appropriate external systems.
6. Each mobile home site shall have side yards with each such yard having a width of not less than ten (10) feet and the aggregate width of both side yards not less than twenty-five (25) feet.
7. Each mobile home site shall have front and rear yards with each such yard not less than eight (8) feet in width and the aggregate width of both said yards not less than twenty (20) feet.
8. For the purposes of this subsection, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary which, every point shall not be less than the minimum width herein provided. Open patios, carports, and individual storage facilities shall be disregarded in determining yard widths. The front yard is that yard which runs from the hitch

end of the mobile home to the nearest site line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the ends.

9. From all stands, the following minimum distance shall be maintained:
  - a. Ten (10) feet to the buffer strip.
  - b. Thirty (30) feet to the boundary of such park which is not a public street.
  - c. Fifty (50) feet to the right-of-way of any public street or highway.
  - d. Thirty (30) feet to any collector street of such park (parking bay or central parking drive not a collector street).
  - e. Fifteen (15) feet to any parking area designed for general parking in such park (general parking defines parking bays for other than park residents).
  - f. Fifty (50) feet to any service building in such parks.
10. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy any minimum yard area or minimum distance prescribed herein.
11. Each mobile home site shall be provided with a minimum stand consisting of a solid concrete four (4) inch apron not less than sixty (60) feet long nor less than twelve (12) feet wide. This apron shall be so constructed, graded, and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.
12. Each mobile home shall be supported on uniform jacks or blocks supplied by the mobile home park management.
13. An all-weather, hard-surfaced, outdoor patio area of not less than one hundred and twenty (120) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.
14. Each mobile home park shall include similarly designed enclosed storage structure or structures suitable for storage of goods and the usual effects of the inhabitants of such park, such storage space should not be less than one hundred and twenty (120) cubic feet for each mobile home. Such storage structure or structures may be located on the mobile home site or in a common structure with individual lockers.
15. Storage of goods and articles underneath any mobile home or out of doors at any mobile home site shall be prohibited.
16. On-site outdoor laundry space of adequate area and suitable location, shall be provided if park is not furnished with indoor dryers or if use of indoor dryers is not customarily acceptable to prospective occupants. Where outdoor drying space is required or desired, individual clothes drying facilities on each lot of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete-imbedded socket at each site.

17. All mobile homes within such parks shall be suitably connected to sewer and water services provided at each mobile home site, and shall meet the requirements and be approved by the Jackson County Health Department.
  - a. All sanitary sewage facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Running water from a State-tested and approved supply, designed adequately from a minimum flow shall be piped to each trailer. Sewer connections shall not exceed ten (10) feet in length above ground.
  - b. Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owner adjacent to the park.
18. Disposal of garbage and trash.
  - a. Any method used shall be approved by the State and inspected periodically by the Jackson County Health Department.
  - b. Adequate incinerators, if provided, shall be conveniently located so as not to create a nuisance and be designed so that combustible materials will be reduced to an odorless gas and inorganic ash under any weather conditions.
  - c. Trash not burned should be stored in a conveniently located similarly designed enclosed structure or structures. The removal of non-combustible trash shall take place not less than once (1) a week.
19. All electric, telephone, and other lines from supply poles, or other sources to each mobile home site shall be underground. The electrical system shall be of such voltage and of such capacity to adequately serve all users in the park at peak periods. When separate meters are installed, they shall be located in a uniform manner.
20. Any fuel oil and gas storage shall be centrally located in underground tanks, at a distance away from any mobile home site as it is found to be safe. All fuel lines leading to mobile home sites shall be underground and so designed as to conform with any State code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner.
21. A buffer of trees and shrubs not less than twenty (20) feet in depth shall be located and maintained along all boundaries of such park except at established entrances and exits serving such park. When necessary for health, safety, and welfare, a fence shall be required. No fence shall be more than six (6) feet in height, to separate park from an adjacent property.
22. A recreation space of at least three hundred (300) feet per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets, parking areas, and laundry rooms are not to be included as recreation space in computing the necessary area.

23. All driveways, motor vehicle parking spaces, and walkways within such parks shall be hard surfaced and adequately drained and lighted for safety and ease of movement.

24. Minimum widths of roadways within parks shall be as follows:

<b>Motor Vehicle Parking</b>	<b>Traffic Use</b>	<b>Minimum Pavement Width</b>
Parking prohibited	2-way road	22 feet
Parallel parking, 1 side only	1-way road	21 feet
Parallel parking, 1 side only	2-way road	32 feet
Parallel parking, 2 sides	1-way road	31 feet
Parallel parking, 2 sides	2-way road	42 feet

25. Walkways shall be installed and shall be not less than four (4) feet in width, excepting that walkways designed for common use of not more than three (3) mobile home sites shall be not less than three (3) feet in width.
26. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.
27. One (1) automobile parking space shall be provided within one hundred fifty (150) feet of each mobile home site. The mobile home park shall provide one (1) additional automobile parking space for every two (2) mobile home stands.
28. No trailer designed for temporary or seasonal living shall be occupied in a mobile home park.

e. Mobile Home Subdivision:

1. All mobile homes to be erected as permanent residences in mobile home subdivisions shall meet the requirements of the Liberty Township Building Code and shall be approved by the Zoning Inspector prior to erection on the lots.
2. Each mobile home approved for erection on a mobile home subdivision lot shall be mounted on a solid concrete apron no less than twelve (12) feet in width, sixty (60) feet in length and four (4) inches in thickness or a suitable foundation.
3. Lot areas where a mobile home is to be erected, altered, or used as a single-family dwelling shall contain not less than seventy-five hundred (7,500) square feet of lot area if the lot is served by a central sanitary sewerage system. Where a lot is not so served, there shall be provided a minimum of fifteen thousand (15,000) square feet of lot area for each mobile home.
4. The minimum lot width for lots served with a central sanitary sewerage system shall be sixty (60) feet. Where a lot is not so served, the minimum lot width shall be one hundred twenty (120) feet.
5. The maximum lot coverage shall not exceed thirty (30%) percent.
6. Each lot in a mobile home subdivision shall have a front yard of not less than thirty-five (35) feet.
7. Each lot in a mobile home subdivision shall have two (2) side yards and the least width of either yard shall not be less than ten (10) feet, but the sum of the two (2) side yards shall not be less than twenty-five (25) feet.
8. Each lot in a mobile home subdivision shall have a rear yard of not less than twenty (20) feet.
9. No building or structure, or part there-of, shall be erected to a height exceeding fifteen (15) feet.
10. All mobile homes to be erected and used in a mobile home subdivision shall contain a gross floor area of not less than six hundred (600) square feet.

f. Planned-Unit Development:

The planned unit development (PUD) is intended to provide flexible land use and design regulations through the use of performance criteria to allow small-to-large scale neighborhoods or portions thereof to be developed within the township that permit a variety of types, containing both individual building sites and common property which are planned and developed as a unit. The planned unit development should be designed to relate to the character of surrounding areas, and wherever possible, should also be capable of functioning as a self-contained neighborhood. The PUD specifically encourages innovations in development to enable growing demands to be met by greater variety in type, design, and siting of buildings, and by the conservation and more efficient use of land in such developments.

While standard zoning and subdivision practices are appropriate for the regulation of land use in areas or neighborhoods that are already substantially developed, these controls represent a type of preregulation and regulatory rigidity which can hinder the creating of more attractive, safe and efficient areas. Therefore, this section is intended to permit enough flexibility in development design so as to allow the development of the most desirable amenities accruing from modern design techniques. Where these techniques are deemed appropriate, use and dimensional specifications elsewhere in this Ordinance are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

The planned unit development shall achieve the following objectives:

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

a. General Requirements for Planned Unit Development:

Planned unit developments shall be consistent with current land usage requirements as defined in the Zoning Ordinance.

1. Area Requirements

The requirements to qualify for a PUD shall be consistent with the lot coverage guidelines outlined in the Zoning Ordinance.

2. Ownership

The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all the properties included (the holder of a written option to purchase land shall for purposes of such application be deemed to be an owner of such land). In the case of multiple ownership, the approved plan shall be binding on all ownerships.

3. Location of the Planned Unit Development

A PUD may be established in any agricultural or residential zoning district if the applicant demonstrates that the project meets the intent of this section and the intent of this ordinance.

4. Permitted Uses

All uses within an area designated as a PUD are determined by the provisions of this section and the approved plan of the project concerned.

a. Facilities may be a variety of types, including one unit, two and multiple units. In developing a balanced community, the use of a variety of building types shall be deemed desirable in keeping with the objectives of this section.

b. Customary accessory or associated uses, such as private garages, storage spaces, recreational and community activities, churches and schools shall be permitted as appropriate to the planned unit development.

