
IOSCO TOWNSHIP ZONING
ARTICLE 5
GENERAL PROVISIONS AND SUPPLEMENTARY REGULATIONS

INDEX

- Section 5.1 Intent**
- Section 5.2 Maintenance of Animals, Kennels and Stables**
- Section 5.3 Single-Family Dwellings, Mobile Homes, Prefabricated Housing**
- Section 5.4 Access to Streets**
- Section 5.5 Storage of Materials**
- Section 5.6 Accessory Structures, Swimming Pools and Other Uses**
- Section 5.7 Number of Residences on a Lot – General Provision**
- Section 5.8 Home Occupations**
- Section 5.9 Visibility at Intersections – General Provision**
- Section 5.10 Essential Services. General Provision**
- Section 5.11 Fences, Walls and Screens – General Provision**
- Section 5.12 Completion of Construction**
- Section 5.13 Parking and Storage of Vehicles – General Provision**
- Section 5.14 Transient and Amusement Enterprises**
- Section 5.15 Seasonal Sales**
- Section 5.16 Garage Sales, Rummage Sales, and Similar Activities**

- Section 5.17 Intensive Livestock Operations**
- Section 5.18 Right to Farm**
- Section 5.19 Temporary Structures**
- Section 5.20 Buildings to be Moved**
- Section 5.21 Golf Courses**
- Section 5.22 Campgrounds**
- Section 5.23 Self-Storage Facilities**
- Section 5.24 Commercial Outdoor Sale Lots**
- Section 5.25 Automobile Service and/or Repair Stations**
- Section 5.26 Mobile Home Park District (MHP)**
- Section 5.27 Bed and Breakfast Accommodations**
- Section 5.28 Churches**
- Section 5.29 Adult Care Facilities**
- Section 5.30 Child Care Facilities**
- Section 5.31 Housing for the Elderly and Convalescent Centers**
- Section 5.32 Wireless Communication Facilities**

ARTICLE 5

GENERAL PROVISIONS AND SUPPLEMENTARY REGULATIONS

Section 5.1 Intent.

The intent of this Article is to provide for those regulations that generally apply regardless of the particular zoning district.

Section 5.2 Maintenance of Animals, Kennels and Stables.

- 5.2.1 There shall be adequate fencing, or other restraining devices, for the purpose of maintaining animals within the restricted areas provided for in this ordinance, domestic animals may be maintained in any zoning classification district, subject to specific restrictions herein.

- 5.2.2 Where livestock animals are raised or kept, any structure for housing livestock and any storage of manure on lots/units/parcels of twenty(20) acres or less, shall be located not less than fifty (50) feet from any property line. When livestock animals are raised or kept on a minimum of three (3) acres/lots/units/parcels, 2 animal units are allowed. An additional 1.0 animal unit per acre after the minimum of acres/lots/units/parcels has been met. Properties that are less than three (3) acres are allowed 0.5 animal units per acre.

LOT/UNIT/PARCEL SIZE	Animal units
1 acre	0.5
2 acres	1.0
3 acres	2.0
More than 3, less than 20 acres	2.0, plus 1 for each additional acre over 3

Animal Unit: A unit of measure used to compare differences in the production of animal waste produced on a regular basis by slaughter steer or heifer, with the following equivalences applicable to other livestock:

ANIMAL	ANIMAL UNIT EQUIVALENT
Horses	2
Cows	1.4
Swine	0.4
Sheep and Goats	0.10
All fowl	0.05

All other livestock can be calculated by weight. Live weight of one thousand (1000) pounds is equal to one (1) animal unit.

- 5.2.3 Dogs are not classified as livestock. Each property is allowed three dogs. Refer to Private Kennels, Section 5.2.7, for ordinance regulations regarding more than three dogs.
- 5.2.3 Structures housing livestock animals shall be located no nearer than two hundred (200) feet to any dwelling that exists on an adjacent parcel. Fenced areas shall be located no nearer than fifty (50) feet from any dwelling that exists on an adjacent lot.
- 5.2.4. The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises in accordance with the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- 5.2.5 Except as authorized in a wildlife preserve approved by the Township, wild animals shall not be permitted to be maintained in the Township, temporarily or permanently. For purposes of this section, the term wild animal shall mean an animal which is not customarily domesticated and customarily devoted to the service of mankind. Wild animal also means any animal that a person is prohibited from possessing by law. The characterization of an animal as being wild shall not be altered by virtue of the fact that one or several generations of the animal in question have been maintained in captivity.
- 5.2.6 Animals shall be owned and managed by the occupants of the premises.
- 5.2.7 Private and Commercial Kennels-
- A. Private kennels shall be permitted as an accessory use in the RC, AR, RR and OSC districts. No private kennel shall keep or maintain more than two (2) litters of dogs or cats within any one consecutive twelve (12) month period. In addition, each kennel shall:
1. Limit of four (4) to eight (8) dogs over six (6) months of age.
 2. No commercial boarding.
 3. Minimum lot size of ten (10) acres.
- B. Commercial Kennels, those having over eight dogs, shall be a permitted use in the OSC District and subject to the following conditions:
1. A minimum lot size of one (1) acre in the OSC District shall be required. A minimum of ten (10) acres in all other districts.

2. Structures or pens shall not be located less than three hundred (300) feet from a public right-of-way or less than one hundred fifty (150) feet from a side or rear lot line.
3. The kennel shall be established and maintained to eliminate objectionable odors, noise and other conditions.
4. A site plan shall be approved in accordance with Article 9, SITE PLAN REVIEW, herein.
5. Each dog shall be allotted the following minimum areas: Sixty (60) square feet for outside dog run, and sixteen (16) square feet for inside sleeping area. A chain link fence shall divide each dog's area from adjoining spaces.
6. Outdoor runs and breeding areas shall have concrete surfaces, suitable for cleaning by high pressure hot water or steam. The kennel owner is encouraged to contact the Environmental Health Division of the Livingston County Health Department for guidance in the proper disposal of animal waste.
7. The entire shelter area, breeding area, and exercise runs shall be enclosed by a sight obscuring and sound-reducing wall or fence not less than six(6) feet in height.
8. If deemed necessary by the Township Board the kennel will be inspected. The Township Supervisor or person designated by the Township Board, will review the construction and maintenance of a kennel annually if the kennel is not associated with a veterinary hospital or clinic. The inspection will include sanitation, size of runs, exercise areas and general appearance. All fees for inspection by county or state agencies or approved kennel associations will be paid by the owner/operator.

5.2.8 Private and Commercial Horse Stables

- A. Private stables shall be permitted as an accessory use in the OSB, RC, AR and RR Districts. One (1) horse/equine type animal is allowed on a minimum of three (3) acres. After the first three (3) acres, two (2) additional acres are required for each additional horse/equine type animal.

