**ZONING**

**ORDINANCE**

Hudson Township

Lenawee County, Michigan

Recommended by the Planning Commission on November 3, 2022

# O2022-03

Amended December 12, 2022

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**HUDSON TOWNSHIP ZONING ORDINANCE LENAWEE COUNTY, MICHIGAN**

# ARTICLE I: IN GENERAL

## Section 1.01. SHORT TITLE

This Ordinance shall be known and may be cited as the Hudson Township Zoning Ordinance and will be referred to herein as “this Ordinance.”

## Section 1.02. AUTHORITY

This Ordinance was adopted under the authority and intent of the Township Zoning Act (PA 184 of 1943) as amended and is administered under the authority of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101, *et sec*).

## Section 1.03. PURPOSE

It is the purpose of this Zoning Ordinance to:

1. Promote the public health, safety, and general welfare of the inhabitants of Hudson Township by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes;
2. Enhance social and economic stability;
3. Prevent excessive concentration of population;
4. Reduce hazards due to flooding;
5. Conserve and stabilize the value of property;
6. Provide adequate open space for light and air;
7. Prevent fire and facilitate the fighting of fires;
8. Allow for a variety of residential housing types and commercial and industrial land uses;
9. Lessen congestion on the streets and highways;
10. Facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, education, recreation and other public services and facilities;
11. Assure adequate provision of the state's citizens for food, fiber, energy and other natural resources, including the preservation of farmland resources;
12. Ensure appropriate locations and relationships for uses of land; and
13. Facilitate the expenditure of funds for adequate public facilities and services to conform with the most advantageous uses of land, resources, and property, and any other purpose permitted by the Michigan Zoning Enabling Act.

The result of such purposes of this Ordinance will promote and protect the public health, safety, and comfort, convenience, and general welfare of the residents, merchants, and workers in the Township of Hudson.

# ARTICLE II: CONSTRUCTION OF LANGUAGE

## Section 2.01. RULES OF CONSTRUCTION

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

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.
3. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural and singular, unless the context clearly indicates the contrary.
5. A “building” or “structure” includes any part thereof.
6. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for,”
7. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either…or,” the conjunction shall be interpreted as follows:
   1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
   2. “Or” indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

# ARTICLE III: ZONING DISTRICTS AND MAPPING INTERPRETATION

## Section 3.01. DISTRICTS

The Township of Hudson is hereby divided into zones or districts as shown on the official Zoning Map and shall include the following:

A Agriculture

R Residential

LR Lake Residential

M Manufactured Housing

C Commercial

CR Commercial Recreation

I Industrial

## Section 3.02. MAP

The boundaries of these districts are shown upon the Official Zoning Map of the Township of Hudson and made a part of this Ordinance. The Zoning Map shall be maintained and kept on file with the Township Clerk, and all notifications, references, and other information shown thereon are part of this Ordinance and have the same force and effect as if the said Zoning Map and all such notations, references, and other information shown thereon were fully set forth or described herein.

## Section 3.03. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the follow rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line: boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

Where physical or cultural features existing on the ground area are at variance with those shown on the Official Zoning plan or in other circumstances not covered by subsections 1 through 6 above, the Zoning Board of Appeals shall interpret the district boundaries.

## Section 3.04. ZONING OF STREET, ALLEY, AND RAILROAD RIGHTS-OF-WAY

All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, or railroad rights-of-way. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

## Section 3.05. AGRICULTURE DISTRICT (A)

1. Intent: The purpose of the District is to:
2. Preserve land containing agricultural value, as it is a vital resource.
3. Implement a design technique which attempts to support a town-county special relationship creating intrinsic urban-rural values.
4. Permit the timing of land allotments to urban purposes in keeping with a theory of maximizing supporting public utilities so as to achieve the greatest amount of service for each dollar of capital expenditure.
5. Discourage the indiscriminate urbanizing of agricultural lands which adversely affects the owners of land currently pursuing agricultural endeavors by creating urban land values.
6. Use Regulations: Section 4.01 sets forth the uses permitted by right or as special land uses within the Agriculture District.
7. Dimensional Requirements: The following dimensional requirements shall apply to the Agriculture District:

AGRICULTURE DISTRICT DIMENSIONAL REQUIREMENTS TABLE

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Minimum Lot Size | | Maximum Building Height | | Maximum Coverage of Lot by All Buildings | Minimum Yard Setback | | | | Minimum Gross Floor Area Per Dwelling Unit |
| Front | Rear | Side | |
| Area | Width | Stories | Feet | Least | Total |
| 2 acres | 200 ft | 2 ½ | 35 ft | 30% | 50 ft | 50 ft | 15 ft | 40 ft | 800 sf |

1. All yards abutting upon a public street shall be considered as front yards for setback purposes.
2. Neither public sanitary sewers nor public water supply need be available.
3. Open porches, decks, paved patios, or terraces must meet the dimensional requirements for the Agriculture District.
4. Building setbacks for lands abutting lakes, rivers, creeks, tributaries, and drainage ditches, shall be in accordance with Section 5.20.

## Section 3.06. RESIDENTIAL DISTRICT (R)

1. Intent: The purpose of the District is to:
2. Encourage the construction of and the continued use of the land for one-family dwellings.
3. Prohibit business, commercial, or industrial use of the land and to prohibit any other use that would substantially interfere with development or continuation of one-family dwellings in the district.
4. Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
5. Discourage any land use that would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
6. Discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings.
7. Encourage one-family development in those areas which have the possibility of being served by municipal utility systems in the future.
8. Use Regulations: Section 4.01 sets forth the uses permitted by right or as special land uses within the Residential District.
9. Dimensional Requirements: The following dimensional requirements shall apply to the Residential District.

RESIDENTIAL DISTRICT DIMENSIONAL REQUIREMENTS TABLE

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Minimum Lot Size | | Maximum Building Height | | Maximum Coverage of Lot by All Buildings | Minimum Yard Setback | | | | Minimum Gross Floor Area Per Dwelling Unit |
| Front | Rear | Side | |
| Area | Width | Stories | Feet | Least | Total |
| 15,000 sf | 100 ft | 2 ½ | 35 ft | 30% | 50 ft | 50 ft | 15 ft | 40 ft | 800 sf |

1. All yards abutting upon a public street shall be considered as front yards for setback purposes.
2. Off-street parking and loading setbacks from public streets are equal to the required front yard setbacks. The setback shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping plant materials or vehicle access drives.
3. The required side yard abutting a public street may be reduced to ten (10) feet, if no other residential lots front on the street on the same block on either side of the street.
4. Open porches, decks, paved patios, or terraces must meet the dimensional requirements for the Residential District.
5. Building setbacks for lands abutting lakes, rivers, creeks, tributaries, and drainage ditches, shall be in accordance with Section 5.20.
6. Required minimum gross floor area for each dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages
7. Public sanitary sewers and public water supply must be available.

## Section 3.07. LAKE RESIDENTIAL DISTRICT (LR)

1. Intent: The purpose of the District is to:
2. Accommodate the compact residential development in the vicinity of Posey Lake which existed prior to the creation of the district.
3. Encourage new construction that is compatible with the existing residential character of the district.
4. Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
5. Discourage any land use that would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
6. Use Regulations: Section 4.01 sets forth the uses permitted by right or as special land uses within the Lake Residential District.
7. Dimensional Requirements: The following dimensional requirements shall apply to the Lake Residential District.

LAKE RESIDENTIAL DISTRICT DIMENSIONAL REQUIREMENTS TABLE

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Minimum Lot Size | | Maximum Building Height | | Maximum Coverage of Lot by All Buildings | Minimum Yard Setback | | | | Minimum Gross Floor Area Per Dwelling Unit |
| Front  (Lake) | Rear  (Road)) | Side | |
| Area | Width | Stories | Feet | Least | Total |
| 5,000 sf1 | 50 ft1 | 2 ½ | 35 ft | 50% | 50 ft | 25 ft2 | 5 ft | 15 ft | 800 sf |

1 Minimum area and width assumes public water and sewer. If public water and sewer not connected, the minimum area is two (2) acres and minimum width is two hundred (200) feet.

2 On private roads, the rear (road) yard setback is fifteen (15) feet when no parking is proposed in the rear (road) yard and eighteen (18) feet when parking is proposed in this area.

1. All yards abutting lake frontage abutting lake frontage shall be considered front yards for setback purposes.
2. All yards abutting upon a public street shall be considered as rear yards for setback purposes.
3. Off-street parking and loading setbacks from public streets are equal to the required rear yard setbacks. The setback shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping plant materials or vehicle access drives.
4. The required side yard abutting a public street may be reduced to ten (10) feet, if no other residential lots front on the street on the same block on either side of the street.
5. Open porches, decks, paved patios, or terraces may project into a required front or rear yard for a distance not to exceed ten (10) feet, with a maximum floor height of thirty (30) inches above finished grade level. If the floor height of an open, unenclosed porch, deck, paved patio or terrace is more than thirty (30) inches above finished grade level, the structure must meet the dimensional requirements for the Lake Residential District.
6. Required minimum gross floor area for each dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages

## Section 3.08. MANUFACTURED HOUSING DISTRICT (M)

1. Intent: The purpose of the District is to:
2. Encourage a suitable environment for persons and families that, by preference, choose to live in a manufactured house rather than a conventional one-family structure.
3. Establish low density standards and permitted uses that reflect the needs of residents in the District, in keeping with the occupancy characteristics of contemporary manufactured homes.
4. Limit development to manufactured homes when located in a subdivision designed for that purpose, or a manufactured home park with recreational facilities, places of worship, schools, and necessary public utility buildings.
5. Use Regulations: Section 4.01 sets forth the uses permitted by right or as special land uses within the Manufactured Housing District.
6. Dimensional Requirements: The following dimensional requirements shall apply to the Manufactured Housing District.

MANUFACTURED HOUSING DISTRICT DIMENSIONAL REQUIREMENTS TABLE

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Minimum Lot Size | | Maximum Building Height | | Maximum Coverage of Lot by All Buildings | Minimum Yard Setback | | | | Minimum Gross Floor Area Per Dwelling Unit |
| Front (Road) | Rear | Side | |
| Area | Width | Stories | Feet | Least | Total |
| 20 acres | 400 ft | 1 | 3 ft | None | 50 ft | 50 ft | 15 ft | 40 ft | 800 sf |

1. All lots zoned Manufactured Housing must have frontage on a County Primary Road that corresponds to the minimum lot width for the Manufactured Housing Zoning District.
2. Public sanitary sewers and public water supply must be available
3. All yards abutting upon a public street shall be considered as front yards for setback purposes.
4. Off-street parking and loading setbacks from public streets are equal to the required rear yard setbacks. The setback shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping plant materials or vehicle access drives.
5. Building setbacks for lands abutting lakes, rivers, creeks, tributaries, and drainage ditches, shall be in accordance with Section 5.20.
6. Other Regulations: Manufactured housing parks shall meet the regulations in Article IX – Manufactured Housing.

## Section 3.09. COMMERCIAL DISTRICT (C)

1. Intent: The purpose of this District is to:
2. Permit retail business and service uses which are needed to serve the nearby residential areas.
3. Prohibit uses which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic.
4. Encourage the concentration of business areas to the mutual advantage of both the consumers and merchants in order to:
   1. Promote the best use of land at certain strategic locations.
   2. Avoid the continuance of encouraging marginal strip, business development along heavily traveled roads.
5. Use Regulations: Section 4.01 sets forth the uses permitted by right or as special land uses within the Commercial District.
6. Dimensional Requirements: The following dimensional requirements shall apply to the Commercial District.

COMMERCIAL DISTRICT DIMENSIONAL REQUIREMENTS TABLE

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Minimum Lot Size | | Maximum Building Height | | Maximum Coverage of Lot by All Buildings | Minimum Yard Setback | | | |
| Front (Road) | Rear | Side | |
| Area | Width | Stories | Feet | Least | Total |
| 2 acres | 200 ft | 2.5 | 35 ft | 50% | 30 ft | 30 ft | 15 ft | 40 ft |

1. All yards abutting upon a public street shall be considered as front yards for setback purposes.
2. Off-street parking and loading setbacks from public streets are equal to the required rear yard setbacks. The setback shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping plant materials or vehicle access drives.
3. Building setbacks for lands abutting lakes, rivers, creeks, tributaries, and drainage ditches, shall be in accordance with Section 5.20.
4. Other Regulations:
   1. Loading Spaces: Any loading spaces shall be provided in the side or rear yard, except when loading space is provided totally within a building or structure with four (4) enclosures not facing the front property line.

## Section 3.10. COMMERCIAL RECREATION DISTRICT (CR)

1. Intent: The purpose of this District is to:
   1. Promote seasonal outdoor recreation uses and preserve the natural features of the land.
   2. Maintain adequate space for off-street parking facilities to serve large numbers of people.
   3. Permit other commercial uses only when they are in conjunction with the principal recreation use.
2. Use Regulations: Section 4.01 sets forth the uses permitted by right or as special land uses within the Commercial Recreation District.
3. Dimensional Requirements: The following dimensional requirements shall apply to the Commercial Recreation District.

COMMERCIAL RECREATION DISTRICT DIMENSIONAL REQUIREMENTS TABLE

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Minimum Lot Size | | Maximum Building Height | | Maximum Coverage of Lot by All Buildings | Minimum Yard Setback | | | |
| Front (Road) | Rear | Side | |
| Area | Width | Stories | Feet | Least | Total |
| 2 acres | 200 ft | 2.5 | 35 ft | 50% | 50 ft | 50 ft | 15 ft | 40 ft |

1. All yards abutting upon a public street shall be considered as front yards for setback purposes.
2. Off-street parking and loading setbacks from public streets are equal to the required rear yard setbacks. The setback shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping plant materials or vehicle access drives.
3. Building setbacks for lands abutting lakes, rivers, creeks, tributaries, and drainage ditches, shall be in accordance with Section 5.20.

## Section 3.11. LIGHT INDUSTRIAL DISTIRCT (I)

1. The purpose of this District is to:
2. Permit certain industries which are of a light manufacturing character to locate in planned areas of the Township.
3. Integrate those industries with nearby land uses, such as commercial and residential.
4. Place limitations upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects.
5. Permit certain commercial uses which are desirable to service the employees and visitors of the District.
6. Use Regulations: Section 4.01 sets forth the uses permitted by right or as special land uses within the Industrial District.
7. Dimensional Requirements: The following dimensional requirements shall apply to the Industrial District.

LIGHT INDUSTRIAL DISTRICT DIMENSIONAL REQUIREMENTS TABLE

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Minimum Lot Size | | Maximum Building Height | | Maximum Coverage of Lot by All Buildings | Minimum Yard Setback | | | |
| Front (Road) | Rear | Side | |
| Area | Width | Stories | Feet | Least | Total |
| 2 acres | 200 ft | 2.5 | 35 ft | 50% | 50 ft | 50 ft | 15 ft | 40 ft |

1. All yards abutting upon a public street shall be considered as front yards for setback purposes.
2. Off-street parking and loading setbacks from public streets are equal to the required rear yard setbacks. The setback shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping plant materials or vehicle access drives.
3. Building setbacks for lands abutting lakes, rivers, creeks, tributaries, and drainage ditches, shall be in accordance with Section 5.20.
4. Other Regulations:
   1. Design Requirements: When a principal or accessory building in an Industrial District is erected or placed within two hundred (200) feet of the front lot line of any parcel of land fronting upon any public street, the front walls of the building shall not be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material.
   2. Loading Spaces: Any loading spaces shall be provided in the side or rear yard, except when loading space is provided totally within a building or structure with four (4) enclosures not facing the front property line.

## Section 3.12. SUPPLEMENTAL DIMENSIONAL REGULATIONS FOR ALL ZONING DISTRICTS

* 1. Permitted Height. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located.

1. Exceptions. Penthouses or roof structure for the housing elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smokestacks, water tanks, or similar structures may be erected above the height limits, subject to the following regulations:
   1. A maximum height of no more than fifteen (15) feet the height limits of the district in which it is located;
   2. The structure has a total area ten (10) percent or less of the roof area of the building; and
   3. The structure may only be used for a use incidental to the main use of the building and a residential use of the structure is not permitted.
2. Exemptions. Accessory buildings and structures related to agriculture as well as public utility structures shall be exempt from these regulations.
3. Projections into Yards. Architectural features, as defined in Section 17.01 but not including vertical projections, may extend or project into a required side yard not more than thirty (30) inches and may extend or project into a required front yard or rear yard not more than three (3) feet.

# ARTICLE IV: ZONING DISTRICT USE REGULATIONS

## Section 4.01. PERMITTED, ACCESSORY, AND SPECIAL LAND USES

The following uses are permitted by right (P), as an accessory use (A) or special land uses (S) within the zoning district.

