

# Woodstock Township

## Lenawee County, Michigan

### Zoning Ordinance



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# WOODSTOCK TOWNSHIP

## LENAWEE COUNTY, MICHIGAN

### TOWNSHIP ZONING ORDINANCE

#### PREAMBLE

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In accordance with the authority and intent of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended, Woodstock Township desires to provide for the orderly development of the Township, which is essential to the well-being of the community, and which will place no undue burden upon developers, industry, commerce, or residents. The Township further desires to assure the provision of adequate sites for industry, commerce, and residence; to provide for the free movement of vehicles upon the property streets and highways of the Township; to protect industry, commerce, and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being for the Township as a whole; to assure the provision of adequate space for the parking of vehicles of customers using commercial, retail and industrial areas; and that all uses of land and buildings within the Township of Woodstock are so related as to provide for economy in government and mutual support. The result of such purposes of this Ordinance is to promote and protect the public health, safety, comfort, convenience, and general welfare of the residents, merchants, and workers in the Township of Woodstock.

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# TABLE OF CONTENTS

		Page
PREAMBLE		ii
TABLE OF CONTENTS.		iii
<b>ARTICLE I</b>	<b>ENACTING CLAUSE, TITLE, PURPOSES</b> .....	1
SECTION 1.1	ENACTING CLAUSE .....	1
SECTION 1.2	TITLE .....	1
SECTION 1.3	PURPOSES.....	1
<b>ARTICLE II</b>	<b>GENERAL PROVISIONS</b> .....	2
SECTION 2.1	SCOPE .....	2
SECTION 2.2	RULES OF CONSTRUCTION .....	2
SECTION 2.3	PERMITTED AND PROHIBITED USES .....	3
SECTION 2.4	DEFINITIONS.....	3
SECTION 2.5	APPLICATION OF REGULATIONS.....	16
<b>ARTICLE III</b>	<b>ESTABLISHMENT OF ZONING DISTRICTS</b> .....	17
SECTION 3.1	ESTABLISHMENT OF ZONING DISTRICTS .....	17
SECTION 3.2	OFFICIAL ZONING MAP .....	18
SECTION 3.3	INTERPRETATION OF DISTRICT BOUNDARIES .....	18
SECTION 3.4	INTERPRETATION OF UNSPECIFIED LAND USES .....	18
<b>ARTICLE IV</b>	<b>AGRICULTURAL DISTRICT (AG)</b> .....	19
SECTION 4.1	INTENT.....	19
SECTION 4.2	PERMITTED USES.....	19
SECTION 4.3	CONDITIONAL USES .....	19
SECTION 4.4	AREA, YARD, HEIGHT, AND BULK REQUIREMENTS.....	20
<b>ARTICLE V</b>	<b>RECREATION OPEN SPACE DISTRICT (RO)</b> .....	21
SECTION 5.1	INTENT.....	21
SECTION 5.2	PERMITTED USES.....	21
SECTION 5.3	CONDITIONAL USES .....	21
SECTION 5.4	AREA, YARD, HEIGHT, AND BULK REQUIREMENTS.....	21
<b>ARTICLE VI</b>	<b>RURAL NON-FARM RESIDENTIAL DISTRICT (RNF)</b> .....	22
SECTION 6.1	INTENT.....	22
SECTION 6.2	PERMITTED USES.....	22
SECTION 6.3	CONDITIONAL USES .....	22
SECTION 6.4	AREA, YARD, HEIGHT, AND BULK REQUIREMENTS.....	22
<b>ARTICLE VII</b>	<b>LAKE RESIDENTIAL DISTRICT (RL)</b> .....	23
SECTION 7.1	INTENT.....	23
SECTION 7.2	PERMITTED USES.....	23

## TABLE OF CONTENTS

		Page
SECTION 7.3	CONDITIONAL USES .....	23
SECTION 7.4	AREA, YARD, HEIGHT, AND BULK REQUIREMENTS.....	23
<b>ARTICLE VIII</b>	<b>SUBURBAN RESIDENTIAL DISTRICT (RS)</b> .....	24
SECTION 8.1	INTENT.....	24
SECTION 8.2	PERMITTED USE .....	24
SECTION 8.3	CONDITIONAL USES .....	24
SECTION 8.4	AREA, YARD, HEIGHT, AND BULK REQUIREMENTS.....	24
<b>ARTICLE IX</b>	<b>MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM)</b> .....	25
SECTION 9.1	INTENT.....	25
SECTION 9.2	PERMITTED USES.....	25
SECTION 9.3	CONDITIONAL USES .....	25
SECTION 9.4	AREA, YARD, HEIGHT, AND BULK REQUIREMENTS.....	26
<b>ARTICLE X</b>	<b>MANUFACTURED HOME RESIDENTIAL DISTRICT (MH)</b> .....	27
SECTION 10.1	INTENT.....	27
SECTION 10.2	PERMITTED USES.....	27
SECTION 10.3	MANUFACTURED HOME PARK REGULATIONS.....	27
SECTION 10.4	AREA, YARD, HEIGHT, AND BULK REQUIREMENTS.....	32
<b>ARTICLE XI</b>	<b>LOCAL COMMERCIAL DISTRICT (C-1)</b> .....	33
SECTION 11.1	INTENT.....	33
SECTION 11.2	PERMITTED USES.....	33
SECTION 11.3	CONDITIONAL USES .....	33
SECTION 11.4	AREA, YARD, HEIGHT, AND BULK REQUIREMENTS.....	33
<b>ARTICLE XII</b>	<b>GENERAL COMMERCIAL DISTRICT (C-2)</b> .....	34
SECTION 12.1	INTENT.....	34
SECTION 12.2	PERMITTED USES.....	34
SECTION 12.3	CONDITIONAL USES .....	34
SECTION 12.4	AREA, YARD, HEIGHT, AND BULK REQUIREMENTS.....	35
<b>ARTICLE XIII</b>	<b>HIGHWAY SERVICE COMMERCIAL DISTRICT (C-3)</b> .....	36
SECTION 13.1	INTENT.....	36
SECTION 13.2	PERMITTED USES.....	36
SECTION 13.3	CONDITIONAL USES .....	36
SECTION 13.4	AREA, YARD, HEIGHT, AND BULK REQUIREMENTS.....	37
<b>ARTICLE XIV</b>	<b>GENERAL INDUSTRIAL DISTRICT (I)</b> .....	38
SECTION 14.1	INTENT.....	38
SECTION 14.2	PERMITTED USES.....	38
SECTION 14.3	CONDITIONAL USES .....	39