5. Land Use and Density

Because land is used more efficiently in the PUD, improved environmental quality can often be produced with a greater number of units per net acre than usually permitted in traditionally zoned districts. The Township Zoning Board shall determine in each case the appropriate land use pattern and unit density for individual projects. These determinations shall be completely documented and justified. In no case shall the density of a PUD exceed 125% of that which is permitted in the existing zoning district. Density above 100% shall be based upon the degree to which the objectives of this section are met.

6. Common Property in the Planned Unit Development.

Common property in the PUD consists of a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the planned unit development. When common property exists, the ownership of such common property may be either public or private. When common property exists in private owners, satisfactory arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service and parking areas, and areas for recreation and open space.

b. Planned Unit Development Application Procedure and Zoning Process:

1. General

Whenever any PUD is proposed, before any building permit for the erection of a permanent building in such PUD shall be granted, and before any subdivision plat of any part thereof may be filed in the office of the Township Clerk, the developer or his authorized agent shall apply for and secure approval of such PUD in accordance with the following procedures and including subsequent approval of the preliminary site plan and the final detailed site plan by the Township Zoning Board.

2. Application for Sketch Plan Approval

a. In order to allow the Township Zoning Board and the developer to reach an understanding of basic design requirements prior to detailed design investment, the developer shall submit eight (8) copies of a sketch plan of his proposal to the Township Zoning Board. The sketch plan shall be approximately to scale, though it need not be to the precision of a finished engineering drawing; and it shall clearly show the following information:

1. Boundaries of the property.
2. The location of the various uses and their areas in acres.
3. The location and height of all building and parking facilities.
4. The interior roadway system and all existing rights-of-way and easements, whether public or private.
5. Delineation of the various areas, indicating for each such area, its size and composition in terms of total number of units, approximate percentage allocation by facility unit type (i.e., single-unit, detached, duplex, townhouse, high-rise site, etc.) plus a calculation of the density in

units per net acre (total area excluding interior roadways) for each such area.

6. The interior open space system.
  7. The overall drainage system.
  8. If grades exceed three percent (3%), or portions of the site have a moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than two (2) feet of elevation shall be provided along with an overlay outlining the above susceptible soil.
  9. Principal ties to the neighborhood and community with respect to transportation, water supply, and sewage disposal.
  10. General description of the provision of other community facilities, such as schools, recreational facilities, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
  11. A location map showing uses and ownership of abutting lands.
- b. In addition, the following documentation shall accompany the sketch plan:
1. Evidence that the proposal is compatible with the objectives of the Township Zoning Plan and/or current zoning requirements.
  2. General statement as to how common open space is to be owned and maintained.
  3. If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the sketch plan of this section shall show the intended total project.
- c. The Township Zoning Board shall review the sketch plan its related documents, and shall render either a favorable or unfavorable recommendation to the applicant.
1. A favorable recommendation shall include a report to the applicant that he may proceed with initiation of the conditional use request. It shall be based on the following findings which shall be included as part of the recommendations.

- a. The proposal conforms to the Liberty Township Zoning Plan and/or current zoning requirements.
  - b. The proposal meets the intent, objectives, and general requirements of this section.
  - c. The proposal is conceptually sound in that it meets a community need and conforms to accepted design principals in the proposed functional roadway system, land use configuration, open space system, and drainage system.
  - d. There are adequate services and utilities available or proposed to be made available in the construction of the development.
  - e. The proposal meets all the general requirements of this section.
2. An unfavorable recommendation shall state clearly the reasons therefore and, if appropriate, indicate to the applicant what might be necessary in order to receive a favorable recommendation. Within ten (10) days after receiving an unfavorable recommendation, the applicant may, if he wishes, initiate a conditional use request, which would be accompanied by an unfavorable recommendation from the Township Zoning Board.
  3. The chairman of the Township Zoning Board shall certify when all of the necessary application material has been presented, and the Township Zoning Board shall submit its report to the applicant within sixty (60) days of such certification. If no report has been rendered after sixty (60) days, the applicant may proceed as if a favorable report were given.
  4. Application for Planned Unit Development Conditional Use Permit. Upon receipt of a favorable report from the Township Zoning Board or upon application by the applicant within ten (10) days of an unfavorable report from the Township Zoning Board, conditional use permit procedures shall be initiated.

c. Site Plan Approval Process:

1. Application for Preliminary Site Plan Approval.

Application for preliminary site plan approval shall be to the Township Zoning Board and shall be in accordance with Section 5.6 (Site Plan Review and Approval) of this Ordinance and including:

- a. An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivision, street, and easements within three hundred (300) feet of the applicant's property.
- b. A topographic map showing contour intervals of not more than two (2) feet of elevation shall be provided.
- c. A site plan showing location, proposed use and height of all building, location of all parking areas, with access drives thereto; location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; description of method of sewage disposal and location of such facilities; location and size of all signs; location and proposed development of buffer areas; location and design of lighting facilities; and the amount of building area proposed for non-residential uses, if any.
- d. A tracing overlay showing all soils areas and their classifications, and those areas, if any, with moderate to high susceptibility to flooding, and moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.
- e. A boundary survey in compliance with Act 132, 1970 as amended, must be provided in order for the property to be developed.
- f. All applicable drainage must be signed and sealed by an engineer, land surveyor or architect licensed by the State of Michigan.

2. Factors for Consideration.

The Township Zoning Board's review of a preliminary site plan shall include, but is not limited to the following considerations:

- a. Adequacy and arrangement of vehicular traffic access and circulation, including intersections,

road widths, channelization, traffic controls, and pedestrian movement.

- b. Location, arrangement, appearance, and sufficiency of off-street parking.
- c. Location, arrangement, size and design of buildings, and lighting.
- d. Relationship of the various uses to one another.
- e. Adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise deferring buffer between adjacent uses and adjoining lands.
- f. In the case of multiple units, the adequacy of usable open space for playgrounds and recreation.
- g. Adequacy of storm water and sanitary waste disposal facilities.
- h. Adequacy of structures, roadways, and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion.
- i. Compliance with all regulation of this ordinance.

3. Action on Preliminary Site Plan Application.

Within thirty (30) days of the receipt of the complete application for preliminary site plan approval, the Township Zoning Board shall meet to consider the request. The Township Zoning Board then shall act on the request within the sixty (60) days after this meeting. If no decision is made within the sixty (60) day period, the preliminary site plan shall be considered approved. The Township Zoning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved. A copy of the appropriate minutes of the Township Zoning Board shall be sufficient report.

The Township Zoning Board's statement may include recommendations as to the desirable revisions to be incorporated in the final site plan, of which conformance with, shall be considered a condition of approval. Such recommendations shall be limited, however, to siting and dimensional details within general use areas; and shall not significantly alter the sketch plan as it was approved in the conditional use permit proceedings.

If the preliminary site plan is disapproved, the Township Zoning Board statement shall contain the reasons for such findings. In such a case, the Township Zoning Board may recommend further study of the site plan and resubmission of the preliminary site plan to the Township Zoning Board after it has been revised or redesigned.

4. Request for Changes in Sketch Plan.

If in this site plan development it becomes apparent that certain elements of the sketch plan, as it has been approved by the Township Zoning Board becomes unfeasible and in need of modification, the applicant shall then present his modifications to the Township Zoning Board as his preliminary site plan in accordance with the above procedures. The Township Zoning Board shall then determine whether or not the modified plan is still in keeping with the intent of the PUD regulations. If a negative decision is reached, the site plan shall be considered as disapproved. The developer may then, if he wishes, produce another site plan in conformance with the approved sketch plan. If an affirmative decision is reached, the Township Zoning Board shall state all of the particulars of the matter and its reasons for feeling the project should be continued as modified. Preliminary site plan approval may then be given by the Township Zoning Board.

5. Application for Final Detailed Site Plan Approval.

After receiving approval from the Township Zoning Board on a preliminary site plan, the applicant may prepare his final detailed site plan and submit it to the Township Zoning Board for final approval; except that if more than twelve (12) months has elapsed between the time of the Township Zoning Board's report on the preliminary site plan and if the Township Zoning Board finds that conditions have changed significantly in the interim, the Township Zoning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan for review.