TABLE OF PERMITTED USES AND SPECIAL LAND USES

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Type of Use**  P= Permitted A= Accessory S= Special land use | **Zoning District** | | | | | | |
| **A** | **R** | **LR** | **M** | **C** | **CR** | **I** |
| **AGRICULTURAL USES** |  |  |  |  |  |  |  |
| Farms operations, as defined by Section 17.01. | P |  |  |  |  | P |  |
| Commercial raising of animals, subject to the standards included in Section 7.07. | P |  |  |  |  | P |  |
| Roadside stands, subject to the standards included in Section 7.19. | P |  |  |  |  | P |  |
| Kennels, as defined by Section 17.01. Kennels shall comply with all applicable Township, County and State regulations. | S |  |  |  |  | S |  |
| **RESIDENTIAL USES** |  |  |  |  |  |  |  |
| One-family dwellings, as defined by Section 17.01. | P | P | P |  |  | P |  |
| Two family dwellings, as defined by Section 17.01. | S | S |  |  |  |  |  |
| Multiple family dwellings, as defined by Section 17.01. |  | S |  |  |  |  |  |
| Manufactured homes, as defined by Section 17.01 and subject to the standards included in Article XII (if located in the M district). All manufactured homes moved into or within the township must meet current HUD requirements. | P | P | P | P |  | P |  |
| Manufactured Housing Parks, as defined by Section 17.01 and subject to the standards included in Section 8.02 and Section 9.01. |  |  |  | P |  |  |  |
| Manufactured Housing Subdivisions, subject to the standards included in Section 8.02 and Section 9.02. |  |  |  | P |  |  |  |
| Home occupations, as defined in Section 17.01. | P | P | S |  |  | P |  |
| **COMMERCIAL USES** |  |  |  |  |  |  |  |
| Transmission or relay antenna towers as defined by section 7.16. | S |  |  |  | S | S | S |
| Automobile wash establishments, subject to standards included in Section 7.02. |  |  |  |  | S |  |  |
|  |  |  |  |  |  |  |  |

*continued*

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Type of Use**  P= Permitted A= Accessory S= Special land use | **Zoning District** | | | | | | |
| **A** | **R** | **LR** | **M** | **C** | **CR** | **I** |
| **COMMERCIAL USES CONTINUED** |  |  |  |  |  |  |  |
| Automobile service stations subject to standards included in Section 7.03. | S |  |  |  | S | S |  |
| Automobile and vehicles sales, trailer sales and rental, boat showrooms. |  |  |  |  | S | S | S |
| Banks, credit unions, savings and loan associations. |  |  |  |  | P |  |  |
| Decorators, furniture sales, upholsterers, and caterers. |  |  |  |  | P |  |  |
| Exterminators, within a completely enclosed building and excluding outside storage yards. |  |  |  |  | P |  | P |
| Funeral homes. |  |  |  |  | P |  |  |
| Hotels and motels, as defined by Section 17.01. |  |  |  |  | P |  |  |
| Laundry or dry cleaning customer outlets, coin-operated Laundromats, self-serve dry cleaning centers, and the like. |  |  |  |  | P |  |  |
| Dry cleaning or laundry plants, limited to serving one (1) customer service outlet if located in the Commercial district. |  |  |  |  | P |  | P |
| Offices, showrooms, and workshops within a completely enclosed building and excluding outside storage. |  |  |  |  | P |  |  |
| Open air business uses, as defined by Section 17.01 and subject to the standards included in Section 7.14. | P |  |  |  | S | P |  |
| Personal service establishments performing services on the premises such as barber and beauty shops; watch, radio, television, clothing and shoe repair; tailor shops; locksmiths; and similar establishments. | P | P |  |  | P | P |  |
| Photographic film developing processing. |  |  |  |  | P |  |  |
| Restaurants (drive-in or fast-food), as defined by Section 17.01 |  |  |  |  | S | S |  |
| Restaurants (standard), as defined by Section 17.01. |  |  |  |  | P | S |  |
| Retail establishments, including the sale of alcoholic beverages. |  |  |  |  | P | S |  |
| Sales of farm machinery, equipment and supplies (i.e., chemicals, fertilizers, grains, and feed), subject to the standards included in Section 7.17 (if located in the A district). | S |  |  |  | P | S | P |
| Sales or rental of merchandise within a completely enclosed building. |  |  |  |  | P | S |  |
| Service establishments performing services on the premises such as office machine and computerrepair; printing. | P | P |  |  | P | P |  |

*continued*

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Type of Use**  P= Permitted A= Accessory S= Special land use | **Zoning District** | | | | | | |
| **A** | **R** | **LR** | **M** | **C** | **CR** | **I** |
| **COMMERCIAL USES CONTINUED** |  |  |  |  |  |  |  |
| Taxidermists, within a completely enclosed building and excluding outside storage yards. | P |  |  |  | P | P | P |
| Theaters, dance halls, assembly halls, or other similar places of assembly. |  |  |  |  | S |  |  |
| Event Facility, as defined by Section 17.01 and subject to the standards included in Section 7.22. | S | S |  |  |  | S |  |
| **LIGHT INDUSTRIAL USES** |  |  |  |  |  |  |  |
| 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. |  |  |  |  |  |  | P |
| Contractors’ yard. |  |  |  |  |  |  | P |
| General service and repair establishments including dyeing or cleaning works and upholstery or appliance repair. |  |  |  |  | P |  | P |
| Large Solar Energy System, as defined by Section 17.01 and subject to the standards included in Section 7.21. | S |  |  |  | S | S | S |
| Small Solar Energy System, as defined by Section 17.01 and subject to the standards in Section 5.24. | P |  |  |  | P | P | P |
| Industrial office buildings. |  |  |  |  |  |  | P |
| Open storage yards of construction contractors’ equipment and supplies, building materials, sand, gravel or lumber, subject to the standards in Section 7.15. |  |  |  |  |  |  | S |
| Research and testing laboratories. |  |  |  |  |  |  | P |
| Sand and gravel operations, subject to standards in 7.18. | S |  |  |  | S | S | S |
| Skilled trade services including plumbing, electric, heating, printing, and painting establishments (located within a completely enclosed building and excluding outside storage areas if located in the Commercial district). | P |  |  |  | P | P | P |
| Trucking terminals. |  |  |  |  | P |  | P |
| Vehicle repair garages, but not including auto junk yards. | S |  |  |  |  | S | P |
| Wholesale merchandising or storage warehouses. |  |  |  |  |  |  | P |

*continued*

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Type of Use**  P= Permitted A= Accessory S= Special land use | **Zoning District** | | | | | | |
| **A** | **R** | **LR** | **M** | **C** | **CR** | **I** |
| **RECREATION USES** |  |  |  |  |  |  |  |
| Boat launching facilities, marinas, including the sale of gasoline, oils and accessory parts, service of boats and motors, docking and berthing space and supporting facilities to dry dock and store boats and motors when not in use. |  |  |  |  |  | P |  |
| Camping on residential lots a minimum of 0.8 acres, subject to the standards included in Section 7.04. |  |  | P |  |  |  |  |
| Campgrounds, travel trailer parks, and tent sites, subject to the standards included in Section 7.04. |  |  |  |  |  | S |  |
| Country clubs, gun clubs, and skeet-shooting ranges, subject to the standards included in Section 7.09. | S |  |  |  |  | S |  |
| Golf courses, subject to the standards included in Section 7.10. | S |  |  | S |  | S |  |
| Indoor recreation establishments, including tennis courts, handball courts, swimming pools, ice and roller-skating rinks, gymnasiums, and health clubs. | P |  |  |  |  | P |  |
| Parks, playfields, playgrounds, picnic areas, beaches general recreational facilities, conservation areas, museums, and libraries. | P | P |  |  |  | P |  |
| **INSTITUTIONAL USES** |  |  |  |  |  |  |  |
| Family child care homes, as defined by Section 17.01. | P | P |  |  |  | P |  |
| Group child care homes, as defined by Section 17.01, and regulated by Section 7.11. | S | S |  |  |  | S |  |
| State licensed residential facilities, as defined by Section 17.01 | P | P |  |  |  | P |  |
| Convalescent and/or nursing home, as defined by Section 17.01 and regulated by Section 7.08. | P | S |  |  |  | P |  |
| Senior assisted and independent living, as regulated by Section 7.12. | P |  |  |  |  | P |  |
| Medical or dental office, including clinics, as defined by Section 17.01, and medical laboratories. |  |  |  |  | P |  |  |
| Places of worship, as regulated by Section 7.06. | S | S |  |  |  | S |  |
| Nursery schools, day nurseries and child care centers, subject to the standards included in Section 7.13. | S | S |  | S |  | S |  |
| Public, parochial, or other private elementary schools, intermediate schools, and/or high schools offering courses in general education on sites of not less than ten (10) acres. | S | S |  |  |  | S |  |

*continued*

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Type of Use**  P= Permitted A= Accessory S= Special land use | **Zoning District** | | | | | | |
| **A** | **R** | **LR** | **M** | **C** | **CR** | **I** |
| **INSTITUTIONAL USES CONTINUED** |  |  |  |  |  |  |  |
| Public utility buildings and uses (but not including service and storage yards) when operating requirements necessitate locating within the District to serve the immediate vicinity. | P | S |  | S | P | P | P |
| Cemeteries, subject to the standards included in Section 7.05. | S | S |  |  |  |  |  |
| **MISCELLANEOUS USES** |  |  |  |  |  |  |  |
| Temporary buildings for use incidental to construction work for a period not to exceed one (1) year. | S | S |  | S |  | S |  |

## Section 4.02. ACCESSORY USES AND BUILDINGS

Uses and buildings customarily incidental to the above permitted principal uses are accessory and therefore allowed within the zoning district on the same lot or premises as the principal use or building. Accessory buildings are subject to the regulations in Section 5.04.

## Section 4.03. USES NOT OTHERWISE INCLUDED WITHIN A DISTRICT

A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Planning Commission that such use is clearly similar in nature and compatible with the listed or existing uses in that district. No use shall be permitted in a district under the terms of this Section if the use is specifically listed as a use permitted by right or as a special or conditional use in any other district.

In making such a determination, the Planning Commission shall consider the following:

1. Determination of Compatibility: In making the determination of compatibility, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.
2. Conditions by which Use May Be Permitted: If the Planning Commission determines that the proposed use is compatible with permitted and existing uses in the district, the Commission shall then decide whether the proposed use shall be permitted by right, as a special land use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.



# ARTICLE V: GENERAL PROVISIONS

## Section 5.01. CONFLICTING REGULATIONS

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations that are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

## Section 5.02. SCOPE

No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance. All buildings and structures must comply with the following regulations:

1. Permitted Area and Placement. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located.
2. Lot Limitations. One (1) principal building shall be placed on a lot of record.
3. Lots, Yards, and Open Spaces. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this Ordinance, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.
4. Required Street Frontage. Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public street or private easement which meets one of the following conditions:
   * 1. A public street with a roadway which has been accepted for maintenance by the Lenawee County Road Commission, or
     2. A permanent and unobstructed private easement of record having a width of at least sixty-six (66) feet.
     3. An access easement of record of a width less than sixty-six (66) feet that meets all of the following conditions:
        1. The easement existed prior to the adoption of this ordinance; and
        2. The easement leads to a public street as defined under item (a) above.

## Section 5.03. OIL AND GAS WELLS

Section 205 of the Michigan Zoning Enabling Act (MCL 125.3205) prohibits Hudson Township from regulating or controlling the drilling completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and has no jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells.

## Section 5.04. ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Attached Accessory Buildings. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings, including maximum height.
2. Setbacks for Detached Accessory Buildings. Detached accessory buildings shall meet the following regulations:
   1. No detached accessory building shall be located closer than ten (10) feet to any principal building.
   2. Detached accessory buildings shall not be erected in any required front yard, including the front (lake) yard in the Lake Residential District.
   3. Side and rear yard setback shall be in compliance with the table below:

TABLE OF DETACHED ACCESSORY BUILDING SIDE AND REAR YARD SETBACKS

|  |  |  |
| --- | --- | --- |
| **Use & Zoning District** | **Side Yard**  **(Feet)** | **Rear Yard**  **(Feet)** |
| Residential Uses in Agriculture & Residential | 6 | 6 |
| Residential Uses in Lake Residential  with no parking between street and accessory building | 6 | 6 |
| Residential Uses in Lake Residential  with parking between street and accessory building | 18 |
| Non-residential Uses in Agriculture, Residential & Lake Residential | 15 | 20 |
| Non-residential Uses in Lake Residential | 10 | 15 |
| All uses in Manufactured Housing | 6 | 6 |
| All uses in Commercial, Commercial Recreational & Light Industrial | 30 | 15 |

1. Height. A detached accessory building shall not exceed one (1) story or fourteen (14) feet in height, with the following exception:
   1. Lake Residential: In the Lake Residential District, the maximum height of a detached accessory building shall be the height of the principal building on the subject site or thirty-five (35) feet, whichever is less.

## Section 5.05. OCCUPANCY: TEMPORARY GARAGES, ACCESSORY BUILDINGS, BASEMENT APARTMENTS PROHIBITED

Buildings erected after the effective date of this Ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes. A basement or cellar apartment may be used as a temporary dwelling during the construction of a house over said basement or cellar for a period not to exceed one (1) year.

## Section 5.06. BUILDING GRADES

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. Whenever possible, a sloping grade shall be maintained and established from the center of the front lot line to the finished grade line at the front of the building, and also from the rear lot line to the front, both grades sloping to the front property line. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing on to the adjacent properties. Grade elevations shall be determined by using the elevation at the center line of the road in front of the lot as the established grade or such grade determined by the Township Engineer or Building Inspector.

When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off surface water to flow onto the adjacent property.

## Section 5.07. BUILDINGS TO BE MOVED

No permit shall be granted for the moving of buildings or structures from outside or within the limits of the Township to be placed on property within said limits unless the Building Inspector has made an inspection of the building to be moved and has found that it is structurally safe and will not adversely affect the character of existing buildings.

## Section 5.08. EXCAVATIONS OR HOLES

The construction, maintenance, or existence within the Township of any unprotected, un-barricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector and provided further, that this section shall not apply to streams, natural bodies of water, ditches, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency.

## Section 5.09. RESTORING UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or required to comply with their lawful order.

## Section 5.10. CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE

Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or design use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and upon which building actual construction has been diligently carried out, and provided further that such building shall be completed within two (2) years from the date of passage of this Ordinance.

## Section 5.11. VOTING PLACE

The provision of the Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

## Section 5.12. APPROVAL OF PLATS AND SITE CONDOMINIMUMS

No proposed plat site condominium of a new or redesigned subdivision shall hereafter be approved by the Township unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such a plat fully conforms with the statutes of the State of Michigan and any related ordinance of the Township as may be adopted.

## Section 5.13. ESSENTIAL SERVICES

Essential services shall be permitted as authorized under any franchise or that which may be regulated by any law of the State of Michigan or any ordinance of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.

## Section 5.14. SIGNS

All signs erected or located in any Zoning District shall comply with the following regulations:

1. Building Permit: A building permit shall be required for the erection, construction or alteration of any sign, except as hereinafter provided, and all such signs shall be approved by the Building Inspector as to their conforming to the requirements of the zoning district wherein said sign or signs are to be located and the requirements of this section.
2. :
3. :
4. Illuminated Signs: There shall be no flashing, oscillating, or intermittent, red, blue, or green illumination on any sign located in the same line of vision as a traffic control system nor interference with vision clearance along any highway, street, or road or at any intersection of two or more streets. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from being cast upon neighboring residences with a residential district and shall be located not less than one hundred (100) feet from such residential district.
5. Public Right-of-Way: No sign, except those placed and maintained by the Township, County or State shall be located in, overhead or encroach upon any public right-of-way.
6. Temporary Signs: Temporary signs are permitted in all districts and do not require a building permit when in compliance with the following regulations:
7. Maximum Size: The maximum size for a temporary sign is sixty-four (64) square feet. The Zoning Board Appeals may allow the maximum size for a temporary sign to be up to one hundred (100) square feet. The Zoning Board of Appeals may place conditions on the maximum size to secure harmony with this Ordinance.
8. Maximum Display Time: The maximum display time for a temporary sign is thirty (30) days, with the following exceptions:
9. When all or a portion of a building or land is intended to be sold, rented or leased, the maximum display time shall be the duration of time that the building or land is listed for sale or lease.
10. In recognition that there is a need for additional expression of speech prior to a scheduled election, the maximum display time for temporary signs is extended to sixty (60) day prior to an election and three (3) day after an election day on which there is at least one (1) ballot sign.
11. the Zoning Board of Appeals may allow the maximum display to be up to twelve (12) month period, subject to renewal. The Zoning Board of Appeals may place conditions on the maximum display time to secure harmony with this Ordinance.
12. The following signs are exempt from the building permit requirement:
13. A single wall mounted sign not exceeding one (1) square foot in area on the front façade of a residential building. When a home occupation is present, a second wall mounted sign, not more than two (2) square feet in area, that may be attached to the building.
14. For multiple-family residential, and non-residential buildings with more than one occupant, a wall mounted sign not exceeding one (1) square foot in area may be allowed for each building unit with a door accessing the street or a parking lot.
15. Flags and insignia of any government.
16. Legal notices; identification, informational, or directional signs erected or required by governmental bodies.
17. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
18. Signs directing and building traffic and parking on private property.
19. No sign otherwise permitted shall exceed the maximum height limitation of the zoning district in which it is located.
20. All signs must comply with state and local regulations regarding setback from the center of the road.

## Section 5.15. FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS

All fences of any type shall conform to the following regulations:

1. Fences which enclose property shall not exceed six (6) feet in height, measured from the surface of the ground with the following exception:
   1. In Agriculture and Residential districts, fences extending toward the front yard of the lot nearer than the front façade of the dwelling shall not exceed three (3) feet in height.
   2. In the Lake Residential districts, maximum fences heights are:
      1. Front (Lake) Yards: Three (3) feet, extending toward the lake from the façade of the principal building facing the lake.
      2. Side Yards: Six (6) feet in height.
      3. Rear (Road) Yards: Three (3) feet, extending toward the road from the façade of the principal building facing the road.
2. No fence, wall, structure, or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees shall be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.

## Section 5.16. FILLING OPERATIONS

From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling with materials of any kind without approval of the Township Board and subject to requirements as may be appropriate.