# TABLE OF CONTENTS

		Page
SECTION 14.4	AREA, YARD, HEIGHT, AND BULK REQUIREMENTS	39
<b>ARTICLE XV</b>	<b>AREA, YARD, HEIGHT, AND BULK REQUIREMENTS</b> .....	40
SECTION 15.1	COMPLIANCE WITH REGULATIONS .....	42
SECTION 15.2	YARD MEASUREMENTS .....	42
SECTION 15.3	HEIGHT EXCEPTIONS.....	42
SECTION 15.4	ACCESSORY STRUCTURES .....	42
SECTION 15.5	MAXIMUM DENSITY .....	44
<b>ARTICLE XVI</b>	<b>SUPPLEMENTAL REGULATIONS</b> .....	45
SECTION 16.1	PURPOSE .....	45
SECTION 16.2	SIGN REGULATIONS.....	45
SECTION 16.3	OFF-STREET PARKING REQUIREMENTS .....	47
SECTION 16.4	OFF-STREET LOADING AND UNLOADING REQUIREMENTS .....	50
SECTION 16.5	PERFORMANCE STANDARDS .....	51
SECTION 16.6	STORAGE OF MATERIALS .....	51
SECTION 16.7	TRAVEL TRAILERS.....	52
SECTION 16.8	VISIBILITY AT INTERSECTIONS.....	53
SECTION 16.9	DRIVEWAYS AND ROADS .....	53
SECTION 16.10	FLOODPLAINS .....	59
SECTION 16.11	HOME OCCUPATION.....	59
SECTION 16.12	FENCES.....	59
SECTION 16.13	TEMPORARY USE .....	59
SECTION 16.14	ESSENTIAL SERVICES .....	60
SECTION 16.15	FLOOR AREA REQUIREMENTS FOR DWELLINGS .....	60
SECTION 16.16	USE BY RIGHT BUILDING ON A LOT .....	60
SECTION 16.17	REQUIREMENTS FOR MANUFACTURED HOMES OUTSIDE OF MANUFACTURED HOME PARKS .....	60
SECTION 16.18	YARD OR OCCASIONAL SALES.....	60
SECTION 16.19	PROHIBITION OF FUNNELING .....	61
SECTION 16.20	PERSONAL WIND GENERATION UNITS .....	62
SECTION 16.21	MEDIUM SOLAR ENERGY FACILITY .....	63
<b>ARTICLE XVII</b>	<b>CONDITIONAL USES</b> .....	66
SECTION 17.1	AUTHORITY TO GRANT PERMITS .....	66
SECTION 17.2	APPLICATION AND FEE .....	66
SECTION 17.3	DATA, INFORMATION AND SITE PLAN APPLICATION REQUIREMENTS .	66
SECTION 17.4	PUBLIC HEARINGS.....	66
SECTION 17.5	REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATION.....	67
SECTION 17.6	DETERMINATION AND IMPOSITION OF CONDITIONS.....	67
SECTION 17.7	APPROVAL; GRANTING OF PERMIT .....	67
SECTION 17.8	VOIDING OF CONDITIONAL USE PERMIT .....	67