1. A private stable shall be established and maintained in accordance with all applicable state, county, and township sanitation regulations.
 2. Separation from Residential Dwellings
 - a. An accessory building used as a stable shall not be located nearer than one hundred (100) feet to any dwelling.
 - b. Animals shall be confined in a suitably fenced area or paddock to preclude their approaching nearer than twenty (20) feet to any dwelling on adjacent premises.
 3. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.
- B. Commercial stables shall be a special use, subject to the following conditions
1. The minimum lot area required for a commercial stable shall be twenty (20) acres. The number of horses shall be subject to the provisions of Section 5.2.2 and/or 5.2.8,A.
 2. A commercial stable shall be established and maintained in accordance with all applicable state, county, township sanitation regulations.

Section 5.3 Single-Family Dwellings, Mobile Homes, Prefabricated Housing. No single-family dwelling (site built), mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless said dwelling unit conforms to the following standards:

- A. Square Footage. Each such dwelling unit shall comply with the minimum square footage of nine hundred sixty square feet of floor area.
- B. Dimensions. Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of 24 feet and shall comply in all respects with applicable building codes, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code Commission, then and in that event such federal or state standard or regulation shall apply.

- C. Maximum Building Height: Two and one-half (2 ½) stories, or thirty-five (35) feet.
- D. Minimum Yard Requirements:
 - a. Each lot shall have a minimum required front yard of one hundred eight (108) feet on a public or private road.
 - b. Each side yard shall be a minimum of twenty (20) feet from the site lot line.
 - c. Each lot shall have a minimum rear yard of thirty (30) feet.
 - d. In the case of a corner lot, the side yards on the street sides shall not be less than thirty (30) feet, and the remaining side yard shall each be a minimum of twenty (20) feet.
- E. Foundation. Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the applicable building codes and shall have a wall of such dimensions to adequately support the dwelling. All dwellings shall be securely anchored to the foundation in order to prevent displacement during windstorms.
- F. Undercarriage. Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- G. Sewage Disposal or Water Supply. Each such dwelling unit shall be connected to a public sewer and water supply or to such private facilities approved by the Livingston County Environmental Health Department and any provisions of the Livingston County Drain Commission.
- H. Storage Area. Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling. The storage area shall be a minimum of one hundred (100) square feet.
- I. Architecture and Compatibility.
 - a. All homes shall have a roof overhang of not less than twelve (12) inches on all sides.
 - b. Roof pitch shall not be less than four twelve (4/12).
 - c. The dwellings shall not have less than two (2) exterior doors with the second one being in either the rear or side of the dwelling. Steps shall also be required for exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The foregoing shall not be construed to prohibit innovative design concepts

involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- J. Additions. Each such dwelling unit shall contain no addition or room or other area that is not constructed with similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- K. Code Compliance. Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as established by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended or superseded. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- L. Building Permit. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.

5.3.1 The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance and pertaining to such parks. Mobile homes that do not conform to the standards of this section shall not be used for dwelling purposes within the Township unless located within a manufactured home park and/or manufactured home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

Section 5.4 Access to Streets

- A. In any zoning district, every use, building, or structure established after the date of this ordinance shall be on a lot or parcel which adjoins a public street, such street right-of-way to be at least sixty-six (66) feet in width unless a lesser width is permitted by the Township, or shall adjoin a private street which meets the requirements of final approval from as to design and construction by the Iosco Township and the Iosco Township Private Road Ordinance. The out-buildings and activities of farming operations shall be exempt from this provision.

- B. Every building and structure constructed or relocated after the effective date of adoption or amendment of this ordinance shall be so located on lots as to provide safe and convenient access for fire protection and emergency vehicles and required off-street parking and loading areas.

Section 5.5 Storage of Materials

5.5.1 The following provisions shall apply:

- A. Garbage, trash and similar refuse to be stored outside a building in all Commercial Districts shall be stored within containers which shall themselves be stored within a screened enclosure. The enclosure shall be constructed of an opaque material, such as wood, concrete blocks, or bricks and shall be enclosed on at least three (3) sides. The fourth side may be open for access or one or more gates may provide access. The storage area shall have a concrete floor at least four (4) inches thick.
- B. See Section 6.2.10 for Residential requirements.
- C. In all districts, the location or storage of materials not customarily associated with uses permitted in the district or of abandoned, discarded, unused, unusable or inoperative appliances, furniture, equipment, materials, or inoperative vehicles shall be regulated as follows,
 - 1. On any lot or parcel in any agricultural, resource conservation, residential, or commercial district, the owner or tenant shall locate and store such materials within a completely enclosed building. Such storage shall not be for the purpose of hire or sale.

This provision shall not apply to that material or equipment which the owner or tenant utilizes as a part of an agricultural activity on the lot or parcel in an agricultural district.

Section 5.6 Accessory Structures, Swimming Pools and Other Uses.

5.6.1 Application to Single-family Residential Districts

- A. A detached accessory structure shall not be located in the front yard of a single-family dwelling and shall be restricted to a location in a side or rear yard. A minimum setback of fifteen (15) feet from the dwelling and ten (10) feet from a side or rear lot line shall be required.

- B. In no instance shall an accessory structure be located within a dedicated easement or right-of-way.
- C. The total of all attached and detached accessory structures located on a parcel shall be subject to maximum lot coverage requirements of the particular zoning district they are located in (See Article 4, Schedule of Regulation).
- D. Accessory structures in all other districts may be constructed to equal the permitted maximum height of structures in said districts.
- E. Nothing contained herein shall be construed to affect the size of accessory structures in conjunction with farming operations as defined (See Section 5.18.2, herein) in this Ordinance and determined by the Zoning Administrator, provided that all yard requirements are complied with.
- F. Private swimming pools shall be subject to the following:
 - 1. No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way that has been granted for public utility use.
 - 2. Front yard and side yard setbacks shall comply with required setbacks specified for the zoning district wherein the pool is located.
 - 3. All swimming pools shall be enclosed in accordance with applicable building codes.

5.6.2 Application to all other Uses. Accessory structures and uses for all uses other than single-family residences shall comply with applicable setback and height restrictions specified for the zoning district wherein the accessory use or structure is located.

Section 5.7 Number of Residences on a Lot – General Provision

Not more than one single-family dwelling unit shall be located on a lot, nor shall a single-family dwelling unit be located on the same lot with any other principal building, structure or use, except as permitted for:

- A. Farms for seasonal agricultural workers.

Section 5.8 Home Occupations.