## Section 5.17. ANIMALS

No livestock shall be kept or maintained in any residential zoning district (R, LR, and M) on parcels of land classified as Category 3 or Category 4 sites by the Generally Accepted Agricultural and Management Practices (GAAMPs) for Site Selection and Odor Control for New and Expanding Livestock Facilities determined by the Michigan Commission of Agriculture and Rural Development. Domestic pets are allowed provided they are not kept or used for commercial or breeding purposes and do not constitute a kennel.

## Section 5.18. OUTDOOR STORAGE OF RECREATIONAL VEHICLES

The outdoor storage or parking of recreational vehicles such as an airplane, antique or racing automobile, boat, float, raft, trailer, camping or travel trailer, motorized home, demountable travel equipment of the type adaptable to light duty trucks, and other equipment or vehicles of a similar nature, may be allowed in any zoning district for up to forty-eight (48) hours. Outdoor storage of recreational vehicles for more than forty-eight (48) hours may be allowed in the Residential and Lake Residential zoning districts if the following regulations by zoning district are met:

1. Residential District (R): Recreational vehicle storage is permitted in the Residential District subject to the following regulations:
   1. All such vehicles or equipment shall be placed in side or rear yards, i.e. behind the front face of the principal building.
   2. Storage shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.
   3. Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas.
2. Lake Residential District (LR): Recreational vehicle storage is permitted in the Lake Residential District subject to the following regulations:
   1. All such vehicles or equipment shall be placed in side or rear (street) yards, i.e. behind the face of the principal building facing the lake.
   2. Storage shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant, or a lot or parcel separated by a private road from the lot or parcel owned by the occupant of the inhabited dwelling unit directly across the private road.
   3. Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas.
   4. Recreational vehicles shall be stored in a manner to maintain an unobstructed view of a driver approaching a driveway or intersection. The unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or five (5) feet from driveway lines.

## Section 5.19. SWIMMING POOLS

All swimming pools erected in the Township shall comply with state requirements.

## Section 5.20. LANDS ABUTTING RIVERS AND LAKES

In any district, land which abuts Bean Creek, any other creek, tributary or drainage ditch, or any natural or man-made lake shall be subject to the following regulations:

1. The general setback limitations shall be based on the following minimum distances from the waters’ edge:
   1. Fifteen (15) feet from any drainage ditch.
   2. Twenty-five (25) feet from any creek or tributary.
   3. Fifty (50) feet from Bean Creek.
   4. Fifty (50) feet from any natural or man-made lake.
2. One-family detached dwellings and their accessory uses (except boat houses and docks) shall be set back according to paragraph 5.20.1.
3. Camping, outdoor recreation, and other commercial recreation activities (except boat landing facilities and marinas) shall be set back according to paragraph 5.20.1.
4. Agricultural activities shall be set back in accordance with Generally Accepted Agricultural and Management Practices (GAAMPs) determined by the Michigan Commission for Agriculture and Rural Development. Feedlots must be set back per the standards in Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities
5. Mining extraction or any use permitted in the A District shall be set back three hundred (300) feet from the waters’ edge.
6. 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 floodplain level.
7. All other uses not specifically covered in these regulations must be set back one hundred (100) feet from the waters’ edge.

## Section 5.21. FUNNELING

The funneling or use of lots to provide direct access for use of docks and launching of water craft into to a body of water or other water significant feature of the landscape is prohibited. Funnel lots which existed prior to October 13, 2014 are legally nonconforming (i.e., grandfathered).

## Section 5.22. OUTDOOR BOILERS

Outdoor boilers are permitted provided that the following standards are met:

1. A permit is obtained from the Building Inspector to place or replace an outdoor boiler.
2. The site plan must include the location of all buildings on the parcel and adjacent parcels within three hundred (300) feet of the final location of the outdoor boiler.
3. The outdoor boiler shall meet the following dimensional requirements:
   1. A minimum of forty (40) feet from any property line or right-of-way.
   2. A minimum forty (40) feet from any building on the parcel in which the outdoor boiler is located.
   3. A minimum of three hundred (300) feet from the nearest building which is not located on the same property as the outdoor boiler.
4. Fuel types permitted would include wood products, agriculture products, and fossil fuels.

## Section 5.23. CANALS

Canals must have a minimum width of seventy-five (75) feet and a minimum depth of water at the center line of ten (10) feet. All banks must be at a minimum angle of forty-five (45) degrees and completely sodded to prevent wash or erosion thereof.

## Section 5.24. SMALL SOLAR ENERGY SYSTEMS

The following requirements shall apply to all Small Solar Energy Systems:

1. A building permit and compliance with the State Building Code is required.
2. Ground-mounted small solar energy systems are subject to the Table of Permitted Uses and Special Land Uses in Section 4.01 and the Table of Area, Height, and Bulk Placement Regulations in Section 4.02.
3. Building mounted small solar energy systems are allowed as accessory uses in all zoning districts.

###### Section 5.25. HOME OCCUPATIONS

Home occupations, as defined in Section 17.01, shall be subject to the following regulations:

1. The home occupation is conducted entirely within the dwelling.
2. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
3. The home occupation does not change the character of the dwelling or the surrounding residential area.
4. The home occupation does not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation.
5. The home occupation shall be carried on principally by the inhabitants thereof, involving members of the immediate family residing on the premises and up to one (1) additional employee.
6. No article or service is sold or offered for sale on the premises, except as such as is produced by such home occupation.
7. The home occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas.

# ARTICLE VI: OFF-STREET PARKING AND LOADING AND PRIVATE ROAD REQUIREMENTS

## Section 6.01. PARKING REQUIREMENTS

In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

1. Area for Parking Space. Parking spaces and associated maneuvering lanes must be constructed to the standards contained in Section 6.04.
2. Fractional Requirements. When units of measurements determining number of required parking spaces result in requirement of a fractional space, any fraction requires one (1) parking space.
3. Distance from Property Line. All off-street parking spaces must be set back at least five (5) feet from any property line. In the C, CR, and I Districts, a three (3) feet high wall, fence, or planting strip is required between the off-street parking spaces and the property line.
4. Location of Parking Space for Other Land Uses. The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. In Multiple Family and Industrial Districts, the front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
5. Seating Capacity of Seats. Seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat for the purposes of the parking requirements included in Section 6.02 of this Ordinance, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
6. Similar Uses and Requirements. In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
7. Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.
8. Collective Provisions. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the tablet under Section 6.02.
9. General Use Conditions. Except when land is used as storage space in connection with the business of a repair or service garage or in long-term parking facilities, a twenty-four (24) hour time limit for parking in off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide, and it shall be unlawful to permit the storage or parking on such open land of wrecked or junked cars, or for creating a junk yard or a nuisance in such areas.
10. Restriction on Parking on Private Property. It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use of said private property for vehicle storage, or use any portion of any private property as parking space, without the expressed or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property. Compliant for the violation of this Section shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.
11. Joint Uses. Parking spaces already provided to meet off-street parking requirements for theaters, stadiums, and auditoriums, and other places of public assembly, stores, office buildings and industrial establishments, lying within five hundred (500) feet of a place of worship as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet more than fifty (50%) percent of the off-street parking requirements of a place of worship.

## Section 6.02. OFF-STREET PARKING REQUIREMENTS

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section.

TABLE OF OFF-STREET PARKING REQUIREMENTS























|  |  |
| --- | --- |
| **Use** | **# of Minimum Parking Spaces**  **Per Unit of Measure** |
| **RESIDENTIAL USES** | |
| Residential, One-Family and Two-Family | Two (2) for each dwelling unit. |
| Residential, Multiple-Family | One and a half (1½) for each dwelling unit. |

*(continued)*

|  |  |
| --- | --- |
| **Use** | **# of Minimum Parking Spaces**  **Per Unit of Measure** |
| **RESIDENTIAL USES CONTINUED** | |
| Senior assisted and independent living | One half (1/2) per each dwelling unit and one (1) per each employee at peak shift. |
| Manufactured Housing Park | One and a half (1½) for each manufactured housing site and one (1) for each employee at the manufactured housing park. |
| **INSTITUTIONAL AND RECREATIONAL USES** | |
| Places of worship | One (1) for each three (3) seats in the main worship space. |
| Convalescent or Nursing Homes | One (1) per six hundred (600) square feet gross floor area. |
| Elementary and Junior High Schools | One (1) for each teacher and administrator, in addition to the requirements of the auditorium. |
| Senior High Schools | One (1) for each teacher and administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium. |
| Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Other Similar Uses | One (1) for each two (2) member families or individual. |
| Golf Courses Open to the General Public, Except Miniature Courses | Six (6) for each golf hole and one (1) for each employee. |
| Theaters (Indoor) and Auditoriums | One (1) for each four (4) seats plus one (1) for each two (2) employees. |
| **COMMERCIAL USES** | |
| Shopping Center (multiple retail tenants) | One (1) for each one hundred (100) square feet of gross floor area. |
| Automobile Wash Establishment | One (1) for each employee and addition, adequate stacking spaces for autos on the premises to accommodate twenty-five (25%) percent of the hourly rate of capacity. |
| Automobile Service Stations | Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump. |

*(continued)*

|  |  |
| --- | --- |
| **Use** | **# of Minimum Parking Spaces**  **Per Unit of Measure** |
| **COMMERCIAL USES CONTINUED** | |
| Beauty Parlor or Barber Shop | Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair. |
| Dance Halls, Pool or Billiard Parlors, Roller or Ice Skating Rinks, Exhibition Halls, and Assembly Halls without Fixed seats | One (1) for every three (3) seats. |
| Restaurant | One (1) for each seventy-five (75) square feet of gross floor area. |
| Carry-out Restaurant | One (1) for each one hundred and fifty (150) square feet of gross floor area. |
| Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses. | One (1) for each one thousand (1,000) square feet of gross floor area plus one (1) additional space for every two (2) employees. |
| Laundromats and Coin Operated Dry Cleaners | One (1) for each two (2) washing machines. |
| Miniature Golf Courses | Three (3) for each one (1) hole plus one (1) for each one (1) employee. |
| Funeral Homes | One (1) for each one hundred (100) square feet of gross floor area. |
| Motel, Hotel, or Other Commercial Lodging Establishments | One (1) for each occupancy unit plus one (1) employee, plus extra spaces for dining rooms, ball rooms, or meeting rooms. |
| Motor Vehicle Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms | One (1) for each four hundred (400) square feet of gross floor area of sales room. |
| Open Air Businesses | One (1) for each seven hundred (700) square feet of lot area. |
| Retail Stores except as otherwise specified | One (1) for each five hundred (500) square feet of gross floor area. |
| Riding Stables or Academies | Three (3) for each employee. |

*(continued)*

|  |  |
| --- | --- |
| **Use** | **# of Minimum Parking Spaces**  **Per Unit of Measure** |
| **COMMERCIAL USES CONTINUED** | |
| Banks | One (1) for each two hundred (200) square feet of gross floor area. |
| Business Offices or Professional Offices | One (1) for each four hundred (400) square feet of gross area. |
| Medical or Dental Offices, including Clinics, or Offices of Similar Professionals | One (1) for each two hundred (200) square feet of gross floor area. |
| **INDUSTRIAL USES** | |
| Industrial or Research Establishments | Five (5) plus one (1) for every one and one-half (1-1/2) employees in the largest working shift. |
| Wholesale Establishments | Five (5) plus one (1) for every employee in the largest working shift, or one (1) for every two thousand (2,000) square feet of gross floor area, whichever is greater. |

## Section 6.03. STACKING SPACES

Each drive-in establishment and restaurant shall provide stacking space meeting the following standards:

1. Each stacking lane shall be one (1) way, and each stacking lane space shall be a minimum of ten (10) feet in width and twenty (20) feet in length.
2. If proposed, an escape lane shall be a minimum of twelve (12) feet in width to allow other vehicles to pass those waiting to be served.
3. All stacking lanes must be clearly delineated through the use of striping, landscaping, curbs, or signage.
4. The number of stacking spaces per service lane shall be provided for the uses as listed in the table below. When a use is not specifically mentioned, the requirements for off-road stacking space for the use with similar needs, as determined at the discretion of the Planning Commission, shall apply. The Planning Commission may require more stacking spaces for a specific user, if it is determined that the user, based on their specific operation requires additional stacking for a typical day.

TABLE OF STACKING SPACES REQUIREMENTS

| **Use** | **Stacking Spaces per Service Lane** |
| --- | --- |
| Banks, Pharmacy, and Dry Cleaning | 4 |
| Restaurants with Drive-Through | 10 |
| Vehicle Use Quick Oil Change | 2 |
| Auto Washes (Self-Service) |  |
| Entry | 2 |
| Exit | 1 |
| Auto Washes (Automatic) |  |
| Entry | 8 |
| Exit | 2 |

## Section 6.04. OFF-STREET LOADING REQUIREMENTS

On the same premises with every building structure, or part thereof, erected and occupied for uses similarly involving the receipt of distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas.

Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with fourteen (14) feet high clearance, and shall be provided according to the following schedule:

TABLE OF OFF-STREET LOADING REQUIREMENTS

| **Gross Floor Area In Square Feet** | **Loading and Unloading Spaces Required In Terms of Square Foot of Gross Floor Area** |
| --- | --- |
| 0 – 2,000 | None. |
| 2,000 – 20,000 | One (1) space. |
| 20,000 – 100,000 | One (1) space plus one (1) space for each 20,000 square feet in excess of 20,000 square feet. |
| 100,000 – 500,000 | Five (5) spaces plus one (1) space for each 40,000 square feet in excess of 100,000 square feet. |
| Over 500,000 | Fifteen (15) spaces plus one (1) space for each 80,000 square feet in excess of 500,000 square feet. |

## Section 6.05. OFF-STREET PARKING CONSTRUCTION AND OPERATION

Wherever the off-street parking requirements above require the construction of an off-street parking lot, the off-street parking lot shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

* 1. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector. Applications for a permit shall be submitted to the Building Inspector and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
  2. Plans for the layout of off-street parking facilities shall meet the following minimum requirements in the table below and the illustration on the following page:

TABLE OF OFF-STREEET PARKING CONSTRUCTION AND OPERATION

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Parking Pattern** | **Maneuvering Lane Width** | **Parking Space Width** | **Parking Space Length** | **Total Width of One Tier of Spaces Plus Maneuvering Lane** | **Total Width of Two Tiers of Spaces Plus Maneuvering Lane** |
| 0° (parallel parking) | 12 ft. | 8 ft. | 23 ft. | 20 ft. | 28 ft. |
| 30° to 53° | 12 ft. | 9 ft. | 20 ft. | 32 ft. | 52 ft. |
| 54° to 74° | 18 ft. | 9 ft. | 21 ft. | 39 ft. | 60 ft. |
| 75° to 90° | 25 ft. | 9 ft. | 19 ft. | 44 ft. | 63 ft. |

* 1. All such parking lots shall be dust-free and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain on adjoining private property.
  2. All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen (13) feet above the parking lot surface.
  3. Side yard shall be maintained for a space of not less than ten (10) feet between the side lot lines of adjoining residential lots and the parking area.
  4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.

Parking Dimensions

Diagram

Description automatically generated



























## Section 6.06. PUBLIC ROADWAYS

A public roadway shall be required whenever any of the following conditions exist:

1. A proposed roadway that serves ten (10) or more one-family residential lots.
2. A proposed roadway that connects two or more public or private roadways.
3. A proposed roadway that serves more than one non-residential use, not including farm uses and farm buildings.

Public roadways and streets shall be constructed to the standards of, and maintained by, the Lenawee County Road Commission.

# ARTICLE VII: SPECIFIC USE REGULATIONS

## Section 7.01. INTENT

The purpose of this Article is to establish supplementary standards to guide the review of certain kinds of uses which, because of their characteristics, may have a detrimental effect upon adjacent properties, the neighborhood, or the community even if all other standards within this Ordinance are met. It is the intent of these standards to provide for proper design control to assure that these uses will not cause any unanticipated problems or hazards and will be consistent with the Master Plan. It is further intended through these standards to recognize the importance of such uses by anticipating their location and site design needs and by establishing appropriate standards for their development in advance of actual proposals.

1. The provisions of this Article shall be held to be the minimum standards and requirements within each zoning district and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any special use permit where such higher or more restrictive standards or requirements are found necessary by the Building Inspector, Planning Commission, or Township Board to obtain the intent of this Ordinance.

2. Nothing in this Article shall be construed to give rise to any permanent vested right in the continuation of any particular use, district, zoning classification, or any permissible activity therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary for the preservation or protection of public health, safety, and welfare.

## Section 7.02. AUTOMOBILE WASH ESTABLISHMENTS

Automobile wash establishments are subject to the following regulations:

1. The facility shall be located within a completely enclosed building
2. The following minimum off-street stacking spaces shall be provided for each automobile wash lane:
   1. Ten (10) for manual or self-serve establishments
   2. Twenty-five (25) for automatic establishments.

## Section 7.03. AUTOMOBILE SERVICE STATIONS

No automobile service station existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section that existed on the effective date of this Ordinance.

1. An automobile service station shall be located on a lot having a frontage along the principal street of not less than one hundred (100) feet and having a minimum area of not less than fifteen thousand (15,000) square feet.
2. An automobile service station building housing an office and/or facilities for servicing, greasing, and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than twenty-five (25) feet from any side or rear lot line adjoining a residentially zoned district.
3. All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30) feet wide at the property line and shall adhere to county and state laws.
4. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street, or right-of-way.
5. Where an automobile service station adjoins property located in any residential district, a buffer wall of suitable material or planting strip shall be erected and maintained along the interior line. This wall or planting strip shall be at least four (4) feet but not greater than six (6) feet in height.
6. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property.
7. Outdoor storage or parking of wrecked or partially dismantled vehicles is prohibited.