# TABLE OF CONTENTS

		Page
	SECTION 17.9 ADDITIONAL DEVELOPMENT REQUIREMENTS FOR CERTAIN USES.....	68
<b>ARTICLE XVIII</b>	<b>SITE PLAN REVIEW AND APPROVAL</b> .....	86
SECTION 18.1	PURPOSE.....	86
SECTION 18.2	STATEMENT OF PRINCIPLES.....	86
SECTION 18.3	BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN.....	87
SECTION 18.4	WHO MAY APPLY.....	88
SECTION 18.5	APPLICATION, FEES AND ESCROW FOR SITE PLAN REVIEW.....	88
SECTION 18.6	REQUIRED DATA FOR DETAILED SITE PLAN.....	88
SECTION 18.7	APPLICATION SUBMITTAL AND TECHNICAL REVIEW.....	89
SECTION 18.8	STANDARDS FOR SITE PLAN REVIEW.....	89
SECTION 18.9	PLANNING COMMISSION REVIEW OF SITE PLAN.....	89
SECTION 18.10	EXPIRATION OF PRELIMINARY SITE PLAN APPROVAL.....	90
SECTION 18.11	PLANNING COMMISSION APPROVAL OF FINAL SITE PLAN.....	90
SECTION 18.12	EXPIRATION OF FINAL SITE PLAN CERTIFICATE.....	90
SECTION 18.13	AMENDMENT, REVISION OF SITE PLAN.....	90
<b>ARTICLE XIX</b>	<b>NONCONFORMITIES</b> .....	91
SECTION 19.1	NONCONFORMING USES OF LAND.....	91
SECTION 19.2	NONCONFORMING STRUCTURES.....	91
SECTION 19.3	NONCONFORMING USES OF STRUCTURES.....	91
SECTION 19.4	CHANGE OF TENANCY OR OWNERSHIP.....	92
SECTION 19.5	NONCONFORMING LOTS.....	92
SECTION 19.6	EXTENSION AND SUBSTITUTION.....	92
<b>ARTICLE XX</b>	<b>ADMINISTRATION OF THE ORDINANCE</b> .....	94
SECTION 20.1	PURPOSE.....	94
SECTION 20.2	ADMINISTRATION.....	94
SECTION 20.3	DUTIES OF ZONING ADMINISTRATOR.....	94
SECTION 20.4	ZONING COMPLIANCE PERMITS.....	94
SECTION 20.5	FEES, CHARGES AND EXPENSES.....	95
SECTION 20.6	PUBLIC HEARING PROCEDURES.....	95
<b>ARTICLE XXI</b>	<b>ZONING BOARD OF APPEALS</b> .....	98
SECTION 21.1	ZONING BOARD OF APPEALS ESTABLISHED.....	98
SECTION 21.2	MEMBERSHIP AND TERMS.....	99
SECTION 21.3	GENERAL REGULATIONS.....	99
SECTION 21.4	POWERS AND DUTIES.....	100
SECTION 21.5	REQUIRED FEES AND ESCROW DEPOSITS.....	100
SECTION 21.6	ADMINISTRATIVE APPEALS.....	101
SECTION 21.7	INTERPRETATIONS.....	101
SECTION 21.8	VARIANCES.....	102
SECTION 21.9	SITE PLAN REQUIREMENTS.....	103

# TABLE OF CONTENTS

		Page
	SECTION 21.10 CONDITIONS OF APPROVAL .....	103
	SECTION 21.11 APPEALS TO CIRCUIT COURT.....	103
<b>ARTICLE XXII</b>	<b>AMENDMENT PROCEDURES</b> .....	104
SECTION 22.1	INITIATING AMENDMENTS AND FEE .....	104
SECTION 22.2	PETITION FOR AMENDMENT .....	104
SECTION 22.3	REVIEW PROCEDURES.....	104
SECTION 22.4	CONFORMANCE TO COURT DECREE.....	107
SECTION 22.5	CONDITIONAL REZONING.....	107
<b>ARTICLE XXIII</b>	<b>VIOLATIONS, PENALTIES AND REMEDIES</b> .....	111
SECTION 23.1	VIOLATIONS .....	111
SECTION 23.2	NUISANCE PER SE.....	111
SECTION 23.3	RIGHTS AND REMEDIES .....	111
<b>ARTICLE XXIV</b>	<b>LEGAL STATUS</b> .....	112
SECTION 24.1	CONFLICT WITH OTHER LAWS .....	112
SECTION 24.2	VALIDITY AND SEVERABILITY CLAUSE.....	112
SECTION 24.3	PERIOD OF EFFECTIVENESS .....	112
SECTION 24.4	REPEAL OF ORDINANCE.....	112
SECTION 24.5	EFFECTIVE DATE .....	112
<b>APPENDIX</b>		
	BASEMENT AND STORY DEFINITION .....	113
	BASIC STRUCTURAL TERMS.....	114
	BUILDING HEIGHT REQUIREMENTS.....	115
	CORNER, INTERIOR AND DOUBLE FRONTAGE LOTS .....	116
	FLOOR AREA TERMINOLOGY.....	117
	LOT TERMS .....	118
	YARD REQUIREMENTS .....	119



**ARTICLE I**  
**ENACTING CLAUSE, TITLE, PURPOSES**

**SECTION 1.1            ENACTING CLAUSE**

An Ordinance adopted under authority of, and in accordance with the provisions of the Michigan Zoning Enabling Act, Act No. 110 of the 2006 Public Acts of Michigan, as amended to establish comprehensive zoning regulations for Woodstock Township, Lenawee County, Michigan, and to provide for the administration, enforcement, and amendment thereof, and the repeal of all ordinances in conflict herewith.