All home occupations, with the exception of agricultural operations, shall be in single-family residences subject to the following requirements:

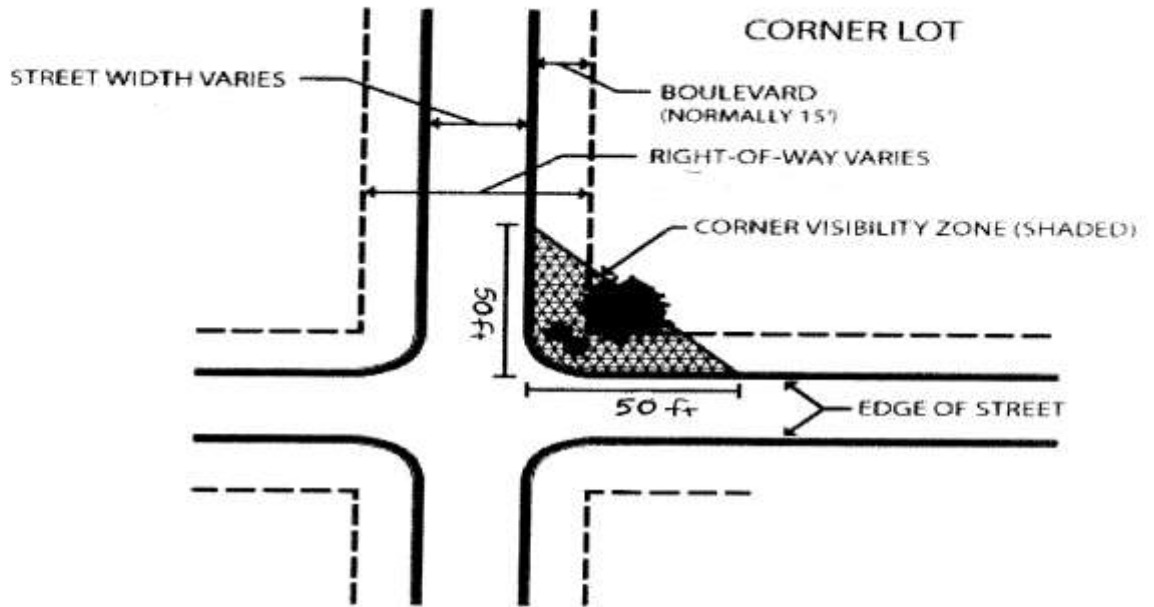
- A. Home Occupation must be clearly incidental and secondary to the primary use of the dwelling unit used for dwelling purposes.
- B. The home occupation may be conducted within the dwelling unit and/or an accessory building(s). The home occupation conducted in the dwelling unit, shall not occupy more than twenty-five (25) percent of the gross floor area of one floor of said dwelling unit. The home occupation using an accessory structure(s) shall not exceed one thousand (1000) square feet area of said accessory structure(s).
- C. A Home Occupation shall not change the character or appearance of the structure or the premises, or other visible evidence of conduct of such home occupation. There shall be no external or internal alterations not customary in residential areas or structures.
- D. A Home Occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such Home Occupation. Any electrical equipment processes that create visual or audible interferences with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- E. A Home Occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.
- F. The home occupation shall not employ more than two (2) persons, one of whom must reside on the premises.
- G. A home occupation shall be conducted within the dwelling unit or within a building accessory thereto. No accessory building shall be permitted within fifty (50) feet of any adjoining lot line. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a Home Occupation, other than provided by in (J.) below.

- H. One employee parking spot will be considered normal.
- I. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall be provided on the premises. Off street parking is subject to all regulations in Article 12, Off Street Parking and Loading. Parking spaces shall not be located in the required front yard.
- J. Signs not customarily found in residential areas shall be prohibited, provided however that one non-illuminated name plate, not more than six (6) square feet in area, may be attached to the building. Said sign shall contain only the name, occupation, and address of the premises. Said sign shall not be located in the road right of way.
- K. No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
- L. The exterior storage of: material, equipment, refuse associated with or resulting from a home occupation, shall be prohibited.
- M. The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste.
- N. There shall be no deliveries to or from a home occupation by a vehicle rated with a capacity of two(2) tons or greater.

Section 5.9

Visibility at Intersections. General Provision

On any corner lot in any district having front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three (3) feet and ten (10) feet in the triangular area bounded by the edge of the road and the imaginary line connecting points 50 feet back from the corner along the edges of the road surfaces.



Section 5.10 Essential Services. General Provision

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township. The construction of all buildings, underground and overhead wires and pipelines, and towers associated with essential services shall be subject to the provisions of Article 20, Site Plan Review.

Section 5.11 Fences, Walls and Screens. General Provision

Except as otherwise required by this Ordinance, the following regulations shall apply:

- A. Agricultural Districts (RC, AR). Within the limits of the front yard space of a lot within an agricultural district, no fence, wall, or other screening structure shall exceed four (4) feet in height unless at least 50% of the surface area is open when viewed from the perpendicular as determined by the Zoning Administrator.
 - 1. On lots of record of more than two acres containing farm animals, fences shall not exceed eight (8) feet in height above the grade of the surrounding ground. The fence shall not extend toward the front of the lot closer than the required minimum yard. The fence shall not extend beyond the seventy-five (75) feet from the centerline of the principal building. Barbed wire of electrical current or charges in said circumstances are permitted.
- B. Residential Districts (RR). Within the limits of the front yard space of a lot within a residential district, no fence wall, or other screening structure shall exceed three (3) feet in height. No such fence, wall or other screening structure located within a side or rear yard shall exceed seven (7) feet in height above ground level or platform level immediately adjacent to the fence. In the case of construction on an earthen berm, the ground height shall be measured from the bottom of the berm.
- C. Non-Residential Districts. Within the limits of the front yard space of a lot within a commercial district, no fence, wall, or other screening structure shall exceed twelve (12) feet in height.
- D. The use of barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited except in conjunction with agricultural operations. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.

- E. Retaining walls shall be designed and constructed in accordance with applicable building code requirements.
- F. All perimeter fencing and any interior fencing exceeding four (4) feet in height shall be constructed with the finished/decorative side towards the adjacent parcels/units.

Section 5.12 Completion of Construction

- A. Nothing in this ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance.
- B. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and be of no effect 365 days following the effective date of adoption or amendment of this ordinance, unless the County Building Department Official has issued a permit for the actual construction of a new building.
- C. Where a building permit has been issued within 365 days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed, subject thereafter to the provisions of Article 13, Non-Conforming Uses, Structures, Lots, Parcels, Units, herein, if applicable.

Section 5.13 Parking and Storage of Vehicles. General Provision

5.13.1 All automotive vehicles or all non-farm trailers without current license plates, except recreation vehicles, shall not be parked or stored in any district in Iosco Township other than in completely enclosed structures, unless otherwise permitted herein.

5.13.2 In all Districts, a recreational vehicle may be parked or stored subject to the following conditions:

- A. Storage or parking shall not be permitted on vacant lots or parcels, except as approved by the Zoning Administrator during construction of a single-family dwelling.
- B. Unless within a completely enclosed structure, a recreational vehicle shall be parked or stored in the rear or side yard with a required minimum setback of fifteen (15) feet from the dwelling and ten (10) feet from a side or rear lot line on the lot/unit/parcel.
- C. In instances where a recreational vehicle is not able to be stored in the rear or side yard because of physical limitations, a recreational vehicle may be parked in the front yard as follows.
 - 1. In those instances where a recreational vehicle is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized and in no instance shall such recreational vehicle be parked or stored within twenty (20) feet of the road right of way.