The final detailed site plan shall conform substantially to the preliminary site plan that has received preliminary site plan approval. It should incorporate any revisions or other features that may have been recommended by the Township Zoning Board at the preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

6. Action on Final Detailed Site Plan Application.

Within thirty (30) days of the receipt of the complete application for preliminary site plan approval, the Township Zoning Board shall meet to consider the request. The Township Zoning Board then shall act on the request within sixty (60) days after this meeting. If no decision is made within the sixty (60) day period, the final site plan shall be considered approved. The Township

Zoning Board's action shall be in the form of a written statement to the applicant stating whether or not the final site plan is approved. A copy of the appropriate minutes of the Township Zoning Board shall be sufficient report.

- a. Upon approving an application, the Township Zoning Board shall endorse its approval on a copy of the final detailed site plan.
- b. Upon disapproving an application, the Township Zoning Board shall so inform the applicant in writing of its decision and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice. After disapproval of the application, the Township Zoning Board may recommend further study of the site plan and resubmission of the final detailed site plan to the Township Zoning Board after it has been revised or redesigned to reflect necessary modifications.

7. Staging.

If the applicant wishes to stage his development, and he has so indicated as per this Section then he may submit only those stages he wishes to develop for preliminary and final detailed site plan approval in accordance with his staging plan. Any plan which requires more than twenty-four (24) months to be completed shall be required to be staged and a staging plan shall be developed.

d. Other Regulations Applicable to Planned Unit Development:

1. Regulation After Initial Construction and Occupancy.

For the purposes of regulating land development and use of property after initial construction and occupancy, any changes other than use changes shall require approval by the Township Zoning Board. Use changes shall require Township Board approval following the recommendation of the Township Zoning Board. It shall be noted, however, that properties lying in planned unit development are unique and shall be so considered by the Township Zoning Board and Township Board when evaluating these requests, and maintenance of the intent and function of the planned unit development shall be of primary importance.

e. Financial Responsibility.

No building permits shall be issued for construction of a PUD until public improvements are installed or performance bond posted in accordance with the Township Zoning Ordinance.

g. Feedlots: subject to the following standards:

1. Animal unit:

Means a unit of measurement for any animal feeding operation calculated by adding the following numbers:

- a. The number of slaughter and feeder cattle multiplied by: 1.0 plus
- b. The number of mature dairy cattle multiplied by: 1.4 plus
- 1. The number of swine weighing over 25 kilograms (approx.55 pounds) multiplied by: 0.4 plus
- 2. The number of sheep multiplied by: 0.1 plus
- 3. The number of horses multiplied by: 2.0 plus

2. Concentrated animal feeding operation means an animal feeding operation where the following conditions are met:

- a. Animal (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period and;
- b. Crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility and;
- c. More than the number of animals specified in any of the following categories are confined:
  - 1. 1,000 slaughter or feeder cattle
  - 2. 700 mature dairy cattle (whether milked or dry cows)
  - 3. 2,500 swine each weighing over 25 kilograms, approximately 55 pounds
  - 4. 500 horses
  - 5. 10,000 sheep or lambs
  - 6. 55,000 turkeys
  - 7. 100,000 laying hens or broiler (if the facility has a continuous overflow watering)
  - 8. 30,000 laying hens or broiler (if the facility has a liquid manure handling system)
  - 9. 5,000 ducks
  - 10. 1,000 animal units

3. A site plan must be presented to the Township Zoning Board for their review, and contain all information required in Section 5.6.4 (REQUIRED DATA FOR DETAIL SITE PLAN).
4. The applicant shall prepare an Environmental Impact Statement conforming to the Michigan Executive Order 1974-4 and guidelines issued thereunder, which Impact Statement shall be filed with the Conditional Use Application.
5. Any violation issued by any Federal, State, County, or local government or litigation concerning other concentrated animal feeding operations must be submitted to the Zoning Board by the applicant with their Site Plan for the determination on any future construction.
6. Each site shall have direct access to a primary County Road, State, or Federal Highway.
7. All structures and confined lots designed to house or contain livestock must be set back fifteen hundred (1,500) feet from any existing family residence, except that of the confined feeding operator, and from any existing church, business, school, recreational area (public or private) or any public building; and two thousand (2,000) feet from any area zoned residential or any area that has a recorded residential plat.
8. There shall be provided at least two hundred and eighty-five (285) feet setback from the property line that abuts the class A, B, C, D County Road, State or Federal Highway or any structures or lagoon.
9. The Township Board shall provide a qualified inspector to approve all phases of the project, construction and periodic site and soil management inspection. All cost to be the responsibility of the owner.
10. An emergency capture and containment facility must be in place before lagoon loading.
11. Animal waste lagoons shall be constructed to at least meet the specification of the Jackson County Soil Conservation Service. If a poly liner is recommended by the Jackson County Soil Conservation Service, then such liner shall be made of a P.V.C. materials, in a thickness of no less than 20 mil. All seams of such liner shall be sealed according to manufacturer's specifications, with manufacturer's recommended adhesive. All seams will be inspected and certified by a registered professional engineer and his seal be affixed to the certificate.
12. No animal waste collection unit (such as a lagoon) shall be located closer than one half mile (2,640') from any lake, stream, river, open ditch, or wetland. The Zoning Board may grant a lesser distance after the Site Plan Review.
13. No such lagoon may be located closer than one mile (5,280') from any other lagoon.
14. The Zoning Board shall determine the size of the lagoon at the time of the Site Plan Review based on public health, available land for waste disposal, and Environmental Impact Statement recommendation.
15. Lagoon shall be fenced and properly perennial seeded or sodded.

16. Four (4) test wells must be installed near the lagoon and split water samples are to be randomly tested monthly by the Jackson County Health Department with an appointed Township representative to be present. At least two (2) tests prior to lagoon loading must be conducted. All costs for the wells and testing will be the responsibility of the owner.
17. Lagoon waste shall be deposited into the soil utilizing injection method or other acceptable method which provides adequate soil cover over the waste to eliminate runoff and odor. Exception shall be in the case of waste filtration and solids separation. Such deposition shall not cause pollution of any surface, subsurface, water course, or water body. Soil testing shall be performed by a qualified testing laboratory selected by the Township Board to define levels of nitrogen, phosphorus, and potash; maximum acceptable levels to be determined by soil types or classification. All cost shall be the responsibility of the lessee or owner of the land to which the waste is applied.
18. Any odor generated on said site and borne or able to be borne by the wind shall be confined within the lines of said site, as much as possible, so as not to cause a nuisance or hazard on any property or public road, so as to maintain air quality standards of no more than one half (1/2) part per million of Hydrogen Sulfide or ten (10) parts per million air borne Ammonia average per hour at the site perimeter.
19. Any smoke, fumes, dust, insects, or rodents generated on said site shall be confined within the lines of said site so as not to cause a nuisance, hardship, or hazard on any properties or public road.
20. Such operation shall be conducted so as not to cause the pollution by any material of any surface, subsurface, water course, or water body.
21. Such operation shall not be conducted so as to cause or threaten to cause the erosion by water of any land outside of said site, or of any land on said site that earth materials are carried outside of the lines of said site that such operation shall be conducted so as not to alter the drainage pattern of surface or subsurface water on adjacent property.
22. The operator shall file with the Zoning Board and Zoning Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater intervals than five (5) feet, proposed and final landscaping; and/or other improvements contemplated.
23. The operator shall file with the Township Board a Surety Bond, payable to the Township Board and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond shall be fixed by the Township Board. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
24. The bond or renewal thereof shall be for a period of not more than three (3) years and shall be renewable only upon reassessment of the cost estimate required to restore the site to its previous undeveloped condition as detailed in Article V, Section 5.5.10 #22.

h. Communication Towers:

1. The following site and developmental requirements shall apply:

1. A minimum site of one (1) acre and two hundred (200) feet of road frontage shall be required.
2. The appropriateness of guy wires shall be considered when the property abuts a residential zoning district or use.

The base of the tower and guy wire supports shall be fenced with a minimum six (6) foot high fence.

B. The following special performance standards shall apply to communication towers:

1. Communication towers must be set back from all property lines a distance equal to its height.
2. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than the minimum front yard requirement for the appropriate zoning district as found in Section 4.5 (Area, Yard, Height, and Bulk Requirements)..
3. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
4. All towers shall be equipped with an anticlimbing device to prevent unauthorized access.
5. The plans of the tower shall be certified by a registered structural engineer.

The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.

All towers must meet the standards of the Federal Communications Commission and the Federal Aviation Administration.

Communications towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or ½ (one-half) mile of a helipad.

No part of any communications tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a property line.

Metal towers shall be constructed of, or treated with, corrosive-resistant material.

Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with all applicable local statutes, regulations and standards.

Towers with antennae shall be designed to withstand a uniform wind loading.