**SECTION 1.2            TITLE**

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

**SECTION 1.3            PURPOSES**

This Ordinance has been established for the purpose of:

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

# ARTICLE II

## GENERAL PROVISIONS

### **SECTION 2.1      SCOPE**

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

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

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

### **SECTION 2.2      RULES OF CONSTRUCTION**

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

- 2.2.1**      All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases which have acquired a particular and appropriate meaning in the law or within this Ordinance shall be construed and understood according to such particular and appropriate meaning.
- 2.2.2**      The particular shall control the general.
- 2.2.3**      Words used in the present tense shall include the future; words used in the singular number shall include the plural; and the plural shall include the singular, unless the context clearly indicates the contrary.
- 2.2.4**      The word "shall" is always mandatory and not discretionary. The word "may" is permissive as determined by the Planning Commission.
- 2.2.5**      All measurements shall be to the nearest whole number, unless otherwise specified herein.
- 2.2.6**      The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
- 2.2.7**      The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
- 2.2.8**      The word "dwelling" includes the word "residence," and the word "lot" includes the words "plot" or "parcel."
- 2.2.9**      The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- 2.2.10**     Whenever a word or term defined hereinafter appears in the text of this Ordinance, its

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

### SECTION 2.3 PERMITTED AND PROHIBITED USES

Uses not listed in this Ordinance as a permitted or conditional use in a particular zoning district shall be prohibited in the district. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited.

### SECTION 2.4 DEFINITIONS

**2.4.1 Access Drive.** A private way or improvement designed to provide a physical connection for vehicles from a public road to a developed site.

**2.4.2 Accessory Structure, Building, or Use.** A detached structure, building or use customarily utilized and permitted in a zoning district other than a principal structure. Under no circumstances may an accessory structure, building or use be utilized as a temporary or permanent dwelling or otherwise for human habitation.

**2.4.3 Adult Foster Care Facility.** An establishment that provides supervision, personal care, and protection for up to 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over 18 years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include dependent housing facilities, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

A **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for 24 hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and occupant of the residence.

B **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.

C **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

**2.4.4 Adult Regulated Uses.** The following are definitions for those uses defined as "Adult Regulated Uses" herein:

A **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas."

B **Adult Book or Video Store.** An establishment having a substantial portion equaling more than twenty percent (20%) of its stock in trade in books, magazines, periodicals

or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" or "simulated nudity," which are offered for sale or rental or an establishment with a segment or ARTICLE XVI, Section 16.2.2 devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.

- C **Adult Entertainment Cabaret.** A nightclub, bar, lounge or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas;" an emphasis on "specified sexual activities;" an emphasis on "nudity," "state of nudity," or "simulated nudity;" or a combination of any of the above.
- D **Adult Motion Picture Theater.** An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
- E **Adult Personal Service Establishment.** An establishment having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, wrestling studios and conversation parlors. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.

The following uses shall not be included within the definition of an adult personal service establishment:

1. Any establishment, club or business by whatever name designated, which offers or advertises or is equipped or arranged to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths or other similar treatment by any person.
2. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner or any other similarly licensed or certified medical or healing arts professionals;
3. Establishments which offer massages performed by certified massage therapists;
4. Gymnasiums, fitness centers and health clubs;
5. Electrolysis treatment by a licensed operator of electrolysis equipment;
6. Continuing instruction in martial or performing arts or in organized athletic activities;
7. Hospitals, nursing homes, medical clinics or medical offices;

8. Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;
9. A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear "nude" or in "a state of nudity;"
10. Adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein.

**F Adult Theater.** A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or features live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities" and shall include:

1. **Adult Motion Picture Arcade or Miniature-Motion Picture Theater.** Any place where motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."
2. **Adult Motion Picture Theater.** A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities or "specified anatomical areas."
3. **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

**G Special Definitions.** With respect to adult uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:

1. **Massage Parlor.** An establishment wherein private massage is practiced or made available as a principal use of the premises.
2. **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:
  - (a) Genitals, whether or not in a state of sexual arousal;
  - (b) Pubic region or pubic hair;
  - (c) Buttock(s);
  - (d) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
  - (e) Any combination of the above.

3. **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual "state of nudity."
4. **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person's body or of any object, into the genital or anal openings of another's body.

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

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

**2.4.7 Animals.**

A **Domestic.** An animal that has traditionally, through long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as tame pets no longer possessing a disposition or inclination to escape or to bite without provocation nor cause death, maiming, or illness of a human, nor used for commercial breeding purposes. Domestic animals shall include the following:

1. Bird (caged)
2. Cat (domestic)
3. Prairie Dog (bred)
4. Chinchilla
5. Dog
6. Fish (non-biting or non-poisonous)
7. Lizard (non-poisonous)
8. Marmoset (bred)
9. Primate (only as a trained aide for a disabled person)
10. Rodent (bred)
11. Snake (non-poisonous)
12. Spider (non-poisonous)

B **Animal, Wild or Exotic.** Any animal not defined above as a domestic animal.

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

**2.4.9 Appeal.** An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this Ordinance.

**2.4.10 Automobile Wrecking.** The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked

vehicles, or their parts.