## Section 7.04. CAMPING

Camping is subject to the following requirements:

1. Residential Lots: Camping on lots with residential uses or zoning is allowed under the following circumstances:
2. The people camping on a property are the family or guests of the property owner, and the camping is not a commercial enterprise.
3. Except if permitted below, all campers, tent, and recreational vehicles may not be on the lot for a duration of more than fifteen (15) days for each site. Campers, tents, or recreational vehicles must vacate the site for a minimum of three (3) days for a new fifteen (15) day window to begin.
4. Camping is an allowed accessory use to a one-family residence on a residential lot. All camping structures must abide by the setbacks for the zoning districts in which the lot is located.
5. Lake Residential Primary Use: On lots zoned Lake Residential that are 0.8 acres or more, camping may occur as a primary use year-round if they meet the following standards:
6. All trash must be disposed of off-site. No curbside trash pick-up is allowed.
7. Campers or recreational vehicles may not hook up to wells on-site.
8. Campers or recreational vehicles may not hook up to on-site septic systems or sanitary sewer systems. The Township may ask for documentation of proper disposal of human waste.
9. Up to two (2) campers or recreational vehicles per lot may be placed on the lot for an unlimited time period. The campers or recreational vehicles may not be used as dwelling units.
10. Campgrounds: Campgrounds, travel trailer sites and tent sites are subject to the following requirements:
11. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term “lot” shall mean a campground or travel trailer park.
12. Public stations, housed in all-weather structures, containing adequate water outlet, toilet, waste contained and shower facilities, shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) sites.
13. No commercial enterprises shall be permitted to operate on the lot except that a convenience good shopping building may be provided on a lot containing more than eighty (80) sites.
14. Each lot shall provide a hard-surfaced, dust-free vehicle parking area for site occupants and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
15. Each site shall contain a minimum of fifteen hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet.
16. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.

## Section 7.05. CEMETERIES

Cemeteries shall meet the following regulations:

1. The principal access shall be directly to a County Primary Road as identified by the Lenawee County Road Commission.
2. Minimum site size shall be ten (10) acres
3. The perimeter of the site shall be fenced as in compliance with Section 5.15.

## Section 7.06. PLACES OF WORSHIP

Places of worship shall meet the following regulations:

1. Minimum lot width of one hundred fifty (150) feet.
2. Minimum lot size of three (3) acres.
3. All front, side, and rear yard space shall be a minimum of fifty (50) feet from each adjoining lot lines.

## Section 7.07. COMMERCIAL RAISING OF ANIMALS

The commercial raising of animals outside of a farm operation is subject to the following regulations:

1. Domestic or laboratory animals such as cats, dogs, mice, rats, or other similar animals shall be located on a parcel of property not less than ten (10) acres in area.
2. All outdoor runs or breeding areas shall be enclosed on all sides by a wall or fence.

## Section 7.08. CONVELESCENT AND/OR NURSING HOMES

Convalescent and/or nursing homes are subject to the following regulations:

1. Minimum lot size of two (2) acres.
2. For facilities with more than fifty-eight (58) beds, a minimum of fifteen hundred (1,500) square feet of land area shall be provided for each bed.
3. No building shall be closer than forty (40) feet from any property line.

###### Section 7.09. COUNTRY CLUBS, GUN CLUBS, AND SKEET-SHOOTING RANGES

Country clubs, gun clubs and skeet-shooting ranges are subject to the following regulations:

1. Lot size shall be a minimum of ten (10) acres.
2. Recreation facilities utilizing fire arms, bows and arrows, etc., shall have the site plan approved by the Lenawee County Sheriff to ensure adequate safety.

## Section 7.10 GOLF COURSE

Golf course are subject to the following regulations:

1. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road as identified by the Lenawee County Road Commission.
2. All principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands. Development features including the principal and accessory buildings and structure shall be so located and related to as minimizes the possibilities of any adverse effects upon adjacent property. The Planning Commission may require larger setbacks and other reasonable conditions to meet this regulation.

## Section 7.11 GROUP CHILD CARE HOMES

Group child care home are subject to following regulations:

1. The group home shall not be not located closer than fifteen hundred (1,500) feet to any of the following:
   1. Another licensed group child care home.
   2. A state licensed residential facility, as defined by Section 17.01.
   3. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code (PA 368 of 1978, MCL 333.6101 *et sec*).
2. The group home has appropriate fencing for the safety of the children.
3. The group home is maintained in a manner consistent with the visible characteristics of the neighborhood.
4. The hours of operation of the group home does not exceed sixteen (16) hours in any 24-hour period.
5. Additional parking associated with the group home is prohibited.

## Section 7.12. SENIOR ASSISTED AND INDEPENDENT LIVING

Senior assisted and independent living facilities are subject to the following regulations:

1. The minimum lot size is two (2) acres.
2. The maximum density allowed is two and a half (2 ½) units per acre.
3. Dwelling units are limited to cottage-type dwellings and/or apartment-type dwelling units.
4. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit, exclusive of kitchen and bathroom facilities
5. Common services and facilities may include multipurpose recreational rooms, common dining rooms, shared kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.
6. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed fifty (50%) percent of the total site exclusive of any dedicated public right-of-way.
7. If a separate drop-off and pick-up area is proposed, the area shall be adjacent to the main building entrance and location in such a manner as to not create congestion on the site or public roadway.

## Section 7.13. NURSERY SCHOOLS, DAY NURSERIES, AND CHILD CARE CENTERS

Nursery schools, day nurseries, and child care centers (not including dormitories) are subject to the following regulations:

1. Outdoor play areas, in compliance with state licensing regulations, shall be provided.
2. Such play space shall be screened from any adjoining lot in any residential district.

## Section 7.14. OPEN AIR BUSINESSES

Open air businesses are subject to the following regulations:

1. The minimum lot size is ten thousand (10,000) square feet.
2. The minimum street frontage is one hundred (100) feet.
3. Where the site abuts property in any residentially zoned district, a buffer wall or planting strip shall be provided along the interior line.
4. Exterior lighting shall be installed in a manner which will not create a driving hazard and shall be hooded or shielded so as to be deflected away from adjacent property.
5. All open air businesses shall comply with all applicable Township and County health regulations.
6. Christmas tree sales may be permitted in the Agricultural and Commercial Districts for a period not to exceed forty-five (45) days. Adequate off-street parking shall be provided and situated so as to not create a traffic hazard. The site shall be cleared of trees and debris ten (10) days after the last day of the sale.

## Section 7.15. OPEN STORAGE YARDS FOR CONTRACTORS

Open storage yards of construction contractors’ equipment and supplies, building materials, sand, gravel, or lumber are subject to the following regulations:

1. Such uses shall be located at least two hundred (200) feet from any residential district.
2. If it is deemed essential by the Planning Commission to prevent loose materials from blowing into adjacent properties, a fence, tarpaulin, or obscuring wall of not less than five (5) feet shall be required around the stored material.
3. No required yard spaces shall be used for the storage of equipment or material.

## Section 7.16. RADIO AND TELEVISION TOWERS

Radio and television towers, including all commercial radio, television and other transmitting or relay antenna towers are permitted, subject to the following conditions:

1. The setbacks for all towers shall be a distance equal to the height of such tower.
2. The structural plans shall be approved by the Building Inspector.
3. The towers shall observe all state, county, and local safety and health regulations including those established by the Federal Aeronautics Administration.

###### Section 7.17. SALES OF FARM MACHINERY, EQUIPMENT, AND SUPPLIES

Sales of farm machinery, equipment and supplies are subject to the following regulations:

1. The site shall have direct access to a County Primary Road as identified by the Lenawee County Road Commission.
2. When located in the Agriculture District, such use shall be located at least fifty (50) feet away from any property line of abutting residentially zoned lands.

## Section 7.18. SAND AND GRAVEL OPERATIONS

Section 205 of the Michigan Zoning Enabling Act (MCL 125.3205) prohibits Hudson Township from preventing the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources are to be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

An applicant proposing a sand or gravel operation has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources.

1. Application: In addition to the application materials required by Section 8.02 and Section 15.14, the applicant must provide the following information as part of the special land use application:
   1. A report prepared by a geologist or other experts with credentials satisfactory to the Township Board to demonstrate compliance with MCL 125.3205, Sections (3) and (4), that the natural resources to be extracted shall be considered valuable, and the applicant can receive revenue and reasonably expect to profit from the proposed mineral mining operation.
   2. Documentation to demonstrate that there is a need for the natural resources to be mined by either the applicant or in the market served by the applicant.
   3. A plan for the use of the property during mining operations with the following information:
2. Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description;
3. Aerial photo, showing property and adjacent areas, location and outline of wooded areas, streams, marshes, and other natural features;
4. Existing site improvements such as buildings, drives, wells, and drain fields;
5. Existing topography at contour intervals of two feet;
6. Extent of future mining areas and depth thereof;
7. Location and nature of structures and stationary equipment to be located on the site during mining operations;
8. Location and description of soil types;
9. An estimate of the kind and amount of material to be withdrawn from the site and the expected termination date of mining operations;
10. Description of all operations to be conducted on the premises, such as, but not limited to, digging, sorting, and washing operations, and the type, size, and nature of equipment to be used with each operation;
11. Location and width of drives, sight distances; land widenings on public roads at intersections of same with drives;
12. Tree areas and other natural features to be retained;
13. Description of pollution and erosion control measures;
14. Certified statement by a qualified engineer, with supporting data and analyses, concerning expected impact on the water table and water supply wells in the vicinity of the site; and
15. Map showing travel routes for trucks entering and leaving the site on a map of the Township at the time of application for the special use permit.
16. The applicant shall file a plan for restoring the site to a safe, attractive, and usable condition. The plan shall be filed with the application for the conditional use permit and shall provide the following information:
17. Boundary lines of the property, dimensions and bearings of the property lines, correlated with the legal description;
18. Location and extent of all natural features to be retained during mining operations;
19. Contour lines at intervals of two feet of the proposed restored surface, clearly showing connection to existing undisturbed contour lines;
20. Schedule and areas of progressive rehabilitation;
21. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area;
22. Sketch plan of the proposed use of the site when restored; and
23. Description of methods and materials to be used in restoring the site.
24. Design Requirements: All sand and gravel operations shall meet the following design requirements:
25. Standards: The Township Board determines, upon the recommendation of the Planning Commission, that mining of sand and gravel will not result in any “very serious consequences.” The Planning Commission will consider the following factors, as applicable, in making that recommendation:
    1. The relationship of extraction and associated activities with existing land uses.
    2. The impact on existing land uses in the vicinity of the property.
    3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence. Such routes, except arterial streets or their equivalents, shall not pass through residential areas.
    4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
    5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
    6. The overall public interest in the extraction of the specific natural resources on the property.
    7. The sand and gravel operations comply with applicable state laws.
26. Required Submissions: If approved, the following shall be submitted to the Township prior to issuance of the special use permit:
    1. Security deposits, in the form and amounts recommended by the Planning Commission and approved by the Township Board, to guarantee restoration of the site and to cover the costs of the Township Engineer in certifying conformance.
    2. A security deposit when required by the Planning Commission, to maintain and replace public roads traversed by trucks associated with the mining operation. The security shall be deposited with the County Road Commission in the form and amount required by the Road Commission.
    3. A date for completing the mineral mining operation, such date to be based upon the estimated volume of material to be extracted and an average annual extraction rate.

## Section 7.19. ROADSIDE STANDS

Roadside stands shall meet the following regulations:

1. Roadside stands are allowed for marketing of agricultural products produced on the premises of a farm operation.
2. Maximum height is one (1) story high.
3. Maximum gross floor area is four hundred (400) square feet.
4. Minimum setback from the nearest highway right-of-way line thirty-five (35) feet.

## Section 7.20. GARAGE SALES

Garage sales may be conducted on residential premises for no more than six (6) calendar days during a given one (1) year period. Garage sales exceeding this limit shall be a commercial use and not permitted in a residential district.

## Section 7.21. LARGE SOLAR ENERGY SYSTEMS

The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of Large Solar Energy Systems within the A, Agricultural District and the I, Industrial District, as a Special Land Use. The following requirements shall apply to all Large Solar Energy Systems:

1. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy Systems use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
   1. All requirements for a site plan contained in Article VIII of the Hudson Township Zoning Ordinance.
   2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
   3. Names of owners of each lot or parcel within Hudson Township that is proposed to be within the Large Solar Energy System.
   4. Vicinity map showing the location of all surrounding land uses.
   5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Solar Energy System.
   6. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
   7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within one hundred (100) feet of all exterior property lines of the Large Solar Energy System.
   8. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large Solar Energy System.
   9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System at a minimum of five (5) feet contours.
   10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Lenawee County Road Commission approval and shall be planned so as to minimize the use of lands for that purpose.
   11. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Large Solar Energy System.
   12. A written description of the maintenance program to be used for the Solar Array and other components of the Large Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, a safety and complaint resolution protocol, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.
   13. Planned lightening protection measures.
   14. Additional detail(s) and information as required by the Special Land Use requirements of the Hudson Township Zoning Ordinance, or as required by the Planning Commission.
2. Application Escrow Account: An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use Permit for a Large Solar Energy System. The monetary amount deposited by the Applicant in escrow with the Township shall be the amount estimated by the Township, to cover all reasonable costs and expenses associated with the Special Land Use Permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. The Applicant shall have thirty (30) days to refuse or approve of the amount estimated by the Township. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Land Use Permit review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the Special Land Use Permit process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Land Use Permit shall be returned in a timely manner to the Applicant. ( Land not Protected by P.A. 116 Farmland Development Rights Agreements. The land proposed for erection of a Large Energy Solar System may not be protected by a Farmland Development Rights Agreement under farmland protection program under Michigan Public Act 116.)
3. Compliance with the County Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the County Building Code (as shown by approval by the County) as a condition of any Special Land Use Permit under this section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.
4. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“EIL”), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.
5. Height: Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet.
6. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of twenty (20) acres or greater.
7. Setbacks: A minimum setback distance of seventy-five (75) feet from all exterior property lines of the Large Solar Energy System and existing public roads and railroad rights-of-way shall be required for all buildings and Solar Arrays, provided that a setback of one hundred (100) feet shall be required adjacent to any residential use.
8. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
9. Security: A Large Solar Energy System shall be completely enclosed by a six (6) foot tall perimeter security fence to restrict unauthorized access. Upon approval from the Planning Commission, barbed wire cradles, not to exceed one (1) foot in height, may be placed on top of fence in the interest of public safety. Such fencing shall not be permitted less than twenty-five (25) feet from the property boundary of a residential use. Electric fencing is not permitted.
10. Screening: The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential uses, subject to the following requirements:
    1. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of eight (8) feet in height, as measured from the top of the root ball, and shrubs two (2) feet in height, as measured from grade at the time of planting. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant) and in a staggered pattern of at least two (2) rows totaling no less than twenty-five (25) feet in depth, native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. To obscure security fences, all plantings shall be in the area provided between the fence and the nearest perimeter property boundary. No plantings for screening shall be located within such fence line.
    2. All unhealthy (sixty (60%) percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first.
    3. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township, and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
    4. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Use Permit may be subject to revocation.
11. Planting Under Panels: Plantings proposed underneath panels shall be a native species with a root system that capable of preventing soil erosion.
12. Signage: No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
13. Noise: No component of any Large Solar Energy System shall emit noise exceeding sixty-five (65) dBA as measured at the exterior property boundary or the existing ROW line.
14. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be the minimum necessary, directed away from and be shielded from adjacent properties, and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
15. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
16. Abandonment and Decommissioning: Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use Permit. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to three (3) feet below-grade shall be removed offsite for disposal. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. Decommissioning and removal shall be performed on dry soil to prevent soil erosion. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning.
17. General Standards: The Planning Commission shall not approve any Large Solar Energy System Special Land Use Permit unless it finds that all of the general standards for Special Land Uses contained in Section 15.14 of this Ordinance are met.
18. Approval Time Limit and Extension: Special Use and Site Plan approvals or permits under this Section shall be valid for one year but, if requested by the Applicant prior to that expiration date, shall automatically be extended for an additional one-year period.
19. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions’ meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairperson of the Planning Commission and authorized representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the Applicant’s authorized representative.
20. Inspection: The Township shall have the right at any reasonable time, to provide same-day notice to the Applicant to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant’s or project owner’s expense. Inspections must be coordinated with, and escorted by, the Applicant’s operations staff at the Large Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safely guidelines.
21. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails to meet the requirements of this Ordinance and the Special Land Use Permit, or that it poses a safety hazard, the Zoning Administrator, or their designee, shall provide notice to the Applicant of the safety hazard. If, after a reasonable period not to exceed seven (7) days, the safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the Large Solar Energy System must be shut down, Applicant shall immediately shut down the Large Solar Energy System and not operate, start or restart the Large Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township’s review within 48 hours of such request. Applicant shall keep all sites within the Large Solar Energy System neat, clean, and free of refuse, waste or unsightly, hazardous, or unsanitary conditions.
22. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the Applicant’s expense. In addition, the Applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County requirements regarding the use and/or repair of County roads.
23. Continuing Security: If any Large Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.
    1. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the Large Solar Energy System Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use Permit.
24. Other Requirements: Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances.