All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.

Towers shall be located so that they do not interfere with reception in nearby residential areas.

Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.

The base of the tower shall occupy no more than five hundred (500) square feet.

Minimum spacing between tower locations shall be two (2) miles in order to prevent a concentration of towers in one area.

Height of the tower shall not exceed two hundred (200) feet from grade within a commercial zoning district, and three hundred (300) feet from grade within an industrial or agricultural zoning district.

Towers shall not be artificially lighted except as required by the Federal Aviation Administration.

Existing on-site vegetation shall be preserved to the maximum extent practicable.

There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

There shall be no employees located on the site on a permanent basis to service or maintain the communications tower. Occasional or temporary repair and service activities are excluded from this restriction.

Where the property adjoins any residentially-zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any nearer than ten (10) feet to any structure.

The policy of the community is to minimize the number of communication towers in the Township. Therefore, the Township shall require the collocation of communication towers. Pursuant to this policy, the following standards apply to communication towers:

1. All new and modified communication towers shall be designed and constructed so as to accommodate collocation.

2. A conditional use permit for the construction and use of a new communication tower shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.
3. No more than two (2) transmitters of telecommunication signals shall be permitted on a single tower.

The following information shall be submitted prior to Township approval to construct a communication tower:

Site plan in accordance with Section 5.6.

A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed communication tower. Such plan shall be designed to ensure the long-term, continuous maintenance to a reasonably prudent standard.

The application shall include a description of security to be posted at the time of receiving a building permit for the communication tower to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the Township Zoning Board shall specify the form of security as approved by the township attorney and recordable at the office of the County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the community in securing removal. The security shall be adjusted on an annual basis according to the U.S. Bureau of Labor Statistics' Consumer Price Index annual average for United States cities in the North Central Region of the United States.

4. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

## SECTION 5.6 - SITE PLAN REVIEW AND APPROVAL

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Zoning Board for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

### 5.6.1 Buildings, Structures, and Uses Requiring a Site Plan:

The Zoning Inspector shall not issue a zoning compliance permit for the construction of the buildings and structures identified in this section unless a site plan has been reviewed and approved by the Zoning Board and such approval is in effect.

- a. Any conditional use.

- b. Any development in a commercial or industrial zoning district.
- c. A multiple family building containing three (3) or more dwelling units.
- d. More than one multiple family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.
- e. A mobile home park.
- f. A site condominium development.

5.6.2 Application and Fee for Site Plan Review:

Any person may file a request for a site plan review by the Zoning Board by filing with the Clerk the completed application upon the forms furnished by the Clerk and payment of a fee established by resolution of the Liberty Township Board.

Fees applicable to site plan reviews for planned unit developments and conditional uses are waived in lieu of fees established by resolution of the Liberty Township Board for these purposes. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan.

5.6.3 Zoning Board Review of Site Plan:

Upon receipt of such application from the Clerk, the Zoning Board shall undertake a study of the same and shall, within forty-five (45) days, approve or disapprove such site plan, advising the applicant in writing of the approval, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

5.6.4 Required Data for Site Plan:

Every site plan submitted to the Zoning Board shall be in accordance with the following requirements:

- a. Every site plan submitted, except site plans required for uses as prescribed in subsection 5.6.4.b of this Ordinance, shall be drawn to a readable scale and shall include the following:
  - 1. The name of the applicant, scale used, a north arrow, the date prepared, and the name and address of the preparer if other than the applicant;
  - 2. All property boundaries and dimensions thereof; the location and use of all existing and proposed structures;
  - 3. The location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed or used as a part of the project;
  - 4. The current zoning classifications on the subject property and all adjacent property.

- b. Site plans submitted for the following uses shall be subject to the requirements of subsection 5.6.4.c.
  - 1. The following conditional uses:
    - a. Quarries.
    - b. Travel trailer parks.
    - c. Commercial feedlots.
    - d. Sanitary landfills.
    - e. Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles.
    - f. Amusement parks.
    - g. Planned-unit residential and commercial developments.
    - h. Mobile home parks.
    - i. Automobile service stations.
    - j. Hotels or motels.
    - k. Drive-in businesses.
    - l. Automobile repair garages.
    - m. Drive-in theaters.
    - n. Junk yards.
    - o. Bulk oil storage.
  - 2. A multiple-family building containing six (6) or more dwelling units.
  - 3. More than one (1) multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one (1) ownership.
  - 4. An office in any Residential District.
  - 5. Any gasoline service station abutting a Residential District.
- c. Site plans submitted for the uses prescribed in subsection 5.6.4.b shall be submitted in accordance with the following requirements:
  - 1. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Zoning Board can readily interpret the site plan, and shall include more than one (1) drawing where required for clarity.

2. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
  3. The site plan shall show the scale; north point; boundary dimensions; topography (at least two [2] foot contour intervals); and natural features, such as; woodlots, streams, rivers, lakes, drains, and similar features.
  4. The site plan shall show existing manmade features, such as buildings; structures; high tension towers; pipe lines; and existing utilities; such as, water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
  5. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure rotation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit types.
  6. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
  7. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
- d. If a proposed development which requires a site plan is located in a known or suspected environmentally-sensitive area, a site investigation report may be required by the Zoning Board. The site investigation report shall contain details on the nature of the environmentally-sensitive area and methods that will be used to mitigate potential damage to such areas, if appropriate. Specifically, the report shall contain:
- a. A description of the natural and cultural features of the project including but not necessarily limited to:
    1. A description of the topography of the land and soil.
    2. The existing water resources including surface water, groundwater, drainage, floodplains and wetlands, water quality, and the effect of the project on any aquifer and neighboring wells.
    3. A description of the existing vegetation, habitat, and wildlife.

4. A description of the proposed land use, water use, economic, and social conditions, any archaeological and historic resources and community facilities and services which are in existence.
- b. A statement as to whether any local, county, state and federal permits area required for the project.
  - c. A statement describing the environmental impact of the proposed project which shall include the following:
    1. A description of the impact on the topography and soils including any disruption, erosion, etc.
    2. A description of the impact on water resources including:
      - a. Potential for surface water contamination and efforts to protect surface water bodies;
      - b. Potential for groundwater contamination and efforts to protect groundwater;
      - c. The effect of any water discharges, increased stormwater runoff, or alteration of natural drainage;
      - d. A description of the water quality of both surface and ground water;
      - e. A description of the susceptibility of the project to flooding;
      - f. A description of any wetlands impact;
      - g. An analysis of prevailing winds, including impacts of odors and efforts to mitigate odor, control of fugitive dust emissions, road dust, etc.
  - d. The report shall summarize the impact on terrestrial ecosystems (the relationship between the land resources and the organisms which depend on them) including a description of the impact on the following:
    1. The vegetation and habitat, describing in particular whether there would be any alteration and/or loss of said vegetation and habitat.
    2. The impact on wildlife including any disruption of habitat and whether the project would affect any endangered or rare species of wildlife; wetland inventories, and migratory bird habitats.
  - e. The report shall summarize the environmental impact on aquatic ecosystems (the relationship between the water resources and the organisms which depend on them) which shall include a summary of the following:

1. The fish species including the impact on the type and number of fish species.
  2. The effect on the habitat including whether said habitat will be altered or disrupted.
- f. The site investigation report shall summarize the environmental impact on the cultural environment which shall include a summary of the following:
1. The effect on neighboring land and water uses.
  2. The impact on economic and social conditions including the economy, lifestyles, changes in property values, alteration in potential development options of the surrounding neighborhoods.
  3. Social impact analysis including changes and impacts on individuals in the community affected by the activity.
  4. The effect on the habitat including whether said habitat will be altered or disrupted.
  5. The impact on public facilities and services including, but not limited to, schools, roads, police and fire services, etc. An impact analysis of local roads and traffic patterns surrounding and including the site before, during, and after construction shall be provided.
- g. Modifications
- The Zoning Board shall have the function, duty, and power to require any modification in the site investigation report or impose any condition before approval of any project which requires a site investigation report. This report is intended to ensure that the purpose and intent of the Liberty Township Zoning Ordinance is fulfilled.
- h. Alternatives
- The site investigation report shall include a discussion of prudent and feasible alternatives for the proposed activity on the subject site.
- i. Appeal
- The decision of the Zoning Board with respect to the site investigation report approval is appealable to the Township Zoning Board of Appeals in accordance with Article VII of this Ordinance. Such appeal shall be filed within sixty (60) days after a decision by the Zoning Board.