- 2.4.11 Basement.** A story of a building having more than one-half ( $\frac{1}{2}$ ) its height below grade. (See "Basic Structural Terms" illustration).
- 2.4.12 Bed and Breakfast –** Bed and breakfast lodging means a structure which was constructed for and is used for single-family residential purposes, but which may have as an accessory use a temporary lodging for travelers/guests where bedrooms are rented on a nightly basis with breakfast included in the price of the room.
- 2.4.13 Boats.** Any watercraft requiring licensing by a state.
- 2.4.14 Boarding House or Rooming House.** A building, other than a hotel or motel, bed and breakfast lodging, or inn, where for compensation or by prearrangement for definite periods of time, lodging or lodging and meals are provided for three or more unrelated persons, not living as group or household. The term "unit" as it refers to a rooming house shall mean sleeping room, or a room which may be used as a sleeping room. (See "Sleeping room.") A boardinghouse or lodging house shall be deemed a rooming house for the purposes of this chapter.
- 2.4.15 Building.** An enclosed structure having a roof supported by columns, walls, or other devices and used for the housing, shelter, or enclosure of persons, animals, or chattels.
- 2.4.16 Building Height Requirements.** See Appendix.
- 2.4.17 Building Inspector.** The person or persons designated by the Township to administer and enforce the State Construction Code.
- 2.4.18 Building Setback Line.** A line parallel to, or concentric with, the front property line delineating the minimum allowable distance between the front lot line and the front of any building.
- 2.4.19 Campground.** An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including tents, travel trailers and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.
- 2.4.20 Central Sanitary Sewerage System.** Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under Federal, State, or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant, but not including septic tanks.
- 2.4.21 Central Water System.** Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a central water system from a central location or plant.
- 2.4.22 Communication Tower.** A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. This definition shall not include dishes, antennas, aerials or similar reception or transmission structures used for non-commercial purposes, serving a single residential or business premises and that does not exceed the height limitations for the appropriate zoning district as found in ARTICLE XV (Area, Yard, Height and Bulk Requirements).
- 2.4.23 Condominium.** A condominium is a system of separate ownership of individual units or multiple-unit projects according to the state Condominium Act. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee

and in the spaces and building parts used in common by all the unit owners.

**2.4.24 Deck.**

A **Attached Deck.** A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.

B **Freestanding Deck.** A platform, commonly constructed of wood, which is not attached to a dwelling unit, and is separated by a distance from the dwelling unit of more than ten (10) feet.

**2.4.25 District.** A portion of Woodstock Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

**2.4.26 Dock.** Any structure extending from a shoreline over any body of water and is used primarily for mooring and landing watercraft and for embarking and disembarking passengers.

**2.4.27 Drive-In Establishment.** A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.

**2.4.28 Dwelling Unit.** A residential unit providing complete, independent living facilities for one (1) family, including permanent living, sleeping, cooking, eating, and sanitation facilities. The Building Inspector shall not issue a building permit to locate, erect, construct, reconstruct, alter or convert a single, two, or multiple-family dwelling unit until adequate data, information, and evidence can be shown that the dwelling complies with the following standards:

A **Minimum Size-Siting Standards.**

1. Minimum floor area of a dwelling unit shall be eight hundred sixty (860) square feet. (For the purpose of computing the dwelling unit the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches).
2. Minimum width of the principal dwelling as built or assembled on the site shall not be less than fourteen (14) feet, as measured across the narrowest portion.
3. Minimum floor to ceiling height of the dwelling shall be 7.5 feet.

B **Health Construction Standards.**

1. If central water and sanitary sewage facilities are available, the dwelling shall be connected to said facilities. On-site septic systems shall be approved by the County Health Department.
2. Conventional site-built dwellings and all other pre-manufactured dwellings, except manufactured homes located in a manufactured home park, shall comply with the B.O.C.A. Code Standards and other applicable fire, plumbing, electrical, etc., codes and regulations.
3. All dwellings shall have a foundation complying with the B.O.C.A. Code Standards including a foundation wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the B.O.C.A. Code.



4. Conventional site-built dwellings shall have an anchoring system complying with the B.O.C.A. Code.

**C Aesthetic Standards.**

1. Dwelling shall have a foundation wall around the home as specified in b.3 completely enclosing the dwelling.
2. Dwellings shall not have exposed wheels, towing mechanisms, undercarriage or chassis and no storage shall be allowed in any crawl space which is not a standard basement.
3. The pitch of the main roof of the dwelling shall not be less than one (1) foot of rise for each four (4) feet of the horizontal run.
4. Materials used for exterior finish shall not create a reflection greater than from siding coated with clean white, gloss, exterior enamel.
5. All additions to the original dwelling shall be constructed with a similar material and have a similar appearance and quality of workmanship as the original dwelling including an appropriate foundation and permanent attachment to the principal structure.
6. There shall be a minimum of two (2) exterior doors with one (1) being in the front of the home and the other in the rear or side of the home connected to permanently attached steps.

**D Manufactured Homes.**

1. A building or portion of a building designed for long-term residential use and characterized by all of the following:
  - (a) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended.
  - (b) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities.
  - (c) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
2. Manufactured homes are not required to meet the minimum size-siting, health construction and aesthetic standards set forth above for dwellings, however, any manufactured home which does not conform to the above standards shall not be used for dwelling purposes within the Township unless located with a manufactured home park.
3. Manufactured homes located in a manufactured home park shall comply with the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR, 3280), as amended, including fire, plumbing, electrical etc., and other applicable codes and regulations. The manufactured home shall be installed pursuant to the manufacturer's setup instruction.
4. Manufactured home shall be secured to the premises by an anchoring system

or device compatible with those required by the Michigan Mobile Home Commission.