## Section 7.22. EVENT FACILITY

The purpose and intent of this Section is to establish standards for the siting and operation of event venues. The following requirements shall apply to all event venues:

1. The site shall be a minimum of five (5) acres.
2. The proposed site shall have at least one (1) property line abutting a County Road.
3. All ingress and egress to any off-street parking areas shall be directly from a collector or arterial road as designated by the County Road Commission.
4. All facilities, improvements and activities shall be located outside of all road rights-of-way and required yard setbacks in the subject site’s zoning district.
5. Parking must accommodate a minimum of one (1) space per two (2) attendees plus one (1) space for each employee.
6. All facilities shall comply with all safety requirements per the Building and Fire Codes for public gathering places.
7. If not on public sewer and water, all facilities shall have sanitary facilities as approved by the County Health Department.
8. All serving of alcohol shall have proper licensing per the Michigan Liquor Control Commission.
9. All serving of food shall have all permits as required by the County Health Department.
10. Maximum hours of operation are 10 a.m. to midnight maximum (for music) and 1a.m. for events. The Planning Commission may further restrict hours of operation, taking into consideration anticipated noise levels, exterior lighting, the type(s) of off-site uses impacted by the facility, and the facility’s proximity to lot boundaries and adjacent dwellings.
11. The maximum number of events is two (2) events on the weekends (Friday through Sunday) and only one (1) event per date; no concurrent events. Events cannot exceed the maximum occupancy of the building where the event is held but in no case more than five hundred (500) persons.
12. All amplified music and entertainment related sounds shall be conducted inside a fully enclosed structure. At no time shall sound levels exceed sixty-five (65) decibels at the property line.

# ARTICLE VIII: SITE PLAN REVIEW

## Section 8.01. INTENT

It is the purpose of this Article to specify standards, application and data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance. These procedures are to ensure that the Planning Commission is afforded an opportunity to review and evaluate proposed uses of sites with regard to such considerations as parking and vehicular circulation, drainage, screening, signage, impacts on abutting and nearby properties, and conformance with all applicable provisions and standards of this Ordinance.

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5. All uses permitted in the Light Industrial District.

## Section 8.03. SITE PLAN REVIEW APPLICATION

Whenever required, a site plan must be submitted to the Township Clerk. Site plan review applications must have the following information:

1. Required fee.
2. Applicant’s name, street address, phone number, and e-mail address. If the applicant is the owner, then each person having a fee interest in the property must sign the application. If the applicant is a corporation, a corporate officer must sign the application. If the applicant is a limited liability company, the manager or a member must sign the application. If the applicant is a partnership, a general partner must sign the application. If the applicant is not the owner, the applicant must submit a document signed by the owner(s) of record which authorizes the applicant to submit the application and agrees to be bound by the provisions of applicable statutes, ordinances, rules and regulations.
3. If different from the applicant, developer’s name, street address, phone number and e-mail address.
4. Address, tax code number(s), and legal description of the subject property.
5. Name, street address, phone number, and e-mail address of the engineer, architect, landscape architect, land planner, and/or land surveyor aiding in preparation of the site plan.
6. Project name.
7. Total size of project.
8. Zoning district in which the property is located.
9. Uses proposed and approximate size of each area.
10. Total number of existing and proposed structures, units, or offices.
11. List of all improvements proposed to be installed by the developer.
12. General statement of private roads, if applicable, in accordance with the Township Private Road Ordinance.
13. Scaled drawing by of a scale not greater than one-inch equals twenty feet (1" = 20'), nor less than one-inch equals sixty feet (1" = 60'), and of such accuracy that the Planning Commission can readily interpret the plan drawn by a prepared by a professional engineer, architect, planner, landscape architect, or land surveyor licensed in the State of Michigan and shall bear their seal. The scaled drawing, which may contain multiple sheets, shall contain the following:
    1. A north arrow oriented so that north is either up or to the left.
    2. Standard engineering scale for each sheet.
    3. Location (vicinity map) and description of site: dimensions, area, and legal description of site; dimensions and lot area; property ownership; drainage relationships; road network and utility systems. Where a metes and bounds description is used, lot line angles or bearings shall be indicated on the plan and the lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor and shall correlate with the legal description.
    4. The existing buildings and driveways on properties located within two hundred (200) feet of the proposed site.
    5. Existing building/structures and drives, and existing natural and man-made features to be retained or removed.
    6. Proposed and existing buildings/structures: location, outline, general dimensions, distances between, gross floor area, number of floors, height, and number and type of dwelling units (where applicable). This information is required regardless of lot size.
    7. Existing zoning classification of property and abutting lands.
    8. Proposed lot size per dwelling unit, building lot coverage expressed as a percentage, and yard setbacks.
    9. Topographical map containing two (2') foot contour intervals at a scale not more than one-inch equals twenty feet (1" = 20'), if the subject property is less two (2) acres; one inch equals forty feet (1" = 40'), if the site is less than six (6) acres; and one inch equals one hundred feet (1" = 100'), if the site is greater than six (6) acres. The map shall extend approximately two hundred (200') feet beyond the boundaries of the project.
    10. Location of proposed and existing public or private streets/drives on and within two hundred (200’) feet of the project: general alignment, right-of-way (where applicable), surface type and width, names, spot elevations of street surfaces, including elevations at intersections with streets and drives of the proposed development.
    11. If proposed, location of proposed sidewalks and pedestrian paths: width, composition (materials), lighting, and typical cross section.
    12. If proposed, location and details on exterior lighting features.
    13. If proposed, the following details on landscaping: location by species, and planting schedule with minimum plant size by species at installation.
    14. Access/egress points to and from project together with proposed improvements to existing roads leading to/from the project.
    15. If parking is required, the following parking details: location and dimension of lots, dimensions of spaces and aisles, angle of spaces, surface type, barrier free spaces and number of spaces. Include supporting calculations for parking spaces.
    16. Location and width of easements on site.
14. Elevations and floor plans of all proposed buildings.
15. Further information as requested by the Building Inspector, consultants, or Planning Commission which is relevant to the site and standards set forth in this Ordinance.

## Section 8.04. SITE PLAN REVIEW PROCESS

The site plan review process is as follows:

1. Application: An application for a site plan review shall be filed with the Township Clerk and include the number of copies specified on the application. An application for site plan review shall be accompanied by the required fees, as well as other data, exhibits, and information required by this Article and Ordinance.
2. Review of Site Plan: The Township Clerk shall determine if the site plan includes the required information set forth in this Article. The Township Clerk may request reviews by consultants to determine completeness of the application.

If the application is incomplete, the Township Clerk shall provide to the applicant a written list of the needed items.

Upon determination that a site plan application is complete, the Township Clerk shall record receipt of the site plan and transmit copies to the Planning Commission.

1. Planning Commission Review: If complete, the site plan application shall be placed on the next available regularly scheduled meeting of the Planning Commission. The Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 8.05. After conducting a review, the Planning Commission shall deny, approve, or conditionally approve the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 8.05.

A site plan shall be approved by the Planning Commission if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Planning Commission for approval shall be stated in writing, together with the reasons, and delivered to the applicant.

1. Approved Site Plans: One (1) copy of the approved site plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Township Supervisor, for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.
2. Changes to Approved Site Plans: Any proposed to changes to an approved site plan shall be reviewed and approved by the Planning Commission, per the procedures in this Section.

## Section 8.05. SITE PLAN REVIEW STANDARDS

In addition to specific standards which may be applicable, the Planning Commission shall use following set of standards as the basis for decisions involving for site plan review. Site plan approval shall be granted if the site plan meets all applicable standards below:

1. All information required by Section 8.03 has been provided.
2. The site plan is consistent with the goals, objectives and implementation strategies of the Hudson Township Master Plan.
3. The plan complies with the provisions of this Ordinance, Federal and State statutes, other applicable ordinances, rules and regulations.
4. All required improvements are provided.
5. All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted.
6. The scale and design of the proposed development does not create an unreasonable burden on the ability of the Township or other public agencies to adequately provide services including, but not limited to: fire and police protection, storm water management, sanitary sewage removal and treatment, traffic control, public schools and administrative services.
7. If phases are proposed, the phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility service, drainage, or erosion control.
8. Outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets.
9. The means of ingress and egress to and from the site is planned with the objective of achieving recognized planning, engineering and safety standards, and shall not result in an unreasonable risk of danger to persons and/or property on the site and/or off the site. In general, this standard shall be met based upon the design of ingress and egress in terms of the number, location and design of access(es), and utilization of acceleration, deceleration and passing lanes and approaches. The Planning Commission shall review the ingress and egress proposed for the purpose of promoting and protecting traffic safety and shall require improvements accordingly.
10. All buildings or groups of buildings are arranged so as to permit emergency vehicle access.
11. The arrangement of public or common ways for vehicular and pedestrian circulation respects the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. The width of streets and drives is appropriate for the volume of traffic they will carry, on-street parking where appropriate, and the desired character of the streetscape and neighborhood.
12. The capacity of the street system is adequate to safely and efficiently accommodate the expected traffic generated by the development.

## Section 8.06. CONFORMITY TO APPROVED SITE PLAN

Property which is the subject of plot plan or site plan approval shall be developed in compliance with the approved plan and any approved changes thereto. If construction and development does not conform with such approved plans, the approved Zoning Permit shall be revoked by the Building Inspector. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

# ARTICLE IX: MANUFACTURED HOUSING

## Section 9.01. MANUFACTURED HOUSING PARKS

Manufactured Housing Parks, subject to the requirements as established and regulated by the Mobile Home Commission Act (PA 96 of 1987, MCL 125.2301 *et sec*), as amended, except that the same shall conform to the following requirements:

1. Greenbelt: The park shall have a greenbelt twenty (20) feet in width at its rear and sides. The greenbelt shall be forty (40) feet at the front of the manufactured housing park. The greenbelt shall be measured from the nearest edge of the road right-of-way to the line of the closest manufactured housing site.
2. Recreation: The minimum of ten (10%) percent of the total park should be left in open space developed for recreation purposes. Such developed area shall not include roads, sidewalks, lands under water, or lands having excessive grades and shall be so graded and developed as to have adequate drainage and usability by residents of the park.
3. Minimum Number of Housing Sites: The park shall have a minimum of eighty (80) housing sites.
4. Site Dimensions: Each manufactured home shall have its own home site which shall be at least forty (40) feet wide and a minimum of three thousand six hundred (3,600) square feet in area. A double-wide mobile home shall have a manufactured housing site which shall be at least fifty-five (55) feet wide and a minimum of five thousand five hundred (5,500) square feet in area
5. Distances Between Manufactured Homes: Manufactured homes shall be at least thirty (30) feet from the rear of the nearest manufactured home and twenty-five (25) feet from the side of the nearest manufactured home.
6. Access Drive Setbacks: Manufactured homes shall be placed at least ten (10) feet from the pavement of the access drive.

## Section 9.02. MANUFACTURED HOUSING SUBDIVISIONS

Manufactured Housing Subdivisions provided that minimum lot sizes and yard spaces shall be:

TABLE OF MININUM MANUFACTURED HOUSING LOT SIZES & YARDS

| **Dimension** | **Minimum Size** | | |
| --- | --- | --- | --- |
| Lot width | Single: | 45 feet |
| Double: | 60 feet |
| Lot area | Single: | 5,000 square feet |
| Double: | 7,200 square feet |
| Front yard setback | 20 feet | | |
| Side yard setback | 10 feet | | |
| Rear yard setback | 25 feet | | |



# ARTICLE X: INDUSTRIAL PERFORMANCE STANDARDS

## Section 10.01. SCOPE

After the effective date of this Ordinance, any use established or changed to, and any buildings, structure, or tract of land developed, constructed or used for, any permitted or permissible principal or accessory use shall comply with all of the performance standards herein set forth for the District involved.

If any existing use or building or other structure is extended, enlarged, moved, structurally altered, or reconstructed, or any existing use of land is enlarged or moved, the performance standards for the District involved shall apply with respect to such extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof, and with respect to land use which is enlarged or moved.

Any use shall not be permitted to carry on any activity, operation, use of land, building or equipment that produces irritants to the sensory perceptions greater than the measures established in this Article.

## Section 10.02. NOISE

Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. Noise as measured at the street or property line may not exceed eighty (80) decibels with a center frequency of one hundred and twenty-five (125) cycles per second.

## Section 10.03. GASES, SMOKE, DUST, DIRT AND FLY ASH

The emission of gases, smoke, dust, dirt, and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable State and County health laws as pertaining to air pollution and smoke abatement.

## Section 10.04. GLARE AND HEAT

Arc welding, acetylene torch cutting, or similar processes causing glare and heat shall be performed behind solid walls or frosted glass not less than fifteen (15) feet high as measured from the ground level adjacent to the structure concerned.

## Section 10.05. FIRE AND SAFETY HAZARDS

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all State rules and regulations, and as established by the Fire Prevention Code (PA 207 of 1941, MCL 29.1 *et sec*), as amended. Further, all storage tanks of liquid materials above ground shall be located not less than one hundred and fifty (150) feet from all property lines and shall be completely surrounded by earth embankments, dikes, or other types of retaining walls which will contain the total capacity of all tanks so enclosed.

## Section 10.06. VIBRATION

Machines or operations which cause vibration shall be permitted, but no operation shall cause a displacement exceeding .003 of one (1) inch as measured at the property line with a frequency of ten (10) cycles per sec.

# ARTICLE XI: NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES AND PREMISES

Within the districts established by this Ordinance, should there exist lots, structures, and uses of land and structures which were lawful prior to adoption of this Ordinance but were made unlawful by regulations imposed by this Ordinance, they shall be termed nonconforming. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance to permit no enlargement or extension of nonconforming uses, including the addition of other structures or uses prohibited elsewhere in the same district.

## Section 11.01. NONCONFORMING LOTS OF RECORD (SUBSTANDARD LOTS).

In any district in which one-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a one-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails 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. Yard requirement variances may be obtained through approval of the Zoning Board of Appeals.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this resolution, and if all or part of the lots do not meet the requirements for lot width and areas as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

## Section 11.02. NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its non-conformity, unless otherwise specified by the Zoning Board of Appeals.
2. Should such nonconforming structure, or nonconforming portion of structure, be destroyed by any means, it may not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should structure be moved for any reason whatever, it shall hereafter conform to the regulations for the district in which it is located after it is moved.

## Section 11.03. NON-CONFORMING USES OF LAND

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming structure may be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such non-conforming use shall be moved in a whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such non-conforming use of land abandoned, any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
4. Only those additional structures which are in conformance to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

## Section 11.04. NON-COMFORING USES OF STRUCTURES

If lawful use involving individual structures or of structure and premises exists at the effective date of adoption of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that approval is secured from the Planning Commission and that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed back to a non-conforming use.
4. When a non-conforming use of a structure, or structure and premises in combination, is abandoned, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
5. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent of more than one hundred (100%) of State Equalized Valuation at time of destruction.

## Section 11.05. REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty (20%) percent of the current State Equalized Valuation of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulation of the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

## Section 11.06. NON-CONFORMING USE – BUILDING DAMAGED BY FIRE, ETC.

Any non-conforming use or non-conforming building which has been destroyed or damaged by fire, explosion, Act of God, or by public enemy to the extent of one hundred (100%) percent of its State Equalized Valuation, exclusive of the foundation at the time such damage occurred, shall thereafter be made to conform with the provisions of this Ordinance. Where such destruction or damage has occurred, removal of the non-conforming use of a building also shall eliminate the non-conforming use status of the land on which said building is located. If such damage is less than one hundred (100%) percent of its State Equalized Valuation before said damage occurred, exclusive of the foundation, then such structure may be restored to the same non-conforming use or non-conforming building as existed before such damage, provided that such restoration shall be subject to the approval of the Zoning Board of Appeals. Said restoration shall be commenced within one (1) year of the date of such partial destruction and shall be diligently carried on to completion.

## Section 11.07. CHANGE OF TENANCY OR OWNERSHIP

There may be a change in tenancy, ownership, or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

# ARTICLE XII: AMENDMENTS

## Section 12.01. INITITATION OF AMENDMENTS

The Township Board may, upon recommendation from the Planning Commission, amend, supplement or change the regulations (text amendments) or the district boundaries of this Ordinance (re-zonings), pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 et sec), as amended. Amendments may be initiated by a resolution of the Township Board, the Planning Commission, or by petition of one or more of the property owners to be affected by the proposed amendment.

## Section 12.02 AMENDMENT REQUEST

An amendment to this Ordinance or the Zoning Map, except those initiated by the Township, shall be initiated by submission of a completed application form and fee. The following information shall accompany the Zoning Amendment application form:

1. A legal description of the property and its street address.
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The applicant's name and address and interest in the property, and if the applicant is not the owner, the name and address of the owner.
4. The existing and desired zoning classification of the property.
5. The future land use designation of the property in the Township’s Master Plan.
6. A vicinity map showing the location of the property in relation.
7. In case of an amendment to the Zoning Map, a written description of how the requested rezoning meets Section 12.02.6 and Section 12.04 Criteria for Amendment of the Official Zoning Map,
8. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, the following shall be provided:
   1. A general description of the proposed amendment and rationale for the change; and
   2. A description of how the requested rezoning meets Section 12.02.6 and Section 12.05 Criteria for Amendments to the Zoning Ordinance Text

## Section 12.03. AMENDMENT PROCEDURE

The procedure for amending this Ordinance or the Zoning Map shall be as follows:

1. Each petition for amendment of the Zoning Map must be submitted to the Township Clerk who will:
   1. Refer the petition for recommendation to the Planning Commission and
   2. Report the receipt of the requested zoning change to the Township Board at its next meeting.
2. Notice of public hearings on any petition for amendment of this Ordinance must be made in accordance with Sec. 15.13 of this Ordinance.
3. The Planning Commission must hold a public hearing on the requested zoning change. After said hearing, the Planning Commission will make a recommendation to the Township Board on the requested zoning change. A summary of comments received at the public hearing shall be sent to the Township Board with the recommendation.
4. The petition shall be submitted to the Lenawee County Planning Commission for review in accordance with the Michigan Zoning Enabling Act.
5. Upon receipt of the recommendation from the Planning Commission, the Township Board shall make a decision in regard to the zoning text or map amendment.
6. The Planning Commission and Township Board shall review each case individually as to its applicability to each of the following standards:
7. Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
8. Will be consistent with the Township Master Plan. If conditions upon which the Master Plan was developed (such as market factors, demographics, infrastructure, traffic and environmental issues) have changed significantly since the Master Plan was adopted, this standard may be waived and consistency with recent development trends in the area may be considered.
9. Will be of a nature that will make vehicular and pedestrian traffic no more hazardous that is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking.
10. Will be located to eliminate any nuisance emanating from any such proposed use which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
11. Will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
12. Will relate harmoniously with the physical and economics aspects of adjacent land uses as regards prevailing shipping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
13. Is necessary for the public convenience at that location.
14. Is so located and proposed to be operated that the public health, safety and welfare will be protected.
15. Will not cause injury to the value of other property in the area in which it is to be located.