5.13.3 No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on the premises, except for occasional living purposes to accommodate visitors not to exceed a continuous period of two (2) weeks.

5.13.4 No recreational vehicle shall be stored on a public street or right-of-way or private road easement.

5.13.5 A recreational vehicle stored outside shall be in a condition for the safe and effective performance of its intended function.

Section 5.14 Transient and Amusement Enterprises

- A. Circuses, carnivals, music festivals, other transient amusement enterprises and similar temporary public gatherings of people shall be permitted for a limited and specific period of time in accordance with the special land use provision of this Ordinance and the use classification pertaining to the particular district. In addition to the above required findings, the Township board shall permit such enterprises only upon finding that the location of such activities will not adversely affect adjoining properties or the public health, safety or general welfare. The Township board may require posting of a bond or other security payable to the Township in an amount

determined to hold the Township free and harmless of all cost or liabilities incident to the operation of such activities.

- B. The Township board may also require police protection or the posting of a certificate of insurance in such amounts and limitations as the Township Board may determine for the purpose of indemnifying an adjoining land owner or a person using the premises, for any damage or injury resulting from the operation of such activity. The Township board shall issue the special land use permit for a specific named purpose, and for a specific period of time. The permit shall be a temporary one only for that period of time and shall not be renewable or transferable.

Section 5.15 Seasonal Sales.

The sale of Christmas trees, pumpkins, and other seasonal items shall be considered temporary uses within any zoning district subject to the conditions contained herein. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties. Adequate parking and ingress and egress to the premises shall be provided. Upon discontinuance of the seasonal use, any temporary structures shall be removed. Signs shall conform to the provisions of the district in which the seasonal use is located. Uses approved under Section 4.5. as road side stands or farm markets shall not be subject to this Section.

Section 5.16 Garage Sales, Rummage Sales, and Similar Activities.

Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any zoning district subject to the conditions contained herein. Any garage sale, rummage sale, or similar activity shall be allowed without a land use permit for a period not to exceed four (4) days within a six (6) month period. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties. No signs advertising a garage sale or similar activity shall be placed upon public property.

Section 5.17 Intensive Livestock Operations.

- A. It is the intent of this Section to allow for intensive livestock operations while providing additional protection to the Township and neighboring land uses in order to minimize noise and odors and prevent surface water and groundwater contamination, and further subject to the following conditions:

1. Minimum site area shall be forty (40) acres.
2. There shall be adequate fencing, or other restraining devices, for the purpose of maintaining animals within a restricted area. Per the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
3. The refuse and wastes resulting from the feeding and maintenance of animals shall be controlled upon the premises, and shall be subject to the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
4. All feed and other materials used for the maintenance of animals shall be appropriately stored so as to not attract rats, mice, or other vermin.
5. For the location of new or expanding intensive livestock operations see The Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

Section 5.18 Right to Farm

5.18.1 The right to farm is recognized to exist as a natural right, which is desirable to preserve, especially in the rural setting of Iosco Township. This right specifically recognizes the need to move equipment, and/or the possibility of generating noise and odors, which may penetrate non-agricultural zoning districts.

5.18.2 Definitions.

- A. As used in this section, "farm" means the land, buildings, and machinery used in the production of agricultural products.
- B. As used in this section, "farm operation" means a condition or activity which occurs in the community in connection with the production or sale of agricultural products, and includes, but is not limited to: noise; odors; dust; fumes; operation of machinery and irrigation pumps; grazing by animals; ground and aerial seeding and spraying; the application of fertilizers, insecticides, and herbicides; and the employment of labor.

- C. As used in this section, "agricultural product" means livestock, poultry, grains, grasses, fibers, fruits, wood, trees, plants, shrubs, flowers, seeds, and honey.

5.18.3 A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to Generally Accepted Agricultural and Management Practices as set down by the Michigan Department of Agriculture. Said practices may occur on holidays, Sundays, and weekdays, at night and in the day. Further, the noises, odors, dust, and fumes that are caused by them are specifically permitted as part of this right.

5.18.4 A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation existed before a change in the land use or occupancy of land within one (1) mile of the boundaries of the farm land, and before the change in land use or occupancy, the farm or farm operation would not have been a nuisance.

5.18.5 It is expressly found that whatever inconvenience may be caused to others by farm or farm operation activities is more than offset by the benefits from farming to the community, and to society in general, by the preservation of open space, the beauty of the countryside, and by the preservation and continuance of farming operations as a source of agricultural products for this and future generations.

5.19.1 **Temporary Dwellings.**

- A. All Temporary dwellings require a Special Use Permit.
- B. No temporary dwelling, whether of a fixed or movable nature, may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except as permitted in the following situations:
 - 1. If a permanent dwelling is destroyed or is damaged by a natural or man-made event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a mobile home, travel trailer or motor home may be occupied by the family so displaced during repair or replacement of the permanent dwelling for a period of up to six (6) months. The Township Board may renew the permit for the use of a temporary dwelling for such purposes, for a second six-month period, however, in any case, the

use of a temporary dwelling for such purposes shall not exceed one year.

a. For requests for emergency housing pursuant to B. 1., the Zoning Administrator and Supervisor shall have the right to issue an emergency, temporary use permit for a period not to exceed sixty(60) days. No extensions beyond sixty(60) days shall be allowed unless the applicant has applied for and been granted a temporary use permit by the Township Board pursuant to the provisions of Section 5.19.1. The applicant must obtain any other required permits from other state and regulatory agencies for the temporary dwelling.

2. Temporary long term housing for aged parents.
3. Trailers brought by visitors for traveling purposes may be occupied and allowed, provided the visitors occupying said trailers use toilets, bathing and laundry facilities of the dwelling of the property owner or occupants they are visiting, provided further, that the maximum period for such use shall be limited to thirty(30) days and to one(1) such visiting trailer at a dwelling. At least six(6) months must expire to entitle any person to exercise the foregoing provisions on repeated occasion. Special exceptions regarding the time limits may be granted upon request to the township board.
4. Farming activities requiring hired labor. Farm owners who require the use of hired labor, may be allowed a temporary dwelling on the farm to provide shelter for the hired person and immediate family.

C. Conditions

1. A plot plan, in lieu of a site plan, shall be submitted to the Planning Commission. The plot plan shall contain the following information:
 - a. Location of existing and proposed structures.
 - b. Lot lines and setback distances.
 - c. Septic tank and drain field location, if any.
 - d. Plans and procedures for connecting utilities between existing and proposed structures.
 - e. Well location.
 - f. Area to be excavated and graded, with existing and final grades.
 - g. Driveway location and utility easements.
 - h. Other significant features, such as trees and poles.
2. A written statement from the applicant describing the reasons and need for the temporary living quarters.