- 2.4.29 Dwelling -- Single-Family.** A detached building designed for or occupied by one (1) family only and conforming in all respects to the standards of Section 2.4.27.
- 2.4.30 Dwelling -- Two-Family.** A detached building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of Section 2.4.27.
- 2.4.31 Dwelling -- Multiple-Family.** A building designed for or occupied by three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of Section 2.4.27.
- 2.4.32 Easement.** A grant of one (1) or more of the property rights by a property owner to or for use by the public or another person or entity.
- 2.4.33 Easement Access.** Any private or dedicated public way other than a street or alley, providing means of access to a property. Easement width shall not be less than twenty (20) feet.
- 2.4.34 Essential Services.** The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, of underground, surface, or overhead gas, electric, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants, and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including buildings, towers, or maintenance depots.
- 2.4.35 Family.** Family. One (1) or more persons related by blood, bonds of marriage, or legal adoption, plus up to a total of three (3) additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit; or a collective number of three (3) or fewer individuals living together in one (1) dwelling unit, whose relationship is of a continuing non-transient domestic character, and who are preparing meals as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, or group of transitory or seasonal nature or for a limited duration of a school term or terms or other similar determinable period.
- 2.4.36 Flea Market.** An occasional or periodic sales activity held within a building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old obsolete, antique and may include the selling of goods at retail businesses or individuals who are generally engaged in retail sales.
- 2.4.37 Funneling.** Funneling is the use of inland waterfront property, parcel, or lot as a common open space to serve as waterfront access for a separate, multi-unit development, or property containing more than one unit, which development or property is located away from the waterfront. More particularly, funneling includes, but is not limited to, the use of waterfront property, or a parcel of land contiguous to a body of water, for access to such body of water by the owners, lessees, occupants, or licensees (or by members of the family or occasional guests of any such person) of any of the following types of property, if such property contains more than one dwelling unit:
- A non-waterfront property under a separate legal description on the county tax roll or property acquired under a separate deed on file with the County Register of Deeds;
  - B non-riparian property, if such property contains more than one dwelling unit; or

C property separated from shoreline properties by a public road. The term funneling, as used herein, shall not include any public use of public park or public access.

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

**2.4.39 Home Occupation.** An occupation that is traditionally and customarily carried on in the home being incidental to the principal residential use.

**2.4.40 Hotel.** A building containing guest rooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both.

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

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

**2.4.43 Lot.** A parcel of land separated from other parcels of land by description on a recorded plat, by metes-and-bounds description or units as described in the master deed of a site condominium project and having sufficient size to comply with the requirements of this Ordinance for minimum area, yards, coverage, and other open space.

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

B **Double Frontage or Through Lot.** An interior lot having frontage on two (2) parallel or approximately parallel streets.

C **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a road.

D **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. "Single ownership" may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:

1. Single lot of record.
2. Portion of a lot of record.
3. Combination of lots of record, or portion(s) thereof.
4. Condominium lot.

**2.4.44 Lot Area.**

A **Gross Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands, watercourses, and bodies of water.

- B **Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.
- 2.4.45 Lot Depth.** The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.
- 2.4.46 Lot Coverage.** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.
- 2.4.47 Lot Line.** Any line dividing one lot from another lot or from a road right-of-way or from any public place.
- A **Front.** A line separating a lot from a street, road, or private easement of access. In the case of a corner lot, or double-frontage lot, a line separating a lot from the street, road, or private easement of access which is obviously the front by reason of the prevailing custom of other buildings on the block, or along the same street, road, or easement of access. In instances where lots abut bodies of water, the front lot line shall be defined as the average high-water line which separates the lot from the body of water.
  - B **Lot of Record.** A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Lenawee County, or a lot described by metes and bounds, the deed to which has been recorded in said office.
- 2.4.48 Lot of Record.** A parcel of land that meets any of the following conditions:
- A An existing lot or parcel of which the dimensions are shown on an approved final subdivision plat recorded with the Lenawee County Register of Deeds and the Township Assessor;
  - B An existing lot or parcel of which the dimensions are shown on an approved condominium subdivision plan recorded with the Lenawee County Register of Deeds and the Township Assessor;
  - C An existing lot or parcel of which the dimensions are described by metes and bounds, the accuracy of which is attended to by a land surveyor registered and licensed in the State of Michigan, recorded with the Lenawee County Register of Deeds and the Township Assessor.
- 2.4.49 Lot Split or Consolidation.** The dividing or uniting of lots by virtue of changes in the deeds recorded with the Lenawee County Register of Deeds and the Township Assessor.
- 2.4.50 Lot Width.** Lot width shall be considered to be the distance between straight lines connecting the front and rear lot lines at each side of the lot, measured across the rear of the required front yard and across the rear yard setback line as described in ARTICLE XV (District Area, Yard, and Bulk Regulations) for each zoning district: provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width.(see "Yard Terms" illustration).
- 2.4.51 Manufactured Home.** A building or portion of a building designed for long-term residential use and characterized by all of the following:
- A The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended.
  - B The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities.

C The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

**2.4.52 Manufactured Home Park.** A tract of land prepared and approved according to the procedures in this Ordinance to accommodate manufactured homes on rented or leased lots

**2.4.53 Manufactured Home Subdivision.** A legally platted residential subdivision accommodating manufactured homes.

**2.4.54 Marijuana or Marihuana.** A controlled substance, as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106

**2.4.55 Medical Marijuana Growing Operation or Growing Operations.** A building or facility where a primary caregiver or caregivers may grow and dispense medical marijuana for persons other than members of the caregiver's immediate family.