#### 5.6.5 Standards for Site Plan Review:

In reviewing the site plan, the Zoning Board shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance and state and federal statutes. Further, in consideration of each site plan, the Zoning Board shall find that provisions of Subsections 5.6.3 and 5.6.4 of this Ordinance as well as the provisions of the zoning

district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily met by the applicant. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the zoning ordinance.

A site plan shall be approved if it contains the information required in Subsection 5.6.4 and is in compliance with the zoning ordinance, the conditions imposed pursuant to the ordinance, other applicable ordinances, and state and federal statutes.

In addition, each of the following standards shall apply:

- a. The use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- b. The use shall not inappropriately change the essential character of the surrounding area.
- c. The use shall not interfere with the general enjoyment of adjacent property.
- d. The use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
- e. The use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, glare, or dust.
- f. The use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and facilities deemed essential to the use under consideration.
- g. The use shall not place demands on public services and facilities in excess of current capacity.
- h. The use shall be consistent with the intent and purpose of this Ordinance.

#### 5.6.6 Approval of Site Plan:

Upon the Zoning Board's approval of a site plan, the applicant shall file with the Clerk four (4) copies thereof. The Clerk shall, within ten (10) days, transmit to the Zoning Inspector one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined. If the site plan is disapproved by the Zoning Board, notification of such disapproval shall be given to the applicant within ten (10) days after such action. The Zoning Inspector shall not issue a zoning compliance permit and building permit until he has received a certified approved site plan.

The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a revision is completed in accordance with Subsection 5.6.8.

#### 5.6.7 Expiration of Site Plan Certificate:

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Zoning Inspector has issued a zoning compliance permit for any proposed work authorized under a said site plan certificate.

5.6.8 Amendment, Revision of Site Plan:

A site plan and site plan certificate, issued thereon, may be amended by the Zoning Board upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Section 5.6 of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Zoning Board.

SECTION 5.7 - NONCONFORMITIES

Where within the districts established by this Ordinance, or by amendments, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated, or restricted under the terms of this Ordinance, or future amendment; it is the intent of this Ordinance to permit these non-conformities to continue until they are discontinued, damaged, or removed but not to encourage their survival. These nonconformities are declared by this Ordinance to be incompatible with the lots, structures, and uses permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded, or extended except as provided herein, nor to be used as ground for adding other lots, structures, or uses prohibited elsewhere in the same district.

5.7.1 Nonconforming Uses of Land:

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

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

5.7.2 Nonconforming Structures:

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

- a. No such structure shall be enlarged, expanded, extended, or altered in a way which increases its nonconformance.
- b. Should any such structure be destroyed by means to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- c. Should any such structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

#### 5.7.3 Nonconforming Uses of Structures:

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

- a. No nonconforming use of a structure shall be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
- b. When a nonconforming use of a structure is discontinued or abandoned for more than one hundred and eighty (180) consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- c. Any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not to exceed ten (10%) percent of the then current replacement value of the structure, provided that the volume of such structure or the number of families housed therein as it existed on the date of adoption or amendment of this Ordinance shall be deemed to prevent the strengthening or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
- d. Should any structure containing a nonconforming use be moved, for any reason or any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- e. Should any structure devoted in whole or in part to any non-conforming use be destroyed by any means, to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.

#### 5.7.4 Change of Tenancy or Ownership:

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

#### 5.7.5 Substandard, Nonconforming Lots of Record:

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings

or structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two (2) or more lots or combinations of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this Ordinance.

#### 5.7.6 Special Classes of Nonconforming Uses:

The following special classes of nonconforming uses are established and the requirement applicable to each class are as specified:

- A. There shall be a specific exemption from the preceding prohibitions in Section 5.7. Nonconformities, which shall apply specifically to rebuilding, altering, replacing, improving, enlarging, extending, substituting or modifying a nonconforming use when such use is occupied as a single-family dwelling as a nonconforming use is to be rebuilt, replaced, or substituted on a lot or parcel which, in all other respects, complies with all other provisions of this ordinance.

The owner of tenant of said single-family shall make application to the Board of Appeals through the Township Clerk requesting exemption from the aforesaid prohibitions of Section 5.7. If the Board of Appeals, after a hearing upon such application, shall determine that for reasons of health, sanitation, safety, or the well-being of the occupants that the request is proper, then the Board of Appeals may authorize the tenant or owner to rebuild, alter, replace, improve, enlarge, extend, substitute or modify said dwelling place.

Prior to granting any such request under the provisions of this section, the Board of Appeals shall make the following findings of fact and apply the following standards:

1. That the dwelling was originally constructed as a dwelling place, and has continuously been occupied as a dwelling place.
2. That the dwelling currently is occupied as a dwelling place by the owner, or is not occupied by the owner, then the premises shall not be leased or rented for monetary gain, except that if the dwelling is already being leased or rented its use as rental property shall be allowed to continue.
3. That by reason of original construction, current condition, or as part of the proposed changes, the use will have electrical and sanitation facilities meeting the requirements of this Zoning Ordinance and any applicable building codes.
4. That by reason of original construction, current condition, or proposed change, the dwelling will meet the building code requirements set forth by this Zoning Ordinance and the Building code when applicable.
5. That the use if adequately serviced by public utilities and private or public highways or roads.

6. That the proposed changes will materially and substantially benefit the use as a dwelling place and/or make the use more in conformity with the provisions of this Zoning Ordinance and the building code.
7. That the proposed changes will not have an adverse effect upon the uses in the general vicinity by creating new or different violations of this Zoning Ordinance.

All applications under this section shall be accompanied by complete plans and specifications of the proposed improvements to the existing dwelling or new unit if substitution of the dwelling is requested.

All applications under this section shall be submitted on forms provided by the Township.

- B. There shall be a specific exemption from the preceding prohibitions in Section 5.7 Non-conformities, which shall apply specifically to rebuilding, replacing, or substituting a non-conforming use when such use is occupied as a single-family dwelling located on a lot or parcel which, in all other respects, complied with all other provisions of this ordinance.

In this case, the owner or tenant of said dwelling shall make application to the Zoning Inspector through the Township Clerk requesting exemption from the aforesaid prohibitions of Section 5.7. If the Zoning Inspector shall determine that for reasons of health, sanitation, safety, or the well-being of the occupants that the request is proper, then the Zoning Inspector may authorize the tenant or owner to rebuild, replace, or substitute said single-family dwelling.

Prior to granting any such request under the provisions of this section, the Zoning Inspector shall make the following findings of fact and apply the following standards:

1. That the dwelling was originally constructed as a dwelling and has continuously been occupied as a dwelling.
2. That the dwelling currently is occupied as a dwelling by the owner, or if not occupied by the owner, then the premises shall not be leased or rented for monetary gain, except that if the dwelling is already being leased or rented its use as rental property shall be allowed to continue.
3. That by reasons of original construction, current condition, or as part of the proposed changes, the use will have electrical and sanitation facilities meeting the requirements of this Zoning Ordinance and any applicable building codes.
4. That by reason of original construction, current condition, or proposed change, the dwelling will meet the building code requirements set forth by this Zoning Ordinance and the Building code when applicable.
5. That the use is adequately serviced by public utilities and private or public highways or roads.
6. That the single-family dwelling and the parcel upon which it is located complies in all respects to the provisions of Section 4.5 District Area, Yard, Height, and Bulk Requirements.

7. That the proposed changes will materially and substantially benefit the use as a single-family dwelling and/or make the use more in conformity with the provisions of this Zoning Ordinance and the Building code.
8. That the proposed changes will not have an adverse effect upon the uses in the general vicinity by creating new or different violations of this Zoning Ordinance.

All applications under this section shall be accompanied by complete plans and specifications of the proposed improvements to the existing dwelling or new unit if substitution of the dwelling is requested.

All applications under this section shall be submitted on forms provided by the Township.

## SECTION 5.8 - PERFORMANCE STANDARDS

### 5.8.1 Requirements:

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

a. Noise:

Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no production of sound discernable at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

b. Vibration:

No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.

c. Smoke:

Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten (10) minutes duration of one (1) per hour when a density of not more than No. 2 is permitted.

d. Odor:

No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

e. Air Pollution:

No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

f. Glare:

No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.

g. Erosion:

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams.

5.8.2 Plans:

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

5.8.3 Enforcement:

The Zoning Inspector may refer the application to one (1) or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards. The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the Township Board.