3. A signed written agreement between the applicant and Township Board shall be executed. The agreement shall state that the temporary dwelling is for a single purpose, and when that use no longer is needed, the temporary dwelling shall be removed from the property within 60 days. If the temporary dwelling is not removed, the applicant is in violation of this ordinance.
4. A surety bond, a performance bond, cash deposit or certified check, or irrevocable bank letter of credit shall be deposited with the Township Clerk, in the amount determined in the agreement between the applicant and the township board. All or a portion of the interest along with the principal will be refunded to the applicant when all conditions attached to the temporary use permit are met successfully. If permit requirements are not met a violation exists and deposited monies are forfeited to the township to pay for enforcing the ordinance.

D. Requirements and Procedures. A temporary dwelling, when permitted, shall conform to the following requirements and procedures. No permit shall be issued and no temporary dwelling occupied until the following requirements listed below are met.

1. The structure shall be such as to indicate that it is not intended to stand as a permanent dwelling, or will be adverse to the public health, safety, and welfare of the occupants or surrounding residents.
2. A temporary dwelling shall be placed on the lot so as to conform to all yard requirements of the zoning district in which it is located.
3. A temporary dwelling shall be connected to private water supply and sewage disposal systems approved by the County Environmental Health Division.
4. The Township Board shall establish a reasonable date for vacation or removal of the temporary dwelling, whichever is applicable, based upon the use of the dwelling.
5. A performance bond, letter of credit or cash deposit in an amount to be determined by resolution of the Township Board, shall be provided to the Zoning Administrator to insure vacation and removal of the temporary dwelling.

6. The Township Clerk shall provide a copy of the agreement between the applicant and the board setting forth the conditions of the use permit to the residents of a temporary dwelling and shall retain a copy in the files of the township. Upon receiving the zoning compliance certificate the owner/occupant shall indicate by his/her signature that he/she has full knowledge of the terms of the zoning compliance certificate and penalty pertaining thereto.
7. Any permit issued under this section shall not be transferable to any other owner or occupant.
8. The Township Board and Planning Commission shall promptly notify the Zoning Administrator in writing of each approval granted and all conditions attached thereto under this section.

Section 5.20 Buildings to be Moved

5.20.1 Any building moved into or within the township shall be placed upon a foundation and shall be considered a new building and be subject to all the limitations and requirements herein set forth relating to uses, construction, permits, and certificates.

Section 5.21 Golf Courses.

Golf courses and country clubs, including accessory uses such as: clubhouses, driving ranges, pro shops, maintenance buildings, recreational facilities and caretaker residence shall be subject to the following conditions:

- A. Minimum site area shall be forty (40) acres.
- B. The location of structures, such as the club house and accessory buildings, and their operations shall be reviewed by the Planning Commission to insure minimum disruption of the adjacent properties, and as much distance as is practicable shall be provided between golf course structures and activities and abutting residential properties. In no case shall any structure be located any closer than one hundred (100) feet from adjacent residentially zoned or used property.

- C. All storage, service and maintenance areas when visible from adjoining residentially zoned or used land shall be screened from view by either a wall or fence at least six (6) feet in height, or landscaping approved by the Township.
- D. All proposed outdoor lighting shall be specifically reviewed by the Planning Commission to ensure that it does not impact on adjacent land use. In no case shall such speakers or lights be directed towards residentially zoned or used property.
- E. The caretakers' residence must meet the minimum requirements of the district that the golf course is located in.
- F. Entrance must be located on a paved road.

Section 5.22 Campgrounds.

Publicly or privately owned and operated campgrounds and camp structures providing temporary living quarters for campers on a daily, weekly or seasonal basis shall be subject to the following.

- A. The minimum site area shall be twenty (20) acres.
- B. The site shall have direct accessibility to a paved public road.
- C. A minimum one hundred (100) feet setback shall be established around the perimeter of the property for the purpose of buffering a private campground or recreational vehicle park in relation to adjacent residentially zoned or used properties. The perimeter buffer shall be kept in its natural state. Where natural vegetation or land contour are insufficient to buffer a private campground or recreational vehicle park in relation to surrounding properties, the Planning Commission may require additional setback, landscaping, and/or berming.
- D. Temporary campgrounds are strictly prohibited.
- E. Mobile homes shall not be permitted to be located within a campground.
- F. The use and occupancy of a campground shall be in strict compliance with the current laws and requirements of the State of Michigan governing such uses.

Section 5.23

Self-Storage Facilities

- A. Requirements and Conditions. Self Storage Facilities are permitted as a special use in the OSC District, and shall be subject to the following requirements and conditions of this section:
 - 1. No activity other than the rental of storage units and the rental of outside storage space for recreational vehicles, boats and watercraft shall be allowed. No commercial, wholesale, retail, or other business use on, or operated from, the facility shall be allowed.
 - 2. Only the sale of incidental supplies and similar material related to the self-storage business shall be allowed from the facilities office.
 - 3. The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the storage units. Fuel stored in motor vehicle tanks of cars, boats or other motorized devices may be subject to separate regulation by the proprietor.
 - 4. All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a storage unit.
 - 5. Other than the storage of recreational vehicles, boats and watercraft, all storage shall be contained within a structure
 - 6. All storage facilities and any outdoor recreational vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with Section 6.2, Landscaping, Greenbelts, Buffers, and Screening.
 - 7. The exterior design of the storage units is subject to Township review and approval, and must be compatible with adjacent properties and the rural character of Iosco Township. When a building is adjacent to a zoning district that permits a residential use, or the adjacent property is currently in residential use, the township may consider the use of a building material that is aesthetically compatible.
 - 8. All storage units must be accessible by drives clearly marked to distinguish direction (if one-way) and separate from parking lanes. Parking lanes a minimum of 10 feet wide shall be provided for loading and unloading adjacent to all storage units. A combination

parking lane-driveways must meet the following minimum standards:

- a. When storage units open onto one side only - 26 feet wide for one-way traffic and 30 feet for two-way traffic.
 - b. When storage units open onto both sides - 36 feet wide for one-way traffic and 40- feet for two-way traffic.
9. The Fire Department is to review the site plan for all issues related to vehicle access and fire safety.
10. A residence for a caretaker or watchman is permissible and is subject to reasonable conditions that may be imposed by the township as well as the following:
- a. The caretaker or watchman's residence must have at least the minimum square footage of living space to meet the zoning ordinance's requirements for a single-family residence, not including the office space for the self storage facility.
 - b. Exterior design of the caretaker or watchman's residence is subject to the review and approval of the township.
 - c. The caretaker or watchman's residence is subject to all area and setback requirements of the district that it is located in.
 - d. The maximum height of the caretaker or watchman's residence shall meet the zoning ordinance requirements for a single-family residence.
11. Parking Requirements.
- a. One (1) space for every 150 self-storage units with a minimum of three spaces to be provided adjacent to the office.
- B. Waiver: Where the township determines that compliance with all of the above standards of Section 5.23 is unreasonable, the standards shall be applied to the maximum extent possible. In such a situation, the Planning Commission may accept suitable alternatives that substantially achieve the

purpose of this Section, provided that the applicant demonstrates that one of the following apply:

1. That architectural and/or structural integrity and quality are not undermined.
2. That any deviations from the standards in Section 5.31 will still provide for a harmonious development and serve to minimize any possible impacts to adjacent properties and residences.