**2.4.56 Medical Marijuana Patient.** A person who has been diagnosed by a physician as having a debilitating medical condition and who has been issued a registry identification card by the Michigan Department of Community Health that identifies a person as a registered qualifying patient.

**2.4.57 Medical Use of Marijuana.** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

**2.4.58 Medical Marijuana Primary Caregiver.** A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marijuana and who has never been convicted of a felony involving illegal drugs and who has been issued a registry identification card by the Michigan Department of Community Health that identifies a person as a registered primary caregiver.

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

**2.4.60 Motor Vehicle Repair Garage.** An enclosed structure and premise used or designed to be used for minor and major motor vehicle repair services may be carried out. Major repairs include: engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; and similar servicing, rebuilding or repairs.

**2.4.61 Motor Vehicle Service Station.** Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair, or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing and storage of motor vehicles for more than ninety (90) days.

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

**2.4.63 Parking Space, Area, Lot.** An off-street open area, the principal use of which is for the parking

of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.

**2.4.64 Planned unit development (PUD).** A comprehensively planned land development project in which the standard requirements of zoning ordinance are varied to permit design flexibility, building clustering, grouping of open space, increased density, and alternatives to public facility improvements. To be approved a PUD must comply with the provisions of this ordinance and must achieve the following purposes.

- A More efficient use of land
- B More efficient use of public facilities
- C More useable open space through structure grouping and other design techniques.
- D Preservation of appropriate natural and/or physical features.

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

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

**2.4.67 Roadside Stand.** A structure in a non-commercial district temporarily operated for the purpose of selling produce raised or produced primarily on premises, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

**2.4.68 Self-Service Storage Facility.** A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

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

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

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

- 2.4.71 Sign, On-Site.** A sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.
- 2.4.72 Site Plan Review.** A review by the Planning Commission and the Township Board of certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.
- 2.4.71.1. SOLAR ENERGY FACILITY:** An energy generating facility consisting of one or more solar panels and associated equipment including, but not limited to:
- A **LARGE SOLAR ENERGY FACILITY.** A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaic (PV) or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.
  - B **MEDIUM SOLAR ENERGY FACILITY.** Any photovoltaic or solar hot water devices that are accessory to and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs, or any photovoltaic system under the nameplate size of 2.0 MW"
  - C **SMALL SOLAR ENERGY FACILITY.** An array of freestanding or attached solar collection materials that have a manufacturer's rating up to but not exceeding 20kW.
  - D **PHOTOVOLTAICS (PV).** A technology that converts light directly into electricity.
  - E **POWER SWITCHYARD.** The structure needed to tie the solar energy facility to electric transmission lines.
  - F **MEDIUM VOLTAGE CABLE.** Lines which provide electricity to homes.
- 2.4.73 State Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 287 of the Public acts of 1972, as amended, Being Sections 331.681 to 331.694 of the Michigan Compiled laws, or Act No. 116 of the Public Acts of 1973, as amended, being Sections 722.111 to 722.128 of Michigan Compiled Laws, which provides resident services for six (6) or less persons under twenty-four (24) hours supervision or care for persons in need of supervision or care.
- 2.4.74 Story.** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.
- 2.4.75 Street.** A public or private thoroughfare which affords the principal means of access to abutting property having the right-of-way not less than sixty-six (66) feet in width.
- 2.4.76 Structure.** Anything constructed, erected, or placed with a fixed location on the surface of the ground.
- 2.4.77 Travel Trailer or Motor Coach.** A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit.
- 2.4.78 Yard.** An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line and is unoccupied from the ground upward except as otherwise provided herein (see "Yard Terms" illustration).
- A **Front Yard.** An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.

- B **Front Yard – Lake.** A lot having frontage directly upon a lake, natural or manmade river, or other artificial impoundment of water in all Lake Residential Districts. The portion adjacent to the water shall be designated the lake front yard of the lot and shall be measured from the high-water mark for the front yard setback. Notwithstanding anything herein to the contrary, in all Lake Residential Districts, any parcel abutting such body of water shall have a general front yard setback limitation of fifty (50) feet.
- C **Rear Yard.** An open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.
- D **Side Yard.** An open, unoccupied space on the same lot with the principal building, between the sideline of the principal building and the adjacent sideline of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the rear line of the lot.

## **SECTION 2.5 APPLICATION OF REGULATIONS**

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



## ARTICLE III

### ESTABLISHMENT OF ZONING DISTRICTS

#### SECTION 3.1 ESTABLISHMENT OF ZONING DISTRICTS

The Township of Woodstock is hereby divided into the following zoning districts:

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

- A Ag: Agricultural District
- B RO: Recreation Open Space District

**3.1.2 Residential Districts.** Residential Districts are designated principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life. The residential uses and dwellings according to a well-considered plan which reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired: potential nuisances and hazards which may cause unhealthy conditions: and the relationship of residential uses and dwellings to other areas devoted to agricultural, commercial, or industrial use and to streets. Residential Districts include the following districts:

- A RNF: Rural Non-Farm Residential District
- B RL: Lake Residential District
- C RS: Suburban Residential District
- D RM: Multiple-Family Residential District
- E MH: Manufactured Home Residential District