SECTION 5.9 - STORAGE OF MATERIALS

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

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

SECTION 5.10 - MOBILE HOMES AND TRAVEL TRAILERS

- A. A mobile home may be used as a temporary field office provided it is certified as such by the Zoning Inspector.
- B. Temporary use of a mobile home as a dwelling may be permitted provided it is shown that a definite hardship exists.
  - 1. Determination of the existence of a hardship condition shall be made by the Board of Appeals. A permit to place and occupy a mobile home granted under the preceding conditions will only be for such time as the hardship exists for the original applicant and shall be reviewed by the Board of Appeals annually.
  - 2. It shall be the Township's responsibility to notify all adjacent property owners within 1,000 ft. of the proposed mobile home and file such notification with the Board of Appeals.

3. The mobile home dwelling shall meet all of the requirements of the definition for a mobile home as stated in Section 2.2.35 of this Ordinance. Additionally, said mobile home shall be no more than ten (10) years old at the time of its placement within the Township.
  4. A \$5,000 performance bond shall be paid and can be forfeited, wholly or in part, if the mobile home is not occupied according to the conditions of this Ordinance or is not removed by the expiration date of the permit.
  5. User shall enter into an agreement with the Township agreeing to the conditions listed in this Ordinance.
- C. The Zoning Inspector shall have authority to grant a permit for the temporary occupancy of a mobile home during the period of actual construction of a permanent dwelling on any lot subject to the following conditions:
1. During the period of construction of a new permanent dwelling, but not to exceed a period of twelve (12) consecutive months. The owner of such permanent dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one (1) mobile home situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
  2. Such mobile home shall not be located between the established setback line and the public right-of-way line of such premises.
  3. The sanitary facilities of the mobile home for the disposal of sewage and waste shall be properly connected to the central sewerage system available at such premises and in case such system is not there and available, then property connected to the existing septic tank sewage disposal system which is approved by the Jackson County Health Department for the permanent dwelling to be constructed thereat.
  4. The mobile home dwelling shall meet all of the requirements of the definition for a mobile home as stated in Section 2.2.35 of this Ordinance. Additionally, said mobile home shall be no more than ten (10) years old at the time of its placement within the Township.
  5. A \$5,000 performance bond shall be paid and can be forfeited, wholly or in part, if the mobile home is not occupied, according to the conditions of this Ordinance or is not removed by the expiration date of the permit.
  6. The user shall enter into an agreement with the Township agreeing to the conditions listed in this Ordinance.
- D. The Township Board shall have authority to grant a permit for the temporary occupancy of a mobile home on any lot subject to the following conditions:
1. During the period immediately prior to the start of construction of a permanent dwelling, but not to exceed a period of three (3) consecutive years. The owner of such permanent dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one (1) mobile home situated at such proposed construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.

2. Prior to the expiration of the permit for the temporary occupancy of a mobile home, the owner of the premises shall apply for and receive a building permit for the construction of a permanent residence.
  3. Such mobile home shall not be located between the established setback line and the public right-of-way line of such premises.
  4. The sanitary facilities of the mobile home for the disposal of sewage and waste shall be properly connected to the central sewerage system available at such premises and in case such system is not there and available, then it must be properly connected to the existing septic tank sewage disposal system which is approved by the Jackson County Health Department for the permanent dwelling to be constructed thereat.
  5. The mobile home dwelling shall meet all of the requirements of the definition for a mobile home as stated in Section 2.2.35 of this Ordinance. Additionally, said mobile home shall be no more than ten (10) years old at the time of its placement within the Township.
  6. A \$5,000 performance bond shall be paid and can be forfeited, wholly or in part, if the mobile home is not occupied according to the conditions of this Ordinance or is not removed by the expiration date of the permit.
  7. The user shall enter into an agreement with the Township agreeing to the conditions listed in this Ordinance.
- E. No travel trailer shall be used as a dwelling except as a temporary dwelling for a period not to exceed one (1) week provided such travel trailer is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer occupants and certified by the Zoning Inspector.

#### SECTION 5.11 - VISIBILITY AT INTERSECTIONS

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line.

#### SECTION 5.12 - ACCESS TO PUBLIC STREETS

- A. In any residential district, commercial district, and industrial district, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street.
- B. In any agricultural district a private road and right- of-way which serves more than one (1) separately held parcel, or more than one (1) dwelling unit or more than one (1) commercial or industrial activity shall be of a width of no less than sixty-six (66) feet with a graded roadway of no less than twenty-two (22) feet in width. Said graded roadway shall consist of three (3) inches of gravel of width of twelve (12) feet down the center of the graded twenty-two (22) foot roadway.

In any zoning district, a driveway easement serving only one (1) parcel, dwelling, or commercial or industrial activity, shall be of a width of no less than twenty two (22) feet.

#### SECTION 5.13 - FLOODPLAINS

Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures are located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corps of Engineers, or other official authority.

#### SECTION 5.14 - RESERVED FOR FUTURE USE

#### SECTION 5.15 - FENCES

Fences in all districts are subject to the following conditions:

Fences which enclose property shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the dwelling or the required minimum front yard, whichever is greater, except that farm fences may be placed abutting the road right-of-way.

#### SECTION 5.16 - TEMPORARY USE

Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the Board of Appeals based upon finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, morals, and the general welfare.

#### SECTION 5.17 - ESSENTIAL SERVICES

- A. Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provision of this Ordinance.
- B. Nothing in this section shall be construed to permit the erection, construction or enlargement of any building, (as defined in Section 2.2.21) or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.

#### SECTION 5.18 - CURB CUTS AND DRIVEWAYS

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

#### SECTION 5.19 - FLOOR AREA REQUIREMENTS FOR DWELLINGS

The floor area per dwelling unit erected on any lot or parcel shall not be less than that established by the following table. In determining floor area, only area used for living quarters shall be counted. Utility rooms, garages, carports, non-walled and non-roofed porches, laundry area, heater-rooms, and basements are to be excluded.

<u>Number of Bedrooms in Each Dwelling Unit</u>	<u>Minimum Floor Area Per Each Dwelling Unit</u>
1 - 2	750 sq. feet
3	950 sq. feet
4	1,100 sq. feet
5	1,200 sq. feet

#### SECTION 5.20 - SWIMMING POOLS

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

- A. Swimming pools shall conform to the side yard and rear yard requirements of the district in which they are located, and shall not be located within any portion of a prescribed front yard.
- B. Swimming pools of more than eighteen (18) inches in depth shall conform to the following fence requirements:
  - 1. Fences shall not be less than four (4) feet in height from the ground with no opening other than a door or gate; shall be constructed to enclose all sides of the pool.
  - 2. For a chain link fence, the mesh shall not exceed two and one-quarter (2 1/4) inches.
  - 3. For a fence whose chief covering members are constructed in a vertical direction, there shall be no openings in a horizontal direction of more than four (4) inches.
  - 4. For a fence whose chief covering members are constructed in a vertical direction, there shall be no openings in a horizontal direction of more than four (4) inches.
  - 5. Solid fences having a flush exterior shall be acceptable.
  - 6. A dwelling or accessory building may be used as part of the enclosure.
  - 7. All gates or doors opening through such enclosures shall be equipped with a self-closing and self-latching device at least forty-two (42) inches from the bottom of the gate, capable of keeping such door or gate securely closed at all times when not in actual use and prevent a small child from opening such door or gate.
- C. Pool construction shall be such that all scum, splash, and deck water, shall not return to the pool except through a filter system.
- D. All lighting shall be so shielded, arranged, and operated as to prevent annoyance to neighboring premises.
- E. All electrical wiring used on, in, or about, the premises upon which the pool is located shall conform in all respects with the State Electrical Code.
- F. The pool shall be equipped for safety, rescue, and first aid with a light weight pole (bamboo or other) with blunted ends, ring buoys, rope, and a standard first aid kit.

#### SECTION 5.21 - GROUP DAY-CARE HOMES

A conditional use permit shall be issued for a group day-care home in a residential district if it meets the following standards:

- A. Is located not closer than 1,500 feet to another licensed group day-care home, another adult foster care small group home or large group home, a facility offering substance abuse treatment and rehabilitation to seven (7) or more people, or 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.
- B. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Township Board.

- C. The proposed use maintains the property consistent with the visible characteristics of the neighborhood.
- D. Meets the regulations of the Liberty Township Sign Ordinance.
- E. Meets the off-street parking requirements of the Liberty Township Zoning Ordinance.
- F. Does not exceed sixteen (16) hours of operation during a 24-hour period. The facility may not be open between the hours of 10:00 p.m. and 6:00 a.m. Friday through Sunday. This does not apply to permanent residents of the home.

SECTION 5.22 - LANDS ABUTTING RIVERS AND LAKES.