Section 5.24 Commercial Outdoor Sale Lots

5.24.1 Outdoor sales for automobiles, trucks, trailers, boats, mobile homes, and similar uses shall be subject to the following provisions and allowed only in the OSC district:

- A. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way.
- B. There shall be no strings of flags, pennants or bare light bulbs permitted.
- C. No vehicles or merchandise for sales shall be displayed within the required front yard setback.
- D. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.

Section 5.25 Automobile Service and/or Repair Stations

5.25.1 In addition to other regulations set forth in this ordinance, all automobile gasoline service and repair stations and other automotive service and repair facilities shall conform to the following requirements:

- A. Sidewalks shall be separated from vehicular parking or circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.
- B. The entire area used for vehicle service shall be paved.

- C. Hydraulic hoist, service pits, lubricating, greasing, washing and repair equipment and operations shall be located within a completely enclosed structure.
- D. The maximum widths of all driveways at the right-of-way line shall be no more than thirty (30) feet.
- E. The angle of a driveway intersection with the street from the curb line to lot line shall be not less than sixty (60) degrees.
- F. The distance of any driveway from any property line shall be at least twenty (20) feet, measured at the tangent points of the drive edge and the street curb return.
- G. The distance between curb cuts shall be no less than forty (40) feet, measured between the tangent points of the drive edges and the street curb returns.
- H. Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, unpierced enclosure.
- I. Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junkyard. Such storage shall not be sold or advertised for sale on the premises.
- J. Sales of used cars and other motorized vehicles shall be prohibited.

Section 5.26 Mobile Home Park District (MHP)

5.26.1 Intent: The intent is to provide districts of such size and location as will encourage proper mobile home residential development, adjacent to essential community services, and otherwise protect the health, safety and welfare of mobile home residents.

5.26.2. Permitted Uses.

- A. Mobile home parks subject to the provisions of Section 5.30.4, Site Design Requirements, below.

- B. Mobile home parks and permitted uses in accordance with Section 4.5.7 of the Iosco Township Zoning Ordinance.
- 5.26.3. Special Uses. Special uses in accordance with Section 3.7 of the Iosco Township Zoning Ordinance.
- 5.26.4. Site Design Requirements. The Mobile Home Code, as established by the Mobile Home Commission and the Michigan Department of Public Health Rules under the authority of PA 96 of 1987, as amended, regulates development of mobile home parks. All mobile home parks must be constructed according to the standards of the Code.

In addition to the rules and standards of the State of Michigan, Iosco Township imposes the following conditions:

- A. Mobile Home Parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, P.A. 96 of 1987, as amended, and subsequently adopted rules and regulations governing mobile home parks.
- B. Mobile Home Parks shall not be permitted on parcels less than forty (40) acres in size.
- C. Individual. Mobile home sites within a mobile home park shall have a minimum lot size of 5,500 square feet per mobile home being served. This 5,500 square foot minimum may be reduced by twenty (20) percent, provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through this reduction of the site below 5,500 square feet, an equal amount of land shall be dedicated as open space. This additional open space shall be in addition to the open space requirements of P.A. 177 of 2001. In no case shall the open space requirements be less than that required under R125.4946, Rule 946 of the Michigan Administrative Code.
- D. The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment.
- E. The minimum setback for mobile home parks: shall be fifty (50) feet from a public right-of-way and fifty (50) feet from any adjoining property line not involving a public right-of-way. Mobile home parks shall be landscaped as follows:

1. If the mobile home park abuts an existing residential development, the park shall be required to provide landscape screening along the park boundary abutting the residential development.
 2. If the park abuts a non-residential development, the park need not provide screening.
 3. In all cases, however a park shall provide landscape screening along the park boundary abutting a public right-of-way. The landscape screening shall consist of evergreen trees or shrubs of a minimum of three (3) feet in height that are spaced so they provide a continuous screen at maturity. A landscape berm may be incorporated within the landscape screen. Walls and fences used in conjunction with a landscape screen shall be approved by the Planning Commission.
- F. Mobile Home Parks shall be subject to preliminary plan review requirements in accordance with PA 96 of 1987, as amended.
- G. A zoning compliance certificate shall not be required for the construction or erection of canopies or awnings that are open on three (3) sides. A zoning compliance certificate shall be required, however, before the construction or erection of any screened, glassed-in, or otherwise enclosed awning or canopy.

Section 5.27

Bed and Breakfast Accommodations.

- 5.27.1 Bed and breakfast accommodations are subject to the following conditions:
- A. Each premise must be occupied and operated by its owner.
 - B. The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting or traffic.
 - C. No bed and breakfast sleeping room shall be permitted that does not comply with the State Construction Code.
 - D. There shall be no separate cooking facilities used for bed and breakfast stay.
 - E. Bed and breakfast bedrooms shall be a minimum of one hundred and twenty (120) square feet for the first two (2) occupants and an additional thirty (30) square feet for each additional occupant.

- F. The stay of bed and breakfast occupants shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
- G. The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast, which shall be available for inspection by the Zoning Administrator.
- H. One (1) bathroom for every three (3) sleeping rooms shall be provided, with a minimum of two (2) bathrooms.
- I. Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
- J. Signs are permitted in accordance with Article 11, Signs.
- K. One (1) parking space shall be provided off-street in the interior side yard or rear yard area for each bed and breakfast bedroom. The township may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety.
- L. All Livingston County Environmental Health Division regulations must be complied with. Prior to beginning operation the proprietor must provide proof from the Environmental Health Division that on-site disposal facilities are adequate.

Section 5.28 Churches

- 5.28.1 Churches and other facilities normally incidental thereto are subject to the following conditions:
 - A. Direct access and egress only to and from an existing or planned major thoroughfare or collector street.
 - B. Existing churches and church lands purchased before the effective date of this section and not meeting these requirements shall not be prevented from constructing and/or expanding their facilities and, for the purpose of this Zoning Ordinance, shall not be considered nonconforming.

- C. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than fifty (50) feet.
- D. Buildings of greater than the maximum height allowed in the Zoning District may be allowed, provided that front, side and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.

Section 5.29 Adult Care Facilities

5.29.1 Intent. It is the intent of this section to establish standards for Adult foster care facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood. These include adult foster care large group homes, adult foster care small group homes, and adult foster care family homes.

5.29.2 Application of Regulations.

- A. A State licensed Family Day Care Home shall be considered a residential use of property and a permitted use in all districts that allow a residence as a permitted use. Family Day Care Homes shall be prohibited in all other districts.
- B. A State licensed Group Care Home with the approved capacity to receive six (6) or fewer adults shall be considered a residential use of property and a permitted use in all districts that allow a residence as a permitted use.
- C. The Planning Commission may, by issuance of a special use permit (Section 3.7 Special Use), authorize the establishment of Group Care Facilities and Day Care Centers in the following zoning districts: OSC. Housing for the Elderly and Convalescent Centers shall be prohibited in all other districts. Facilities that care for more than twenty (20) adults or twelve (12) children.