## Section 12.04. CRITERIA FOR AMENDMENT OF THE ZONING MAP

In considering any petition for an amendment to the Zoning Map, the Planning Commission and Township Board shall review each case individually as to its applicability to each of the following standards:

1. Will be compatible with adjacent uses of land.
2. Will be consistent with and promote the intent and purpose of this Ordinance.
3. Will be consistent with the Future Land Use Plan in the Township’s Master Plan. If conditions upon which the Master Plan was developed (such as market factors, demographics, infrastructure, traffic and environmental issues) have changed significantly since the Master Plan was adopted, this standard may be waived and consistency with recent development trends in the area may be considered.
4. Will be compatible with the natural environments.
5. Will be consistent with the capacities of public services and facilities affected by the proposed use.
6. Will protect the public health, safety and welfare.

## Section 12.05. CRITERIA FOR AMENDMENT TO THE ZONING ORDINANCE TEXT

In considering any petition for an amendment to the text of the Zoning Ordinance, the Planning Commission and Township Board shall review each case individually as to its applicability to each of the following standards:

1. Documentation has been provided indicating problems and conflicts in implementation of specific sections of the Ordinance.
2. Reference materials, planning and zoning publications, information gained at seminars or experiences of other communities demonstrate improved techniques to deal with certain zoning issues, or that the Township's standards are outdated.
3. The Township Attorney recommends an amendment to respond to significant case law.
4. The amendment would promote implementation of the goals and objectives of the Township's Master Plan.
5. Other factors deemed appropriate by the Planning Commission and Township Board.

## Section 12.06. CONDITIONAL REZONING OF LAND

1. Authorization and Limitations: As an alternative to a rezoning amendment as described in this Article, the Township Board shall have the authority to place conditions on a rezoning, provided the conditions have been voluntarily offered in writing by the applicant and are acceptable to the Township Board. In exercising its authority to consider a conditional rezoning, the Township is also authorized to impose the following limitations:
   1. An owner of land may voluntarily offer written conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time of the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
   2. The owner’s offer of conditions may not authorize uses or developments not permitted in the proposed zoning district. The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.
   3. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of Article XVI of this Ordinance.
   4. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Article XIV of this Ordinance.
   5. The details to be offered in the conditional rezoning shall be determined by the applicant, subject to approval of the Township.
   6. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.
2. Amendment of Conditions: The offer of conditions may be amended during the process of conditional rezoning consideration, provided any amended or additional conditions are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the Township Board, provided such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
3. Procedure: The procedure for consideration of a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to Article XII of this Ordinance in addition to the following:
   1. A conditional rezoning request shall be initiated by the applicant submitting a proposed Conditional Rezoning Agreement and a Conditional Rezoning Site Plan.
      1. A conditional Rezoning Agreement shall include the following information :
         1. A written statement that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.
         2. A written statement that confirms the property will not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.
         3. A list of conditions proposed by the applicant.
         4. A timeframe for completing the proposed improvements.
         5. A legal description of the land.
      2. A conditional rezoning site plan must be prepared by a licensed professional with the following:
         1. Sufficient detail to illustrate any specific conditions proposed by the applicant.
         2. The location, size, height, or other dimensions for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that are the subject of the conditional rezoning of land.
   2. The notice of public hearing on a conditional rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.
   3. A conditional rezoning may only be approved upon a finding and determination that all of the following are satisfied:
      1. The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.
      2. The conditions, proposed development and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one of the following:
         1. A change in Township policy since the Master Plan was adopted.
         2. A change in conditions since the Master Plan was adopted.
         3. An error in the Master Plan.
      3. The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.
      4. Public services and facilities affected by the proposed development will be capable of accommodating service and facility loads caused by use of the development.
      5. The conditions, proposed development and/or proposed use shall ensure compatibility with adjacent uses of land.
4. Amendment to Zoning Map: Upon approval by the Township Board of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.
5. Expiration: A Conditional Rezoning Approval shall expire two years from the effective date of the rezoning unless development has been diligently pursued and substantial completion has occurred in accordance with permits issued by the Township.
   1. In the event the conditional rezoning expires, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.
   2. If the Conditional Rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the property has become effective as a result of one or both of the following actions that may be taken:
      1. The property owner seeks a new zoning classification for the property; and/or
      2. The Township initiates a new request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.
   3. The two (2) year allotted approval may be extended upon the application of the landowner and approval of the Township.
6. Recording: A Conditional Rezoning Approval shall not become effective until a copy of the Conditional Rezoning Agreement is filed with the Washtenaw County Register of Deeds, and a certified copy of the Agreement is filed with the Township Clerk.
7. Violation of Conditional Rezoning Agreement: If development and/or actions are undertaken in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of this Ordinance and deemed a nuisance per se. In such case, the Township may issue a stop work order relative to the property and seek any other lawful remedies. Until action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the Township may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

## Section 12.07. AMENDMENTS REQUIRED TO CONFORM TO COURT DECREE

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing or referral thereof to any other board or agency

ARTICLE XIII: PLANNED UNIT DEVELOPMENT

## Section 13.01. INTENT

It is the intent of this Article to offer an alternative to traditional developments through the use of Planned Unit Development legislation, pursuant to Section 503 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, for the purpose of:

1. Permitting flexibility in the regulation of land development;
2. Encouraging the use of land in accordance with its character and adaptability;
3. Encouraging innovation in land use and variety in design, layout and type of structures constructed;
4. Achieving economy and efficiency in the use of land, preservation of natural resources, energy, and the provision of public services and utilities;
5. Encouraging the provision of useable open space and conservation of natural features;
6. Providing adequate employment opportunities suited to the needs of the residents of the Township;
7. Encouraging the use, reuse, and improvement of existing sites and buildings when developed in a compatible way with surrounding uses and when the uniform regulations contained in other zoning districts do not provide the adequate protection and safeguards of the site or surrounding area; and
8. Ensuring compatibility of design and use between neighboring properties.

The district is intended to accommodate developments with mixed or varied uses, sites with unusual topography or unique settings within the community, or on land which exhibits difficult or costly development problems. The Planned Unit Development (PUD) option is intended to supplement and reinforce the zoning regulations adopted by the Township, other applicable statutes, ordinances, rules, and regulations, and to further the goals and objectives in the Master Plan.

###### Section 13.02. LANDS WHICH MAY BE ZONED PUD DISTRICT

An application to rezone lands to a PUD may be submitted for the geographical areas intended for such districts in the Master Plan or areas zoned Lake Residential, Residential, Commercial, Commercial Recreation or Industrial. A PUD shall not be allowed in those geographical areas intended in the Master Plan to be zoned Agriculture District (AG).

## Section 13.03. ESTABLISHMENT OF A PUD DISTRICT

An application to establish a PUD District, together with an application for site plan review, shall be submitted in accordance with Article VIII, herein. The Planning Commission shall review and make recommendations to the Township Board of Trustees. The Township Board shall approve (with or without conditions), deny such application, or take such other action as provided by law. If the application to rezone is approved, then the geographical area being the subject of the application shall be designated “Planned Unit Development District” on the Official Zoning Map.

## Section 13.04. OWNERSHIP

The entire parcel for which application is made must be under one ownership, or the application must be made with the written authorization of all parties claiming legal or equitable ownership of the property.

## Section 13.05. PERMITTED USES

Allowable uses in a PUD District include those permitted and special uses in the Residential, Lake Residential, and Commercial Recreation districts. Commercial, office, limited industrial and/or research uses may be allowed in a PUD District in the Commercial Recreation and Industrial districts, provided the use is compatible with the site, will not adversely impact surrounding areas and is located in an area intended for PUD District in the Master Plan. The raising of crops in areas designated open spaces on the site plan is allowed provided the use is specified on the approved site plan.

## Section 13.06. ELIGIBILITY CRITERIA

In considering an application for a PUD District the Planning Commission and Township Board of Trustees shall consider the following factors:

1. Oddly shaped parcel(s) which negates ease of subdivision;
2. Proposal for mixed uses on a site;
3. Significant natural assets, including:
   1. Woodlands or individual trees over twelve (12") inches in diameter when measured at a height of four (4') feet;
   2. Rolling topography with grades exceeding fifteen (15%) percent;
   3. Significant views;
   4. Natural drainage ways, water bodies, or floodplains;
   5. Groundwater recharge areas;
   6. Regulated or non-regulated wetlands; and
   7. Natural corridors that connect quality wildlife habitats which would be in the best interest of the Township to preserve and which might be negatively impacted by conventional residential development.
4. Other unusual conditions which the Planning Commission deems that application of the PUD District would be appropriate.

## Section 13.07. COHESIVE DEVELOPMENT

The proposed project shall be designed to create a cohesive development through innovative design, architecture, and smooth interaction between the project components and uses. Open space areas may also be used to provide cohesion among the project components.

## Section 13.08. OPEN SPACE OWNERSHIP AND EASEMENTS

Dedicated open space, primary conservation areas, other undivided common areas, and associated facilities set aside by applicant through an irrevocable conveyance that is found acceptable to the Township, such as: recorded deed restrictions, covenants that run perpetually with the land, or conservation easements. The open space may be held in common ownership by a property owners association, a public entity, or the original land owner. The ownership of and any easements through open space shall be recorded as part of the title of the property.

## Section 13.09. REGULATORY FLEXIBILITY

Unless specifically waived or modified by the Planning Commission, all Zoning Ordinance requirements for the zoning district that most closely corresponds to the proposed uses in the PUD and all other Hudson Township regulations shall remain in full force. The Township Board may waive or modify any Zoning Ordinance requirement for the underlying zoning district. Minimum lot size, yard, lot width, and bulk standards may be modified, provided that such modifications result in an improved design or enhanced preservation of open space and natural features.

Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Only those regulatory modifications consistent with the intent of this Section shall be considered.

## Section 13.10. COMPATIBILITY WITH ADJACENT USES

The proposed location of uses and structures shall be compatible with the character and land uses of surrounding properties, particularly residential uses. Accessory uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, loading areas, solid waste pick-up points, and facilities of a similar nature shall not be located along the boundary of the development or so as to negatively impact the residential use of adjacent lands.

## Section 13.11. PLANNED UNIT DEVELOPMENT PROCEDURE

The Township Board may, upon recommendation from the Planning Commission, approve or approve with conditions PUDs, pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 *et sec*), as amended. The petitioner of a planned unit development request must be the fee holder owner of the premises concerned or else have the written permission of the fee holder(s) and must submit an application for rezoning to the Township Clerk.

1. Fees: Any applicant desiring a planned unit development must deposit the required fee, as established by resolution by the Township Board, with the Township Clerk at the time their application is filed to cover the publication and other miscellaneous costs for said change.
2. Procedure: The procedure for a Planned Unit Development application shall be as follows:
   1. Prior to the submission of a petition for PUD approval, the applicant must have a preapplication conference with the Chairperson of the Planning Commission and the Township Supervisor, together with such consultants and local officials and staff as either the Township or the applicant deem appropriate. The purpose of the conference is to inform township officials of the general theme for the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards, and requirements of the Township in terms of the proposed development. Statements made in the course of a preapplication conference shall not be legally binding commitments. At the preapplication conference (or conferences), the applicant may present a general sketch plan of the proposed PUD which provides an overview of the proposed project. The Township may require a fee for the preapplication conference, separate from the required fee for a petition for PUD approval.
   2. Each petition for a Planned Unit Development must be submitted to the Township Clerk who will:
      1. Refer the petition for recommendation to the Planning Commission and
      2. Report the receipt of the requested planned unit development to the Township Board at its next meeting.
   3. The Planning Commission must hold a public hearing on the requested zoning change. After said hearing, the Planning Commission will make a recommendation to the Township Board on the requested planned unit development. A summary of comments received at the public hearing shall be sent to the Township Board with the recommendation.
   4. Notice of public hearings on any petition for planned unit development must be made in accordance with Sec. 15.13 of this Ordinance.
   5. The petition shall be submitted to the Lenawee County Planning Commission for review in accordance with the Michigan Zoning Enabling Act.
   6. Upon receipt of the recommendation from the Planning Commission, the Township Board shall make a decision in regard to the zoning text or map amendment.
   7. The Planning Commission and Township Board shall review each case individually as to its applicability to each of the following standards:
3. Conformance with the Master Plan: The proposed development shall be compatible with the goals and objectives of the Master Plan.
4. Recognizable Benefits: A PUD shall result in a recognizable and substantial benefit, both to the occupants of the property and to the overall quality of life in Hudson Township. The benefits can be provided through site design elements in excess of the requirements of this Section, such as high-quality architectural design, extensive landscaping, provision of transition areas from adjacent residential land uses, inclusion of recreation areas, street improvements, unique site design features, unified access, preservation of woodlands and open space, particularly along major thoroughfares, and buffering development from lakes, rivers, streams, and wetlands.
5. Compliance with the PUD Concept: The overall design and land uses proposed in connection with a PUD shall be consistent with the intent of the PUD concept, as well as with specific design standards set forth herein.
6. Unified Control: The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project.
7. Compatibility with Adjacent Uses: The proposed PUD plan shall be compatible with surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:
8. The bulk, placement, and materials of construction of proposal structures;
9. Pedestrian and vehicular circulation;
10. The location and screening of vehicular use, parking areas, or loading zones;
11. The provision of landscaping and other site amenities;
12. Exterior lighting plan.
13. Impact on Public Services and Infrastructure: The proposed density/intensity and arrangement of use shall not result in an unreasonable increase in the need for or impact to public facilities or services, such as police and fire service, schools, recreation, traffic operations, and utilities beyond the expected impacts associated with development permitted by the underlying zoning classification, unless such impacts are mitigated. An unreasonable increase or impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development.
14. Impact of Traffic: The PUD shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
15. Circulation: Vehicular and pedestrian circulation, allowing safe, convenient, uncontested, and well-defined circulation within and to the district shall be provided.
16. Environmental Impact: The proposed PUD is designed to minimize adverse consequences to wildlife habitat or compensate in such a manner as to provide for that habitat in some other manner.
17. Scenic Views and Vistas: To the greatest extent feasible, the proposed PUD shall protect all scenic views and vistas, with an emphasis on those visible from any public road.
18. Recommendation by the Planning Commission: The Planning Commission shall review the PUD application and shall recommend to the Township Board to approve, deny, or approve the application with conditions.
19. Township Board Decision: The Township Board shall take final action to approve, deny, or approve the application with conditions.
20. Conditions: If conditions are imposed, the conditions imposed must be recorded in the record of the approval action (i.e., a report and detailed motion contained in the minutes of the meeting) and remain unchanged except upon the mutual consent of the Township Board and the landowner. The Township Clerk must maintain a record of the conditions which are changed. The Township Board may require a development agreement between the Township and the property owner(s) to codify conditions.

## Section 13.12. COMMENCEMENT AND COMPLETION OF CONSTRUCTION

Construction shall be commenced within two (2) years following final approval of a PUD, or within two (2) years of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, unless an extension for a specified period is granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the initial period.

## Section 13.13. LIMITATIONS ON VARIANCES

The decision to grant PUD approval or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual residential lot owner from seeking a variance following approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan.

# ARTICLE XIV: SPECIAL LAND USES

## Section 14.01. INTENT

The intent of this Article is to lay out the procedures and standards by which decisions on special land uses are made. Special land use standards in this Article are intended to accomplish the following:

1. Provide a mechanism for public input on decisions involving more intense land uses.
2. Establish criteria for development consistent with the Township's land use goals and objectives as stated in the Township Master Plan.
3. Regulate the use of land on the basis of impact to the Township overall and adjacent properties in particular.
4. Promote a planned and orderly development pattern which can be served by public facilities and serviced in a cost-effective manner.
5. Ensure uses can be accommodated by the environmental capability of specific sites.
6. Provide site design standards to diminish negative impacts of potentially conflicting land uses.
7. Provide greater flexibility to integrate land uses within the Township.

## Section 14.02. SPECIAL LAND USE PROCEDURE

The Township Board shall, upon recommendation from the Planning Commission, make decisions regarding approvals of special land uses listed in the table of permitted uses and special land uses in Section 4.01, pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 *et sec*), as amended.

The petitioner of a special land use must be the fee holder owner of the premises concerned or else have the written permission of the fee holder(s) and must submit an application for rezoning to the Township Clerk.