In any district, land which abuts a creek, tributary or drainage ditch, river, or any manmade lake shall be subject to the following regulations:

- 1. The general setback limitations shall be based on the following minimum distances from the water's ordinary high water mark:
  - a. Twenty-five (25) feet from any drainage ditch.
  - b. Fifty (50) feet from any creek or tributary.
  - c. Seventy-five (75) feet from any river.
  - d. Fifty (50) feet from any lake.
- 2. Single family detached dwellings and their accessory uses (except boat houses) shall be set back according to paragraph 5.22.1
- 3. Camping, outdoor recreation, and other commercial recreation activities (except boat landing facilities and marinas) shall be set back according to paragraph 5.22.1
- 4. Any grading, removal of topsoil, or indiscriminate cutting of live vegetation which will result in soil erosion and sedimentation into the water body shall be prohibited.
- 5. Feed lots must be set back a minimum of four hundred (400) feet from the water's edge.
- 6. Mining extraction shall be set back a minimum of three hundred (300) feet from the waters edge.
- 7. All sanitary waste disposal fields and septic tanks must not encroach an area within fifty (50) feet of the waters edge. The bottom of the tile field must be four (4) feet above the flood plain level.
- 8. All buildings and structures related to a commercial or industrial use except water pumping stations or sewage treatment facilities shall be set back in accordance with paragraph 5.22.1
- 9. The outdoor storage of materials when permitted in any district shall be set back in accordance with paragraph 5.22.1
- 10. All other uses not specifically covered in these regulations shall be set back one hundred (100) feet from the waters edge.

SECTION 5.23 SITE CONDOMINIUMS

### 5.23.1 - PURPOSE

Pursuant to authority conferred by the Condominium Act, Act 59 of 1978, as amended, all condominium plats must be approved by the Liberty Township Zoning Board. A site plan shall be required for all site condominium projects. Each condominium unit shall be located within a zoning district that permits the proposed use.

### 5.23.2 - DEFINITIONS

The following definitions shall apply in the construction and application of this section:

#### A. Area Line

Front Yard Area Line - A line located at the outer edge of a limited common area associated with a particular building envelope. The front yard area line is the area line which runs most nearly parallel with the street or private road which provides access to the condominium lot.

Rear Yard Area Line - A line located at the outer edge of a limited common area associated with a particular building envelope. The rear yard area line is the area line lying opposite of the front yard area line.

Side Yard Area Line - A line located at the outer edge of a limited common area associated with a particular building envelope. The side yard area lines are those area lines which are neither front or rear yard area lines.

B. Building Envelope - The principal structure intended for a building site, together with any attached accessory structures, e.g. in a residential development, the building envelope would refer to the house and any attached garage.

C. Condominium Lot - The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.

D. Condominium Plan - The site, survey and utility plans, floor plans; and sections as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium plan shall show the size, location, area, vertical boundaries and volume of each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium plan shall include the nature, location, and approximate size of the common elements.

E. Condominium Unit - The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

F. Contractible Condominium - A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

G. Convertible Condominium - A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

H. Expandable Condominium - A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

- I. Lot - The same as "Condominium Lot".
- J. Master Deed - The condominium documents recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved by-laws for the project and the approved condominium subdivision plan for the project.
- K. Setback:
  - Front Yard Setback - The distance between the front yard area line and the condominium dwelling.
  - Rear Yard Setback - The distance between the rear yard area line and the condominium dwelling.
  - Side Yard Setback - The distance between the side yard area line and the condominium dwelling.

5.23.3 - CONDOMINIUM PLAN - REQUIRED CONTENTS

- A. All condominium plans shall include the information required by Section 66 of the Condominium Act and the following:
  - 1. A survey plan of the condominium subdivision.
  - 2. A flood plain plan, when appropriate.
  - 3. A site plan showing the location, size, shape, area and width of all condominium units.
  - 4. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to Liberty Township for installation, repair and maintenance of all utilities.
  - 5. A street construction, paving and maintenance plan for all private roads within the proposed condominium subdivision.
  - 6. A storm drainage and stormwater management plan, including all lines, swales, basins, and other facilities.
- B. Easements for Utilities
 

The condominium plan shall include all necessary easements granted to Liberty Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.
- C. Private Streets
 

If a condominium development is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and other applicable standards and requirements of the Jackson County Road Commission for a dedicated public street.
- D. Encroachment Prohibited

Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium by-laws and recorded as part of the master deed.

E. Relocation of Boundaries

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the by-laws and recorded as part of the master deed.

F. Subdivision of Condominium Units

All individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and the building setback requirements shall be approved by the Zoning Administrator, and these requirements shall be made part of the by-laws and recorded as part of the master deed.

G. Condominium Subdivision Layout, Design and Approval

All condominium subdivision plans shall conform to the plan preparation requirements; review and approval procedures; design, layout and improvements standards of Section 5.6 (Site Plan Review and Approval) of the Liberty Township Zoning Ordinance. A deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with Liberty Township if required by the Township Board to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the condominium plan by the Zoning Board.

5.23.4 CONDOMINIUM SUBDIVISION APPROVAL - ADDITIONAL REGULATIONS

The following regulations shall apply to all condominium projects within Liberty Township:

A. Initial Information

Concurrently with notice required to be given Liberty Township pursuant to Section 71 of Public Act 59 of 1978, as amended, a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

1. The name, address and telephone number of:
  - a. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example; fee owner, optionee, or land contract vendee).
  - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
  - c. The developer or proprietor of the condominium project.
2. The legal description of the land on which the condominium project will be developed together with the appropriate tax identification numbers.
3. The acreage content of the land on which the condominium project will be developed.

4. The purpose of the project (for example; residential, commercial, industrial, etc.).
5. Approximate number of condominium units to be developed in the subject parcel.

B. Information to be Kept Current

The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to the Liberty Township Zoning Ordinance.

C. Site Plans - New Projects, Master Deed and Engineering and Inspections

Prior to recording of the master deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559, 108), the condominium project shall undergo site review and approval pursuant to Section 5.6 of the Liberty Township Zoning Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.

D. Site Plans - Expandable or Convertible 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 pursuant to Section 5.6 of the Liberty Township Zoning Ordinance.

E. Master Deed, Restrictive Covenants and "As Built" Survey to be Furnished

The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded master deed, one (1) copy of all restrictive covenants and two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the Zoning Administrator for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.

F. Monuments Required - Site Condominium Projects

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

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

tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and common elements.

4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
6. All required monuments shall be placed flush with the final ground elevation where practicable.
7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter or other approved markers.
8. The Liberty Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit turning to Liberty Township, whichever the proprietor selects, in any amount not less than fifty (\$50.00) dollars per monument and not less than two hundred (\$200.00) dollars in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

G. Monuments Required - All Condominium Projects

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 5.23.4 (F), above.

H. State and County Approval

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

I. Temporary Occupancy

The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to Liberty Township. Zoning Compliance Permits shall be issued only in accordance with Section 6.4 of the Liberty Township Zoning Ordinance (Zoning Compliance Permits).

J. Single Family Detached Condominiums

Single family detached condominiums shall be subject to all requirements and standards of the applicable zoning districts including minimum floor area requirements and minimum lot size. For the purpose of computing density, the number of dwelling units in a site condominium

development shall not exceed the density of platted subdivision, if such a development were proposed for the site.

There shall be maintained a minimum distance of seventy (70) feet from the center of one (1) residential dwelling unit to the center of another residential dwelling unit. This seventy (70) foot requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to assure that the minimum twenty-five (25) foot front yard, thirty-five (35) foot rear yard, and eight (8) foot side yard can be met. This distance shall be measured from the outside limits of a building envelope to the outside limits of its constituent limited common area.

K. Multiple Family, Commercial and Industrial Condominiums

ARTICLE VI

ADMINISTRATION OF THE ORDINANCE

SECTION 6.1 - PURPOSE

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

SECTION 6.2 - ADMINISTRATION

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

SECTION 6.3 - DUTIES OF ZONING INSPECTOR

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

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

The Zoning Inspector shall submit to the Zoning Board and the Township Board quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of nonconforming uses, buildings, and structures. The Zoning Inspector shall maintain a record of all zoning compliance permits and certificates of occupancy.

## SECTION 6.4 - ZONING COMPLIANCE PERMITS

### 6.4.1 Issuance of Zoning Compliance Permits:

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

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

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

One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector after such copy has been approved or disapproved, and attested to same by the Zoning Inspector's signature on such copy. The Zoning Inspector shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Inspector shall issue the applicant a zoning compliance permit within ten (10) days of the filing thereof. Where action of the Board of Appeals or the Zoning Board is required in any case, as set forth in this Ordinance, the Zoning Inspector shall issue such permit promptly following such action.