Section 5.30 Child Care Facilities

5.30.1 Intent. . It is the intent of this section to establish standards for Child care facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood. These include Child

care group homes, Child care family homes, and Child Care Centers. A State licensed Day Care Home shall be considered a residential use of property and a permitted use in all districts that allow a residence as a permitted use. Family Day Care Homes shall be prohibited in all other districts. A Child Care Center shall be allowed in the OSC district only.

5.30.2 Application of Regulations

- A. A Child Care Home shall be located no closer than 1,500 feet to any of the following facilities:
 - 1. Another Licensed Group Day Care Home
 - 2. An adult foster care small or large group home licensed by the State of Michigan
 - 3. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people that is licensed by the State of Michigan
 - 4. A community correction center, resident home, halfway house or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
- B. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
- C. The property is maintained in a manner that is consistent with the character of the neighborhood.
- D. There shall be an outdoor play area of at least 1000 square feet provided on the premises. Said play area shall not be located within the front yard setback. The Planning Commission may waive this requirement if a public play area is within 1000 feet of the subject parcel.
- E. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
- F. The hours of operation do not exceed sixteen hours within a twenty-four hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall

be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.

- G. One (1) off-street parking space per employee not a member of the Day Care Home family shall be provided.
- H. Appropriate licenses with the State of Michigan shall be maintained.
- I. Subsequent establishment of any facilities listed in Section 5.30.3, A, 1) through 4), within 1,500 feet of the licensed or registered Group Day Care Home will not affect any subsequent special land use permit renewal pertaining to the Group Day Care Home.

5.30.4 Standards for Day Care Centers. Day Care Centers are not located in a private residence. Day Care Centers shall be allowed in the OSC district and the following standards shall apply:

- A. The Day Care Center shall be served by a private water supply and sanitary wastewater treatment system approved by the Livingston County Environmental Health Division.
- B. A separate drop-off and pick-up area, two cars in width, shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.

Section 5.31 Housing for the Elderly and Convalescent Centers.

5.31.1 Housing for the elderly shall comply with the following conditions:

- A. All housing for the elderly shall provide for the following:
 - 1. Independent Living for the Elderly The minimum building area requirements for purpose of calculating density shall be as follows:

Dwelling Unit Size	Building Area/Unit (sq. ft.)
Efficiency/One Bedroom	2000
Two Bedroom	4000
Each additional bedroom	500

- 2. Both independent and assisted living facilities shall be contained within a building which does not exceed two hundred and fifty

(250) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together. The Planning Commission may permit buildings of greater length when it can be demonstrated that architectural design and nature and topographic features ensure that the building is in scale with the site and surrounding areas.

3. Building setbacks shall comply with the following:

a. Perimeter setbacks shall be no less than seventy-five (75) feet from the front property line and fifty (50) feet from all other property lines.

b. Internal setbacks for single and two-family dwellings located on an individual lot shall be as follows:

Front	25 feet
Rear	35 feet
Least Side	7.5 feet
Total Side/Between Buildings	20 feet

c. Internal setbacks for single and two-family dwellings not located on an individual lot shall be as follows:

	Multiple Family	Single/Two Family
Internal Drives/Streets	25	25
Side/Side Orientation	30	20
Side/Front, Side/Rear	30	35
Front/Front, Front/Rear, Rear/Rear	50	50

5. Minimum Floor Area. Each dwelling unit shall comply with the following minimum floor area requirements, excluding basements:

Dwelling Type ft.)	Floor Area (sq.	
	Assisted Living Unit	Independent Living Unit
Efficiency	400	500
One Bedroom	550	650
Two Bedroom	700	800
Additional bedroom	150 per	150per

6. **Building Height.** The maximum height of a building is two (2) stories or thirty-five (35) feet. The Planning Commission may at its discretion, permit up to three (3) stories only if the following conditions are met:
 - a. The site contains significant natural resources such as slopes or wetlands.
 - b. No increase in density shall be allowed.
 - c. Approval by the Fire Department is required.
 - d. An increased setback distance is established with respect to each setback required to be increased, including front, rear and side yard requirements and spacing requirements between buildings. The extent of increase, if any, for each set back measurement shall be established as part of the approval of the Planning Commission.
 - e. In no event shall the maximum height of any such building exceed thirty-five (35) feet, in the manner defined and calculated in accordance with the terms of this Ordinance, other than the following exceptions:
 1. Barns in AR districts to be fifty (50) feet tall maximum.
 2. Silos in AR districts to be one hundred (100) feet tall maximum.
 3. As allowed for elsewhere in this ordinance.
7. **Open space/recreation:** Open space and recreation shall be provided in accordance with the following requirements:
 - a. Total open space required shall be a minimum of fifteen (15) percent of the site.
 - b. Recreation facilities shall be appropriate and designed to meet the needs of the resident population. Active recreation shall be located conveniently in relation to the majority of dwelling units intended to be served.

8. Accessory Uses. Support uses offered solely to residents may be permitted provided they are contained within the principal building and are strictly accessory to the principal use as an elderly residential facility. Such support may include: congregate dining; health care; personal services; and social, recreational, and educational facilities and programs.

B. Convalescent homes shall comply with the following conditions:

1. Minimum lot size shall be based upon no less than two thousand (2,000) square feet per bed.
2. The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each bed in the convalescent home there shall be provided not less than one thousand five hundred (1,500) square feet of open space. Such space shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, employee facilities and any space required for accessory uses. The one thousand five hundred (1,500) square foot requirement is over and above the building coverage area requirement.
3. No building shall be closer than forty (40) feet from a property line.
4. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or primary thoroughfare. More than one point of vehicle ingress and egress shall be provided directly from said thoroughfare.
5. Area for access of emergency vehicles shall be provided for each primary building entrance.

5.31.2 Standards for Day Care Centers. Day Care Centers are not located in a private residence. Day Care Centers shall be allowed in the OSC district and the following standards shall apply:

- A. The Day Care Center shall be served by a private water supply and sanitary wastewater treatment system approved by the Livingston County Environmental Health Division.
- C. A separate drop-off and pick-up area, two cars in width, shall be provided adjacent to the main building entrance, located off of a public street and

the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.

- C. Off-street parking shall be provided at a rate of one (1) space per employee plus one space for every five (5) children enrolled at the facility
- D. There shall be an outdoor play area of at least 1,000 square feet provided on the premises. Said play area shall not be located within the front setback. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet. The requirement of providing an outdoor play area may be waived by the Planning Commission if a public play area is available 500 feet from the subject parcel.
- E. Appropriate licenses with the State of Michigan shall be maintained.