1. Fees: Any applicant desiring to amend this Ordinance must deposit the required fee, as established by resolution by the Township Board, with the Township Clerk at the time their application is filed to cover the publication and other miscellaneous costs for said change.
2. Procedure: The procedure for a special land decision shall be as follows:
   1. Each petition for amendment of this Ordinance must be submitted to the Township Clerk who will:
      1. Refer the petition for recommendation to the Planning Commission and
      2. Report the receipt of the special land use request to the Township Board at its next meeting.
   2. The Planning Commission must hold a public hearing on the requested special land use. After said hearing, the Planning Commission will make a recommendation to the Township Board on the requested special land use. The Planning Commission may recommend approval, approval with conditions, or denial to the Township Board.
   3. Notice of public hearings on any petition for amendment of this Ordinance must be made in accordance with Sec. 15.13 of this Ordinance.
   4. The Township Board, upon receipt of the recommendation of the Planning Commission, shall approve, approve with conditions, or deny the special land use. A statement of findings and conclusions relative to the decision specifying the basis of the decision, and any conditions imposed must be made and recorded in the minutes of the Township Board meeting.
   5. If conditions are imposed, those conditions

## Section 14.03. SPECIAL LAND USE STANDARDS

In addition to specific standards which may be applicable, the following set of standards shall serve as the basis for decisions involving special land uses:

The proposed use shall:

1. Be compatible with adjacent uses of land;
2. Be consistent with, and promote the intent and purpose of this ordinance;
3. Be compatible with the natural environments;
4. Be consistent with the capacities of public services and facilities affected by the proposed use; and,
5. Protect the public health, safety, and welfare.

## Section 14.04. SPECIAL LAND USES AMENDMENTS, EXPANSIONS OR CHANGE IN USE

The following provisions apply when there is an amendment or a proposed expansion to approved Special Land Uses or when there is a proposed change from one Special Land Use to another.

1. Amendments: Any person or agency who has been granted a Special Land Use Permit shall notify the Zoning Administrator of any proposed amendment to the approved site plan of the Special Land Use Permit. The Zoning Administrator shall determine whether the proposed amendment requires new Special Land Use approval. New Special Land Use approval may be required when such amendment is a departure from the operation or use described in the approved application or causes external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.
2. Expansions: The expansion, change in activity, reuse or redevelopment of any use requiring a Special Land Use Permit shall require resubmittal in manner described in this Article. A separate Special Land Use Permit shall be required for each use requiring Special Land Use review on a lot, or for any expansions of a Special Land Use which has not previously received a Special Land Use Permit.
3. Change in Use: The applicant shall be responsible for informing the Zoning Administrator of any significant change in an approved use, operations, or activities prior to any such change. Zoning Administrator shall determine if a new Special Land Use approval is required. A significant change shall mean any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

## Section 14.05. REVOCATION

1. The revocation of a Special Land Use Permit may occur if its recipient fails to continuously abide by its terms and conditions. The revocation procedure is as follows:
2. The Township Board, through its designated administrators, shall notify the recipient, in writing, of any violations of City codes or provisions of the Special Land Use.
3. The recipient shall have thirty (30) days to correct any deficiencies to the satisfaction of the Township Board.
4. If, after thirty (30) days, any deficiencies remain, the Township Board may then revoke the Special Land Use, or, if the conditions warrant, allow additional time.
5. A repeat violation, after correction of deficiencies to the satisfaction of Township Board, may cause immediate revocation of the Special Land Use.

ARTICLE XV: ZONING ADMINISTRATION

## Section 15.01. ZONING ADMINISTRATION

It is hereby provided that the provisions of this Ordinance shall be administered and enforced by the Township Building Inspector or other Township official so designated by the Township Board or deputies of same being delegated to enforce the provision of this Ordinance.

## Section 15.02. FEES

Except as may be provided otherwise in this Ordinance, the Township Board will, by Resolution, determine and set the fees to be charged for development reviews, including but not limited to site plans, special use permits, planned unit development reviews, and appeals to the Zoning Board of Appeals; and all other permits and certificates authorized by this Ordinance, and copies thereof. The Board may revise said fees from time to time by Resolution, provided that a public notice of any such revision shall be published in the newspaper having general circulation in the Township at least thirty (30) days in advance of the effective date thereof. Such fees will be collected by the Township Clerk or Building Inspector with development review applications and prior to issuance of permits or certificates.

## Section 15.03. ZONING PERMIT/BUILDING PERMIT REQUIRED FOR CONSTRUCTION

No excavation shall be initiated, no building or structure shall be erected, altered, moved, or structural alterations initiated, including but not limited to porches, decks, or similar fixtures with a permanent location, and no building permit shall be issued, until a Zoning Permit has been issued by the Zoning Administrator and, where required by the Stille-Derossett-Hale Single State Construction Code Act (PA 230 of 1972, MCL 125.1501 - 125.1531), a Building Permit has been issued by the Building Inspector. No building permit may be issued without a zoning permit, except as an exception to the zoning permit requirement in Section 15.04.

No Zoning Permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance, except for the following instances:

1. Upon written order of the Zoning Board of Appeals (ZBA); or
2. By order of a court of competent jurisdiction.

## Section 15.04. EXCEPTIONS TO ZONING PERMIT REQUIREMENT

Exceptions to the zoning permit requirement in Section 15.03 are limited to the following circumstances:

1. A building incidental to the use for agricultural purposes, as defined by the Stille-Derossett-Hale Single State Construction Code Act (PA 230 of 1972, MCL 125.1501 - 125.1531) not used for the business of retail trade, per the requirements of the Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 - 286.474). For instance, a barn or silo used for storage of farm equipment or crops does not require a zoning permit, but a farm stand does require a zoning permit.
2. Minor alterations or repairs to existing structures costing three hundred ($300) dollars or less.
3. Wrecking of buildings or structures of less than one thousand (1,000) cubic feet capacity.

## Section 15.05. APPLICATIONS FOR ZONING PERMITS

Applications for building permits shall be filed in quadruplicate with the Building Inspector upon forms furnished and approved by the Township Board. The application shall be accompanied either by a plot plan as required in this Section, or by a site plan as required under Article VIII, whichever applies. If a site plan is not required under Article VIII, a plot plan shall be submitted, with the following information:

1. Scale, date, and north directional arrow.
2. Location map showing major intersections and dimensioned diagram of the parcel.
3. Dimensioned location, outline, and dimensions of all existing and proposed structures, and the location and extent of all uses not involving structures.
4. A clear description of existing and intended uses of all structures, including documentation of any legal non-conforming uses and structures.
5. Additional information as required by the Building Inspector for the purposes of determining compliance with the provisions of this Ordinance, including such details as existing and/or proposed topography, proposed method of storm water management, etc.

## Section 15.06. ZONING PERMIT ISSUANCE, WITHHOLDING, EXPIRATION, AND REVOCATION

1. Issuance: Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the ZBA, the Zoning Administrator shall issue the appropriate permit. In any case where a permit is refused, the reasons shall be stated in writing to the applicant.
2. Withholding Permit: The Zoning Administrator may withhold any Zoning Permit pending verification that an applicant has received required county, state, or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; and driveway permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission or Township Board, the Planning Commission or Township Board may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state, or federal approvals and/or direct the Zoning Administrator not to issue a Zoning Permit until said permits from other agencies have been obtained.
3. Expiration of Permit: A permit shall become null and void after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector. Upon expiration, the permit shall be renewable only upon reapplication, subject to the provisions of all ordinances in effect at the time of renewal. This subsection shall apply to all permits issued pursuant to this Ordinance.
4. Revocation: The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner or their agent shall be notified of such revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit. Failure to terminate the use for which the permit was revoked, other than for the purpose of correcting the violation, is declared to be a nuisance per se and a violation of this Ordinance. Revocation of a permit issued for a special land use or variance shall not occur until a hearing has been held by the body which granted the permit.

## Section 15.07. INSPECTION

The Building Inspector shall have the power to issue permits and to make inspections of buildings or premises necessary to carry out their duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or any permits for any excavation or construction until they have inspected such plans in detail and found them in conformity with this Ordinance.

## Section 15.08. RESPONSIBILITY

It shall be the duty of all architects, contractors, subcontractors, builders, and other persons having charge of the establishment of any use of land or the erecting, altering, changing, or remodeling of any building or structure, before beginning or undertaking any such work to see that a proper Building Permit has been granted therefore and that such work and land use is in conformity with the provisions of this Ordinance.

## Section 15.09. RECORDS

A complete record and copy of each application for each certificate or permit issued pursuant to the provisions of this Ordinance shall be filed with the Township Clerk and be a part of the Township Records. Copies of all applications and permits shall be furnished to any person having a proprietary or tenancy interest on the payment to the Township Clerk per a fee set by the Township Board.

## Section 15.10. CERTIFICATES OF OCCUPANCY

It shall be unlawful to use or permit the occupancy of any land, building, or structure for which a Building Permit is required, and to use any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Inspector shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

1. Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, of existing uses of land if, after inspection, it is found that same is in conformity with the provisions of this Ordinance.
2. Certificates of Occupancy may be issued for part of a building or structure prior to the occupancy of the entire building and prior to it being completed, to be in force not more than thirty (30) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy, and provided further than such portions of the building or structure are in conformity with the provisions of this Ordinance.
3. Buildings or street uses accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown correctly on the plot plan and when completed at the same time as said dwelling.
4. Applications or Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by the Township and said certificates shall be issued within seven (7) days after receipt if it is found in compliance with paragraph one (1) above. If such certificate is refused for cause, the applicant shall be notified of such action and cause within the same seven (7) day period.

## Section 15.11. FINAL INSPECTION

The recipient of any building permit for the erection, construction, alteration, and repair and moving of any building, structure, or part thereof shall notify the Building Inspector immediately upon the completion of the work authorized by such permit for a final inspection.

## Section 15.12. ZONING MAP

The Official Zoning Map shall be identified by the signature of the Township Supervisor, as attested by the Township Clerk. One (1) copy of the Official Zoning Map and above mentioned record shall be maintained and kept up to date by the Township Clerk’s office, accessible to the general public, and same shall be the final authority as to the current zoning status of all lands and buildings in the Township.

## Section 15.13. PUBLIC NOTICE

All zoning applications requiring a public hearing must comply with the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 *et sec*), as amended, and the other provisions of this Section with regard to public notification.

1. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Township Clerk is responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Hudson Township, and mailed or delivered as provided in this Section.
2. Content: All mail, personal, and newspaper notices for public hearings must:
   1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, variance, appeal, ordinance interpretation, or other purpose.
   2. Location: Indicate the property that is the subject of the request. The notice must include a listing of all street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be uses such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses are required when eleven (11) or more adjacent properties are proposed for rezoning, or when the request does not involve a specific property.
   3. When and where the request will be considered: Indicate the date, time, and place of the public hearing(s).
   4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear in person or by counsel.
   5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
3. Personal and mailed notice:
   1. General: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that personal or mailed notice be provided, notice must be provided to:
      1. The owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
      2. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all owners and occupants of property located within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property is located within the boundaries of Hudson Township. If the name of the occupant is not known, the term “Occupant” may be used in making notification.

Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organization, one (1) occupant of each unit or spatial area must 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, businesses or organizations, notice may be given to the manager or owner of the structure who will be requested to post the notice at the primary entrance to the structure.

* + 1. All neighborhood organizations, public utility companies, railroads, and other persons which have requested to receive notice pursuant to Subsection 5, “Registration to receive notice by mail,” of this Section.
    2. Other governmental units or infrastructure agencies within three hundred (300) feet of the property involved in the application.
  1. Notice by mail and affidavit: Notice will be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Township Clerk must prepare an affidavit containing a list of property owners, occupants, and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

1. Timing of notice: Unless otherwise provided in the Michigan Zoning Enabling Act or this Ordinance, where applicable, notice of public hearing must be provided not less than fifteen (15) days before the date the application will be considered for approval
2. Registration to receive notice by mail:
   1. General: Any neighborhood organization, public utility company, railroad, or any other person may register with the Township Clerk to receive written notice of all applications for development approval, pursuant to Subsection 3.a.(3) of this Section, within the zoning district in which they are located. The Township Clerk is responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Township Board. Personal and mailed notice, or written notice of all applications for development approval in which they are located.
   2. Requirements: The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must re-register once every two years to continue to receive notification pursuant to this Section.

# ARTICLE XVI: ZONING BOARD OF APPEALS

## Section 16.01. CREATION OF ZONING BOARD OF APPEALS

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 3101 *et sec*), as amended, in such a way that the objectives of this Ordinance shall be observed; public safety, morals, and general welfare assured; and substantial justice done. The Zoning Board of Appeals shall consist of three (3) members as follows:

1. The first member must be the member of the Planning Commission appointed by the Township Board. The term of office is limited to the time they are a member of the Commission. This member is prohibited from participating in a public hearing or voting on the same matter they voted on as a Planning Commissioner. However, they can vote on other unrelated matters involving the same property.
2. The second and third members must be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township, with the following restrictions:
   1. An elected officer of the Township may serve on the Zoning Board of Appeals but shall not serve as the chairperson of the Board.
   2. Any employee or contractor of the Township may not serve as a member of the Township Zoning Board of Appeals.
3. A vacancy of the Zoning Board of Appeals must be filled for the remainder of an unexpired term in the same manner as the original appointment. A vacancy on the Board must be appointed within one (1) month.
4. The Township Board of Trustees may appoint not more than one (1) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member shall be called to service by the Chairperson (or in the absences of the Chairperson by the Vice Chairperson) to serve as a member of Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which a member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.
5. Members of the Zoning Board of Appeals shall be removed by the Township Board upon written charges and after public hearing, for misfeasance, malfeasance, or nonfeasance in office. A member must disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

## Section 16.02. MEETINGS

All special meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson, and regular meetings at such times as the Township Board may determine. All meetings of the Zoning Board of Appeals shall be open to the public. Business cannot be conducted unless a majority, at least two (2), of the regular members are present. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or is absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the Office of the Township Clerk and shall be a public record.

## Section 16.03. APPEALS

An appeal may be taken to the Zoning Board of Appeals by any person aggrieved by an officer, department, board, or bureau of the state or local unit of government. Such appeals shall be taken within such times as shall be prescribed by the Township Board by resolution by filing with the Building Inspector an application for appeal, specifying the grounds thereof and the payment of a fee established by the Township Board.

The Building Inspector must forthwith transmit to the Zoning Board of Appeals the application and all documents constituting the record upon which the action appealed from was taken. An application will stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Zoning Board of Appeals that a stay would, in their opinion, cause imminent peril to life or property. In such a case, the proceedings will not be stayed except by a restraining order which may be granted by the circuit Court.

The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

## Section 16.04. USE VARIANCE CONSIDERATION PROHIBITED

The power or authority to alter or change the Zoning Ordinance or Zoning Map is reserved to the Township Board, as is provided by law. Therefore, the Zoning Board of Appeals is prohibited from considering use variance requests.

## Section 16.05. NOTICE OF HEARING

Notice of the hearing on the appeal will be given in accordance with Section 15.13 of this Ordinance.

## Section 16.06. POWERS OF ZONING BOARD OF APPEALS CONCERNING ADMINISTRATIVE REVIEW AND VARIANCES

The Zoning Board of Appeals, as herein created, is a body of limited powers. The Zoning Board of Appeals shall have the following specified powers and duties:

1. Purpose: To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision, or determination made by Township officials in the enforcement of this Ordinance, and to hear and decide appeals where there are practical difficulties in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.
2. Authorization: In hearing and deciding appeals, the Zoning Board of Appeals shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety, and welfare secured and substantial justice done, including the following:
   1. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying this Ordinance where street layout actually on the ground varies from the street layout as shown on the map aforesaid. In case of any question as to location of any boundary line between zoning districts, the Zoning Board of Appeals shall interpret the Zoning Map after recommendation from the Planning Commission.
   2. Permit the erection and use of a building, or an addition to an existing building, or a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established and permit the location in ay district of a public utility building or structure if the Zoning Board of Appeals shall find such use, height, area, building, or structure reasonably necessary for the public convenience and service.
   3. Permit the modification of the off-street motor vehicle parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements, after recommendation from the Planning Commission.
   4. Permit such modification of the height, lot area, yard setback, floor area, and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for safe water supply distribution and/or sanitary sewage are provided. Whenever the Zoning Board of Appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by a registered engineer or land surveyor.
3. Conditions: The Zoning Board of Appeals, by majority vote, may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determinations as ought to be made and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.
4. Decisions are final: The decisions of the Zoning Board of Appeals are final. A party aggrieved by a decision may appeal to the Lenawee County Circuit Court as provided for in Section 606 of the Michigan Zoning Enabling Act (MCL 125.3606).

## Section 16.07. STANDARDS

In consideration of all appeals for variances, the Zoning Board of Appeals shall review each case individually and may only grant a nonuse variance when all of the following standards are met:

1. All required information has been provided and fees paid.
2. The difficulty or hardship is unique to the property in question and is not generally shared by other properties classified in the same zoning district and/or used for the same purposes.
3. The particular physical conditions, shape, or surroundings of the property would impose upon the owner a practical difficulty or particular hardship, as opposed to a mere inconvenience, if the requirements of the Zoning Ordinance were strictly enforced.
4. The special conditions and circumstances do not result from the actions of the applicant.
5. The difficulty or hardship resulting from the application of the Zoning Ordinance would prevent the owner from making a reasonable use of the property; however, the fact the property could be utilized more advantageously with the variance than without the variance, shall not be considered as grounds for granting the variance.
6. The proposed variance will not impair an adequate supply of light and air to adjacent properties or otherwise injure other property or its use; will not substantially increase the danger of fire, flood, and similar dangers; or otherwise endanger the public health, safety and welfare.
7. The variance, if granted, will not alter the essential character of the neighborhood or surrounding properties.
8. Granting the variance as requested will not bestow upon the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
9. The existence of non-conforming uses of neighboring lands, structures, or buildings in the same district; permitted or non-conforming uses of land, structures, or buildings in other districts; and non-conforming structures shall not be grounds for granting a variance.
10. The variance granted shall be the minimum variance that will permit a reasonable utilization of the land, building, or structure.