### 6.4.2 Voiding of Zoning Compliance Permit:

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

## SECTION 6.5 - CERTIFICATE OF OCCUPANCY, FINAL INSPECTION

### 6.5.1 Issuance of Certificate of Occupancy:

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

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

6.5.2 Voiding of Certificate of Occupancy:

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

SECTION 6.6 - FEES, CHARGES, AND EXPENSES

The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for zoning compliance permits, certificates of occupancy, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Township Board. No permit, certificate, conditional use on approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 6.7 - VIOLATIONS AND PENALTIES: NUISANCE PER SE: ABATEMENT

Uses of land and dwellings, buildings, or structures including tents and trailer coaches used, erected, altered, razed, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, or land shall be adjudged guilty of maintaining a nuisance per se.

Anyone violating the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500.00) dollars and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed thirty (30) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

ARTICLE VII

BOARD OF APPEALS

SECTION 7.1 - BOARD OF APPEALS ESTABLISHED

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured, and substantial justice done.

SECTION 7.2 - DUTIES OF THE BOARD OF APPEALS

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

SECTION 7.3 - VARIANCE

The Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance whereby reason of exceptional narrowness, shallowness, shape, or contour

of a specific tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required.

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

- A. A written application for a variance is submitted, demonstrating the following:
  - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  - 3. That the special conditions and circumstances do not result from the actions of the applicant.
  - 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
  - 5. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- D. The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- F. Each variance granted under the provisions of this Ordinance shall become null and void unless:
  - 1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
  - 2. The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.

- G. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof or changed conditions found by the Board of Appeals to be valid.

## SECTION 7.4 - INTERPRETATION OF ZONING ORDINANCE

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

## SECTION 7.5 - APPEALS TO THE BOARD OF APPEALS

### 7.5.1 Appeals, How Taken:

Appeal from the ruling of the Zoning Inspector or the Township Board concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within such time as shall be prescribed by the Board of Appeals by general rule, by the filing with the officer from whom the appeal is taken. This officer shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.

### 7.5.2 Who May Appeal:

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

### 7.5.3 Fee for Appeal:

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

### 7.5.4 Effect of Appeal; Restraining Order:

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

### 7.5.5 Notice of Hearing:

When a request for an appeal has been filed in proper form with the Board of Appeals, the Board of Appeals Secretary or Liberty Township Clerk shall immediately place the said request for appeal upon the calendar for hearing, and cause notice, stating the time, place, and object of the hearing to be served personally or by registered return receipt mail at least ten (10) days prior to the date of such hearing, upon the party or parties making the request for appeal.

### 7.5.6 Representation of Hearing:

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

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

The Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Inspector or Township Board from whom the appeal is taken. The Board of Appeals decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any person having an interest affected by such resolution shall have the right to appeal to the Circuit Court or question of law and fact.

7.5.8 Appeals, Time Limitation

An appeal taken under Section 7.5.1 of the Zoning Ordinance must be filed within thirty (30) days after the decision or ruling upon which the appeal is based is made. Appeals from written decisions or rulings shall be made within thirty (30) days after the decision is reduced to writing and mailed to the party entitled to receive such decision.

Two-family, multiple-family, commercial and industrial condominium projects shall be located only in those zoning districts allowing those uses as permitted or conditional uses, and shall be subject to all of the requirements and standards of the Zoning District in which they are located. Such standards shall include but not be limited to minimum floor area requirements, minimum lot size, density, and the setback requirements of the Ordinance for the District in which the project is located.

L. Site Plan

After submittal of the condominium plan and by-laws as part of the master deed, the proprietor shall furnish to the Village a copy of the site plan on a photographic hard copy, laminated photostatic copy or mylar sheet of at least twelve by sixteen (12 x 16) inches with an image not to exceed ten and one-half by fourteen (10-1/2 x 14) inches.

ARTICLE VIII

AMENDMENT PROCEDURES

SECTION 8.1 - INITIATING AMENDMENTS AND FEE

The Township Board may, from time to time, on recommendation from the Zoning Board on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Zoning Board, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Except for the Township Board or the Zoning Board, the petitioner requesting an amendment shall at the time of application pay the fee established by resolution of the Township Board, no part of which shall be returnable to the petitioner.

SECTION 8.2 - AMENDMENT PROCEDURES

The procedure for making amendments to this Ordinance shall be in accordance with Act 184 of the Public Acts of 1943, as amended for townships.

SECTION 8.3 - CONFORMANCE TO COURT DECREE

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

ARTICLE IX

LEGAL STATUS

SECTION 9.1 - CONFLICT WITH OTHER LAWS

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

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

requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

#### SECTION 9.2 - VALIDITY AND SEVERABILITY CLAUSE

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

#### SECTION 9.3 - PERIOD OF EFFECTIVENESS

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

#### SECTION 9.4 - REPEAL OF ORDINANCE

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

SECTION 9.5 - EFFECTIVE DATE

This Ordinance was adopted by the Township Board of Liberty Township, Jackson County, Michigan, at a meeting held on April 5, 1972, and notice ordered published in the Brooklyn Exponent, a newspaper having general circulation of said Liberty Township.

Date: April 5, 1972      Edward Leutz, Supervisor

Date: April 5, 1972      Clara Adams, Clerk

The following amendments have been incorporated into the zoning ordinance.

SECTION 5.5.10.f, adopted August 14, 1991  
SECTION 2.2.59, adopted May 13, 1992  
SECTION 2.2.60, adopted May 13, 1992  
SECTION 7.5.8, adopted May 13, 1992  
SECTION 4.1.1, adopted September 9, 1992  
SECTION 4.2.1, adopted September 9, 1992  
SECTION 4.2.2, adopted September 9, 1992  
SECTION 4.2.3, adopted September 9, 1992  
SECTION 4.2.4, adopted September 9, 1992  
SECTION 5.21, adopted September 9, 1992  
SECTION 2.2.17, adopted May 11, 1994  
SECTION 2.2.35, adopted May 11, 1994  
SECTION 5.10, adopted May 11, 1994  
SECTION 5.19, adopted May 11, 1994

Amendments to the following sections were adopted on January 21, 1998

1. Section 5.5.10 (f) - amendments to existing planned unit development (PUD) regulations.
2. Section 5.6 - amendments to existing site plan review requirements.
3. Section 5.23 - addition of site condominium regulations.
4. Section 5.5.10 (h) - addition of regulations for communications towers as a conditional use.
5. Section 2.2.61 - addition of definition of communication tower.
6. Sections 4.4.1 (b)(19), 4.3.1 (b)(6), 4.3.2 (b)(8), 4.3.3 (b)(4), and 4.4.1 (b)(2) - addition of communication tower as a conditional use in the Agricultural (AG-1), Local Commercial (C-1), General Commercial (C-2), Highway Service Commercial (C-3), and Light Industrial (I-1) zoning districts.
7. Sections 4.3.1, 4.3.2 and 4.3.3 - eliminate existing C-1 (Local Commercial), C-2 (General Commercial) and C-3 (Highway Service Commercial) zoning districts.
8. Section 4.3.1 - create new C-1 (Commercial) zoning district.
9. Section 4.5 - eliminate district area, yard, height, and bulk regulations for existing C-1, C-2 and C-3 zoning districts.
10. Section 4.5 - create area, yard, height, and bulk regulations for new C-1 zoning district.
11. Section 5.22 - addition of regulations for lands abutting rivers and lakes.
12. Section 2.2.62 - addition of definition of "ordinary high water mark".
13. Section 2.2.23 - deletion of existing definition of home occupation.
14. Section 2.2.23 - addition of definitions of home occupations and home businesses.
15. Section 5.14 - deletion of existing supplemental regulation regulating home occupations. Indicate "reserved for future use" in its place.
16. Sections 4.1.1 (a)(4), 4.2.1 (a)(2), 4.2.2 (a)(5), 4.2.3 (a)(2), and 4.2.4 (a)(7) - amended to read as follows: "Home occupations as defined in Section 2.2.23".
17. Sections 4.4.1 (b)(20), 4.2.1 (b)(10), 4.2.2 (b)(7), 4.2.3 (b)(10), and 4.2.4 (b)(15) - addition of the following statement as a conditional use in the Agricultural (AG-1), Rural Non-Farm Residential (RNF-1), Lake Residential (RL-1), Suburban Residential (RS-1), and Multiple-Family Residential (RM-1) zoning districts: "Home businesses as defined in Section 2.2.23".
18. Section 5.12 (C) - addition of minimum width requirements for driveway easements.