Section 5.32 Wireless Communication Facilities.

5.32.1 Purpose and Intent. It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner that will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

- A. Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- B. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

- C. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way.

5.32.2 Authorization as a Permitted Use. Subject to the standards and conditions set forth herein, wireless communication facilities shall be permitted uses in the following circumstances, and in the following districts:

- A. In all zoning districts, a proposal to establish a new wireless communication facility shall be deemed a permitted use in the following circumstances:
 - 1. An existing structure which will serve as an attached wireless communication facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the Planning Commission, proposed to be either materially altered or materially changed in appearance.
 - 2. A proposed collocation upon an attached wireless communication facility that had been pre-approved for such collocation as part of an earlier approval by the Township.
 - 3. An existing structure which will serve as an attached wireless communication facility consisting of a utility pole or structure located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Planning Commission, would materially alter the structure.
 - 4. An existing structure which will serve as an attached wireless communication facility consisting of a utility pole or structure. The height of the pole or support structure shall not be increased by more than 20 (twenty) feet or 10 (ten) percent of the original height.
- B. Non-Commercial Amateur Radio Antennas and Satellite Dish Antennas
 - 1. Antennas shall not be located between the principal building and the front lot line.
 - 2. Installations shall comply with yard requirements of the underlying zoning district for accessory structures.
 - 3. Antennas shall not exceed thirty(30) feet in height above maximum building height. If the operator is licensed by the Federal Communication Commission, the limitation may be exceeded but not to exceed ninety(90) feet above the ground.
 - 4. All installations shall be located to prevent obstruction of a dish antenna's reception window by potential permitted development on adjoining properties.

- 5.32.3 Authorization as a Specially Permitted Use. If it is demonstrated by an applicant that a wireless communication facility is required to be established outside of circumstances identified in Section 5.32.2 above, in order to operate, such wireless communication facility may be permitted elsewhere in the community as a special land use, subject to the requirements set forth herein, standards set forth in Section 3.7 and the following:
- A. At the time of the submittal, the applicant shall demonstrate that a location within the circumstances identified in Section 5.32.2 above cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - B. Locations outside of the circumstances identified in Section 5.32.2 above, shall be permitted on the following sites, subject to application of all other standards contained in this section:
 - 1. Municipally owned site.
 - 2. Other governmentally owned site.
 - 3. Public school site.
 - 4. Privately owned site.
- 5.32.4. General Regulations Applicable to All Facilities. All applications for wireless communication facilities, whether a permitted or specially permitted use, shall be reviewed, constructed and maintained in accordance with the following standards and conditions.
- A. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
 - B. Facilities shall be located and designed to be harmonious with the surrounding areas.
 - C. Facilities shall comply with applicable Federal and State standards relative to the environmental effects of radio frequency emissions.
 - D. The following additional standards shall be met:
 - 1. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other

entities to collocate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.

2. The accessory building contemplated to enclose switching equipment shall be limited to the maximum height for accessory structures within the respective district.
3. The setback of a proposed new support structure from any adjacent property line and/or any existing or proposed public street rights-of-way shall be no less than the height of the structure. Where a proposed new support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure from all property lines shall be equal to one-half the height of the structure.
4. Where an existing structure will serve as an attached wireless communication facility, setbacks of the existing structure shall not be materially changed or altered, based upon a determination by the Planning Commission.
5. There shall be an unobstructed access drive to the support structure for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access drive shall meet Class C requirements, per General Ordinance #22 Private Roads.
6. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
7. Where an attached wireless communication facility is proposed on the roof of a building, any equipment enclosure shall be designed, constructed and maintained to be architecturally compatible with or enclosed within the principal building.
8. The support system shall be constructed in accordance with all applicable building codes. When applicable the township shall require from the applicants the submission of a soils report from the applicant's engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The

requirements of the Federal Aviation Administration, Federal Communications Commission and Michigan Aeronautics Commission shall be noted.

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

E. Appearance

1. The Township shall review and approve the type of support structure and all accessory buildings so as to minimize distraction, reduce visibility, maximize aesthetic appearance and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
2. Lighting as required by the F.A.A. when applicable. All other lighting to be directional, shielded from surrounding area as to be determined by the township. Motion sensing lighting may be required.
3. An open weave wire fence at least six (6) feet in height shall be constructed and set away from the base of the tower at least ten (10) feet in all directions. Unless specifically waived by the Planning Commission.

- F. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Township in its discretion.

5.32.5. Standards and Conditions Applicable to Specially Permitted Land Use Facilities. Applications for wireless communication facilities which may be approved as specially permitted land uses shall be reviewed by the Planning Commission and if approved, by the Township Board constructed and maintained in accordance with the standards and conditions in Section 5.32.4 and the following standards:

- A. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:

1. Proximity to a major thoroughfare.
 2. Areas of population concentration.
 3. Concentrations of commercial and/or other business centers.
 4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 6. Other specifically identified reasons creating facility need.
- B. The proposal shall be reviewed in conformity with the collocation requirements of this section.
- C. Wireless communication facilities shall be of a design that is compatible with the existing character of the proposed site, neighborhood and general area as approved by the Township.

5.32.6. Application Requirements Applicable to All Facilities.

- A. A site plan prepared in accordance with Article 9, Site Plan Review.
- B. The site plan shall also include a detailed landscaping plan illustrating screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.
- C. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall. Certification will be utilized along with other criteria, such as applicable regulations for the district in question in determining the appropriate setback to be required for the structure and other facilities.
- D. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Section 5.32.8 below. In this regard, the security shall be in the form

approved by the Township Attorney and recordable at the office of the Register of Deeds. Thus, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section. An additional provision will also be that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the Township in securing removal.

- E. The application shall include a map showing existing and known proposed wireless communication facilities within the Township. It shall also show existing and known proposed wireless communication facilities within surrounding areas the borders of the Township which are relevant. Relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality.
- F. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. The owner shall update this information as needed, for as long as the facility is on the premises.

5.32.7. Collocation.

- A. Statement of policy. It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and encourage the use of existing structures.
- B. Feasibility of collocation. Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
 - 1. The wireless communication provider entity under consideration for collocation will pay market rent or other market compensation for collocation.
 - 2. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility is able to provide structural support.
 - 3. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas and the like.

4. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the standards set forth in this section.

C. Requirements for collocation.

1. Approval for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
2. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
3. If a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use shall not be altered, expanded or extended in any respect.

5.32.8. Removal.

- A. The Township reserves the right to request evidence of ongoing operation at any time after the construction of an approved wireless communication facility.
- B. A condition of approval for a wireless communication facility shall provide an adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 1. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
 2. Six (6) months after new technology is available at reasonable cost as determined by the Township, which permits the operation of the communication system without the requirement of the support structure.

- C. The situation in which removal of a facility is required may be applied and limited to portions of a facility.
- D. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Township or a Township representative.
- E. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty days of the applicable deadline, and after at least thirty days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