## Section 16.08. ZONING BOARD OF APPEALS APPROVAL

The Zoning Board of Appeals may require the appellant to submit all necessary surveys, plans, or other information necessary for the Zoning Board of Appeals to investigate thoroughly the matter before it. The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purposes of this Ordinance.

Should a hardship exist requiring a deviation from Section 5.02.3 for the purposes of placing an additional manufactured home on a lot in an agriculturally zoned area having an existing one-family dwelling, the manufactured home shall not be placed on a foundation and shall remain portable to allow for removal at such time as the hardship ceases to exist.

## Section 16.09. APPROVAL PERIODS

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Zoning Board of Appeals, permitting the use of a building or premise shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with such permit.

# ARTICLE XVII: DEFINITIONS

## Section 17.01. DEFINITIONS

For the purpose of enforcing the provisions of this Ordinance, certain terms and words used herein are defined as follows:

ACCESSORY BUILDING. A supplementary building or a portion of a main building, the use of which is incidental to that of the main building, and which is located on the same lot as the main building, but such use shall not include any buildings used for dwelling, lodging, or sleeping quarters for human beings.

AGRICULTURE. The act or business of cultivating land or using land for a farm operation.

ALLEY. A public way that is solely used as a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS. Any change in the location or use of a building, or any change or modification in the supporting members of a building such as bearing walls, columns, beams, hoists, girders, and similar components, or any substantial changes in the roof or exterior walls, or any change in the type of occupancy, the consummated act of which may also be referred to herein as “altered” or “reconstructed.”

AMUSEMENT PARK. A parcel of land used for swimming, boating, dancing, skating, merry-go-rounds, roller coasters, theaters, arcades, fun houses, carnivals, fairs, zoological gardens, botanical gardens, and arboretums, and other similar uses and their facilities, but not shooting galleries, race tracks, stables, and riding academies.

APPEAL. An entreaty or demand for hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

ARCHITECTURAL FEATURES. Architectural features of a building, including cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

AUTOMOBILE SERVICE STATION. A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water, and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles, or other land vehicle type, or sale unrelated to service station use.

AUTOMOBILE WASH ESTABLISHMENT. A building, or portion thereof, the primary purpose of which is that of washing vehicles.

BASEMENT. That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement (see illustration entitled “Basement Definition Illustration”).

Basement Definition Illustration

A picture containing diagram

Description automatically generated

BLOCK. The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, crossing or terminating; or between the nearest such street and railroad right-of-way; un-subdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development.

ZONING BOARD OF APPEALS. The term “Zoning Board of Appeals” shall mean the Hudson Township, Lenawee County, State of Michigan Zoning Board of Appeals.

BUILDING. An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.

BUILDING INSPECTOR. This term shall refer to the Building Inspector of Hudson Township, or their authorized representative.

BUILDING SETBACK LINE. The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

BUILDING, MAIN OR PRINCIPAL. A building in which is conducted the principal use of the lot upon which it is situated.

BUILDING PERMITS. A building permit is the written authority issued by the Building Inspector of the Township permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.

CANAL. An artificially constructed or excavated channel intended to connect two (2) bodies of water; used for navigation purposes of boat docks; and as a means of ingress or egress to other bodies of water; or for building lot on the banks thereof.

CHILD CARE FACILITIES. A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under the Child Care Organizations Act (PA 116 of 1973, MCL 722.111) and the associated rules promulgated by the Michigan Department of Licensing and Regulatory Affairs.. Such facilities are further defined as follows:

CHILD CARE CENTER. A facility, other than a private residence, receiving one (1) or more children under thirteen (13) years of age for care for periods of less than twenty-four (24) hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. "Child care center" or "day care center" does not include a Sunday school, a vacation bible school or a religious instructional class that is conducted by a religious institution, or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

FAMILY CHILD CARE HOMES. A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for compensation for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual.

GROUP CHILD CARE HOMES. A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

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

COMMERCIAL USE. A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services or the maintenance of offices or recreational or amusement enterprises.

COMMISSION. This term, and the term “Planning Commission”, shall mean the Hudson Township, Lenawee County, State of Michigan Planning Commission.

CONVALESCENT OR NURSING HOME. A convalescent home or nursing home is a home for the care of children, the aged, or the infirm or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for. Said home shall also conform to, and qualify for license under, applicable State laws (even though State law may provide for different size regulations).

DRIVE-IN ESTABLISHMENTS. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in, or momentarily stepped away from, their motor vehicle (such as banks, laundry or dry-cleaning pick-up establishments).

DRIVEWAY: A means of access for vehicles from a road or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot. A driveway shall serve a maximum of two (2) residential lots.

EVENT FACILITIES. Wedding barns or other facilities that host parties, receptions, or Special events.

DWELLING. A house or building, or portion thereof, which is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently. Dwellings are further defined as follows:

DWELLING, MULTIPLE-FAMILY. A multiple-family dwelling is a building used as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including townhouses (one-family attached dwellings), apartments, and row or terrace dwellings, but not including manufactured homes.

DWELLING, ONE-FAMILY. A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking, and kitchen accommodations for one (1) family only. Also known as a single-family dwelling.

DWELLING, TWO-FAMILY. A detached two-family dwelling is a building used as a residence by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.

DWELLING UNIT. A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently. A travel trailer, manufactured home, motor home, automobile chassis, tent, or other portable building is not a dwelling unit. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

ERECTED. Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commission, of overhead, surface or underground gas, electrical, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other ordinances of the Township of Hudson in any use district, it being the intention hereof to except such erection, construction, alteration, and maintenance from the application of this Ordinance.

FAMILY. A family means either of the following:

1. An individual or group of two (2) or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than one (1) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under the Child Care Organizations Act (PA 116 of 1973, MCL 722.111).

FARM OPERATION. The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. Marketing produce at roadside stands or farm markets;
2. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers;
3. The movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway;
4. Field preparation and ground and aerial seeding and spraying;
5. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides;
6. Use of alternative pest management techniques;
7. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling, and care of farm animals;
8. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes;
9. The employment and use of labor; and
10. Any conditions arising from such activities including, but not limited to noise, odors, dust, and fumes.

FARM BUILDINGS. Any building or structure other than a dwelling, principally used for an agricultural purpose.

FARM PRODUCTS. Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, Cervidae, livestock, including breeding and grazing, equine, fish, and other aquaculture products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture and Rural Development.

FILLING. Shall mean the depositing or dumping of any matter onto or into the ground, except common household gardening and general farm care.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The “floor area” of a building which is what this normally is referred to as, shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in “floor area.” Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or open) or attached garages are not included.

GARAGE. A garage is a space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or of their family.

GRADE. The building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

GREENBELT. A strip of land planted with trees or shrubs.

HEIGHT, BUILDING. The vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip, and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall (see illustration entitled “Building Heights”).

Building Heights

Graphical user interface, application, Teams

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HIGHWAY. A public thoroughfare or street, except alleys, but including Federal, State, County, and Township roads and those appearing upon plats recorded in the office of the Register of Deeds for Lenawee County, Michigan.

HOME OCCUPATION. An occupation that is clearly incidental and secondary to the use of the dwelling for dwelling purposes and carried on entirely within the dwelling.

HOTEL. A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for occupancy by transient guests, and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms..

JUNK. The term junk shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

JUNK YARD. A junk yard shall mean any place where the storing, dismantling, wrecking, and disposition of junk is carried on, but does not include uses established entirely within enclosed buildings in conformance with all other provisions of the Zoning Ordinance. The term includes automobile wrecking yards and salvage areas and any area of more than two hundred (200) square feet for the storage, keeping, or abandonment of junk and scrap metals.

KENNEL. Any lot or premises on which three (3) or more dogs or cats are kept either permanently or temporarily boarded.

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

LOT. A lot is a piece of parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this Ordinance. A lot shall have frontage upon a public street or an approved private road. A lot may consist of:

1. A single Lot of Record.
2. A portion of a Lot of Record.
3. A combination of complete Lots of Record or portion thereof.
4. A condominium lot.
5. A piece of land described by metes and bounds.
6. A zoning lot. A zoning lot is of a group of contiguous lots under the same ownership. The outside perimeter of the collective lots shall serve as the lot lines.

Lots are further defined by type as follows:

LOT CORNER. A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees (see illustration entitled “Corner, Interior and Double Frontage Lots”).

Corner, Interior and Double Frontage Lots

Diagram

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LOT AREA. The total horizontal area within the lot lines of a lot, exclusive of any abutting public road right of way or private road easements, or the area of any lake. The lot area shall be used in determining compliance with minimum lot area standards.

LOT, DEPTH. The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of a lakefront lot, it is from the lake frontage line to the street frontage line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.

LOT, WIDTH. The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines (see illustration entitled “Lot Depth and Width”).

Lot Depth and Width

A close-up of a document

Description automatically generated with low confidence

LOT LINES. Any line dividing one (1) lot from another or from the right-of-way, and thus constitute property lines bounding a lot.

1. LOT LINE, FRONT. In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from the street which is designated as the front street in the plat, condominium plan, and/or in the request for a zoning compliance permit.
2. LOT LINE, REAR. The rear lot line is that boundary which is opposite and most distance from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission shall designate the rear lot line.
3. LOT LINE, SIDE. Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

LOT OF RECORD. A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the office of the Register of Deeds for Lenawee County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Land Surveyor (so registered and licensed in the State of Michigan) and likewise so recorded on a file with the County.

MANUFACTURED HOME. A portable vehicular unit primarily designed for year-round dwelling purposes, built upon a chassis, equals or exceeding twelve (12) feet in width and fifty (50) feet in length, and not motorized or self-propelled. Also known as a trailer coach or house trailer. A unit which requires being transported to the site separately in two (2) or more sections, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, shall not be considered a manufactured home.

MANUFACTURED HOUSING PARK. A specifically designed parcel of land designed and developed to accommodate two (2) or more manufactured home sites for residential use. Also known as a trailer court or trailer coach park.

MANUFACTURED HOME SITE. A plot of ground within a manufactured housing park designed to accommodate and support one (1) manufactured home. It is not the same as a building lot.

MOTOR HOME. A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to manufactured homes.

MOTELS. A series of attached, semi-detached or detached rental units containing a bedroom, bathroom, and closet space, but typically not cooking facilities. Units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle. A motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

NON-CONFORMING USE OR BUILDING. Non-conformities are defined further:

1. ILLEGAL NON-CONFORMING USE. An existing use of land and structures that, as of the effective date of this Ordinance, exists as a nuisance or damaging to abutting property or hazardous to persons; such uses are to be discontinued and abated.
2. NON-CONFORMING USE. A non-conforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.
3. NON-CONFORMING BUILDING. A non-conforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, lot coverage, parking) of this Ordinance in the zoning district in which it is located (see illustration entitled “Non-Conforming Use”).

OCCUPIED. The word “occupied” includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited; not necessarily for dwelling purposes.

OFF-STREET PARKING LOT. A facility providing vehicular parking spaces along with adequate drives and aisles for at least two (2) vehicles.

OPEN AIR BUSINESS USES. An open air business is one that is conducted primarily outdoors. Open air business uses shall include the following business uses:

1. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
2. Retail sale of fruit and vegetables, except for farm markets and sales as allowed under with Generally Accepted Agricultural and Management Practices (GAAMPs) determined by the Michigan Commission for Agriculture and Rural Development.
3. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children’s amusement park, and/or similar recreation uses.
4. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale; rental or repair services.
5. Outdoor display and sale of garages, swimming pools, motor homes, manufactured homes, snowmobiles, farm implements, and similar products.

PARKING SPACE. An area for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible for the storage or parking of self-propelled vehicles.

PHOTOVOLTAIC DEVICE. A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

PORCH, ENCLOSED. A covered entrance to a building or structure which is totally enclosed and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PORCH, OPEN. A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PRIVATE ROADWAY. An area of land which is privately owned, has not been dedicated to public use other than access by emergency and public safety vehicles, is maintained by its private owners, and vehicular access to more than two (2) lots, unless otherwise specified herein.

PUBLIC ROADWAY, STREET OR RIGHT-OF-WAY. A public or dedicated right-of-way which affords the principal means of vehicular access to abutting property and which is under public ownership or control.

PUBLIC UTILITY. Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under municipal or state regulation to the public; transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal.

QUARRY EXCAVATION. Any breaking of the ground to hollow out by cutting or digging or removing any soil matter, except common household gardening and general farm care.

RESTAURANT. A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of drive-in, drive through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

ROADSIDE STANDS. A roadside stand is a temporary or permanent building operated for the purpose of selling only produce raised on said premises by the proprietor of the stand or their family.

SETBACK. The minimum horizontal distance by which any building or structure must be separated from the front, side, or rear lot line.

SIGN. Any device using words, numerals, figures, designs, or trademarks designed to inform or attract the attention of persons not on the premises on which the sign is located.

SOIL REMOVAL. Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, or similar materials, or combination thereof, except common household gardening and general farm care.

SOLAR ARRAY. Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy.

, Such systems are further defined as follows:

,twenty-five thousand ()

twenty-five thousand ()

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STATE LICENSED RESIDENTIAL FACILITY. A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, (PA 218 of 1979. MCL 400.710 *et sec*) or Child Care Licensing Act (PA 116 of 1973, MCL 722.111 *et sec*).

STORY. That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

1. MEZZANINE. A “Mezzanine” floor may be used in this definition of a full story when it covers more than fifty (50%) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
2. BASEMENT. See definition above. In some cases, a basement may be counted as a story.
3. HALF. A half story is that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clear height of at least seven (7’) feet and six (6”) inches.

STREET. The public roadway which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

SWIMMING POOL. Any structure or container located whether above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

TENTS. A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children’s recreational purposes.

TOWNSHIP BOARD. Whenever in this Ordinance appear the words “Township Board,” it shall mean the Township Board of Hudson Township.

TRAVEL TRAILER. A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which does not exceed eight (8’) feet in width or thirty-two (32’) feet in length. This term also includes folding campers and truck mounted campers but not manufactured homes.

TRAVEL TRAILER PARK. A family recreation-oriented facility for the overnight or short-term (not to exceed fifteen (15) days consecutively) parking of travel trailers or tents. May also be known as a campground.

USE. The purpose for which land or premises of a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let, or leased.

1. PRINCIPAL. The main use to which the premises are devoted and the principal purpose for which the premises exist. In cases where there is more than one (1) use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views and similar impacts.
2. ACCESSORY. A use naturally and normally incidental to, subordinate to, and devoted exclusively to the principal or main use of the premises.

UTILITY ROOM. A utility room is a room in a dwelling, not located in the basement, the use of which is primarily for storage, for housing a heating unit, or for laundry purposes.

VARIANCE. A variance is a modification of the literal provisions of the Zoning Ordinance which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

YARD, REQUIRED. An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves with a minimum of eight (8’) feet height clearance from the adjacent ground level.

1. FRONT YARD. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building, excluding steps or open porches. There shall be maintained a front yard on each street side of a corner lot and a double frontage lot.
2. REAR YARD: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building. In the case of corner lots, there shall only be one (1) rear yard which shall be determined by the owner.
3. SIDE YARD: An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest line of the principal building.

Required and Non-Required Yards

Diagram

Description automatically generated

# ARTICLE XVIII: REPEAL, INTERPRETATION, SEVERABILITY, PENALTIES, RIGHTS AND REMEDIES, GENERAL RESPONSIBILITY, AND ENACTMENT AND EFFECTIVE DATE

## Section 18.01. REPEAL OF PRIOR ORDINANCES

The Zoning Ordinance previously adopted by the Township of Hudson, and all amendments thereto, are, on the effective date of this Ordinance, hereby repealed. The repeal of the above Ordinances and their amendments does not affect or impair any act done, offense committed or right accruing, or accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

## Section 18.02. INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above-described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits, the provisions of this Ordinance shall control. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

## Section 18.03. SEVERABILITY

This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance, and each section, subsection, phrase, sentence and clause thereof, irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses be declared invalid.

## Section 18.04. VIOLATION-PENALTY

Any person, firm or corporation, including but not by way of limitation, builders and contractors who shall violate, neglect, or refuse to comply with or who resists the enforcement of any of the provisions of this Ordinance or conditions of the Zoning Board of Appeals or Township Board adopted pursuant thereto shall be responsible for a Municipal Civil Infraction as provided in Ordinance #O2016-01, entitled the Municipal Civil Infraction. The finesfor municipal civil infractions are also set forth in that Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

The imposition of any municipal civil infraction violation shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and manufactured homes, used, erected, altered, razed or converted in violation of any provision of this Ordinance, are declared to be a nuisance per se. The Court may order such nuisance abated and the owner and/or agent in charge of such dwelling or building, structure, tent, trailer coach, manufactured home, or land may be adjudged guilty of maintaining a nuisance per se, and same may be abated by order of any Court of competent jurisdiction.

## Section 18.05. RIGHTS AND REMEDIES

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

## Section 18.06. GENERAL RESPONSIBILITY

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Board is hereby empowered, in the name of said Hudson Township to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Lenawee County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suite and/or join the Township Board in such suit to abate the same.

## Section 18.07. ENACTMENT AND EFFECTIVE DATE

The foregoing Zoning Ordinance and Zoning Map were adopted at a regular meeting of the Hudson Township Board, held at the Hudson Township Hall in said Township on December 12, 202, after approval of the same by the Hudson Planning Commission following a public hearing on November 3, 2022. Said Ordinance was ordered published in the Hudson Post-Gazette newspaper having general circulation in Hudson Township, Lenawee County, Michigan, pursuant to the requirements of Michigan Zoning Enabling Act (PA 116 of 2006, MCL 125.3101 *et sec*), as amended. This Ordinance shall become effective thirty (30) days after the date of such publication.