**3.1.3 Commercial Districts.** Commercial Districts are designed to limit compatible commercial enterprises at appropriate locations to encourage efficient traffic movement, parking, and utility service; advance public safety; and protect surrounding property. The Commercial Districts are designed to regulate the location of these business uses according to a well-considered plan which determined the types of such uses and the intensity of land, street and highway use in each district; potential nuisances and hazards which may cause unsafe conditions; and the relationship of commercial uses to each other and to other areas devoted to agricultural, residential, or industrial use and to streets and highways. Commercial Districts include the following districts:

- A C-1: Local Commercial District
- B C-2: General Commercial District
- C C-3: Highway Service Commercial District

**3.1.4 Industrial District.** The Industrial District is intended to provide for designating areas within the Township for certain types of industrial uses as a means of providing employment opportunities citizens and the resultant economic benefits conferred upon Woodstock Township. In order that this value may be maintained and this use encouraged, this Ordinance has established zoning districts designed to regulate the location of industrial uses according

to a well-considered plan which reflects the types of such uses and the intensity of land, street, and highway use in each such district; potential nuisances and hazards which may cause unsafe and unhealthy conditions; and the relationship of industrial uses to each other and to other areas devoted to agricultural, residential, or commercial use and to streets, highways, and other means of transportation. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of these districts have been excluded. The Industrial District includes the following district:

A I: General Industrial District

### **SECTION 3.2 OFFICIAL ZONING MAP**

**3.2.1** The zoning districts as provided in Section 3.1 of this Ordinance are bound and defined on a map entitled, "Official Zoning Map, Woodstock Township, Lenawee County, Michigan, current map with all explanatory matter thereon, is hereby adopted as a part of this Ordinance.

**3.2.2** The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Clerk. The Official Zoning Map shall be located in the Township Hall and available for examination. The Zoning Map shall be updated at direction of Township Board as needed.

### **SECTION 3.3 INTERPRETATION OF DISTRICT BOUNDARIES**

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

### **SECTION 3.4 INTERPRETATION OF UNSPECIFIED LAND USES**

It is recognized that it is neither possible nor practical to list all of the potential land uses indicated and intended for the individual zoning districts. Therefore, any other use that is determined by the Township Board, after hearing and recommendation by the Township Planning Commission, to be of the same general character, compatibility and similarity as the indicated permitted or conditional use, may be permitted provided the use is not mentioned or permitted within another zoning district. However, notwithstanding, a use mentioned or permitted in another zoning district may be permitted under this section, after hearing, recommendation and approval, if it is of a less intense nature and otherwise compatible with the zoning district for which it is proposed.

**ARTICLE IV**  
**AGRICULTURAL DISTRICT (AG)**

**SECTION 4.1 INTENT**

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

**SECTION 4.2 PERMITTED USES**

- 4.2.1** General and specialized farming and agricultural activities except feedlots, but including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbits, fur-bearing animals, and other farm animals, and plants, trees, shrubs, and nursery stock.
- 4.2.2** Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.
- 4.2.3** Single-family detached dwellings.
- 4.2.4** Home occupations only in accordance with the regulations specified in ARTICLE XVI, Section 16.11.
- 4.2.5** Kennels, need a site plan.
- 4.2.6** Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
- 4.2.7** Accessory uses or structures.
- 4.2.8** Essential services and structures of a non-industrial character, but not including maintenance depots and warehouses only in accordance with the regulations specified in ARTICLE XVI, Section 16.14.
- 4.2.9** On-site signs only in accordance with the regulations specified in ARTICLE XVI, Section 16.2.2.
- 4.2.10** State licensed residential facilities provided that no other state licensed facility exists within a fifteen hundred (1500) radius.
- 4.2.11** Bed and Breakfast.
- 4.2.12** Airports, (FFA guidelines/regulations) with approved Site Plan
- 4.2.13** Golf Courses & Driving Ranges
- 4.2.14** Small Solar Energy Facility, subject to 2.4.71.1.C
- 4.2.15** Medium Solar Energy Facility, subject to the regulations contained in Section and 17.9.10.

**SECTION 4.3 CONDITIONAL USES**

- 4.3.1** Animal hospitals.
- 4.3.2** Cemeteries.
- 4.3.3** Churches and other buildings for religious worship.

- 4.3.4 Commercial feedlots.
- 4.3.5 Communication Tower, subject to regulations 17.9.7
- 4.3.6 Convalescent homes, nursing homes, hospital, sanitariums, and orphanages.
- 4.3.7 Extraction, soil removal and mining operations.
- 4.3.8 Group or organized camps, camping grounds, and general or specialized resorts.
- 4.3.9 Gun clubs and shooting ranges
- 4.3.10 Meat processing and packaging facilities
- 4.3.11 Public and private nurseries, primary or secondary non-profit schools, and colleges and universities.
- 4.3.12 Riding academies and stables.
- 4.3.13 Sanitary landfills.
- 4.3.14 Travel trailer parks.
- 4.3.15 Hauling of local agricultural products and associated equipment maintenance"
- 4.3.16 Medical Marijuana Growing Operations, as that term is defined by this ordinance, subject to the provisions of Section 17.9.9.
- 4.3.17 Large Solar Energy Facility, subject to regulations contained in Section 17.9.10.

**SECTION 4.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS**

See ARTICLE XV.

## ARTICLE V

### RECREATION OPEN SPACE DISTRICT (RO)

#### **SECTION 5.1 INTENT**

The intent of this district is to set aside those lands which, because of their physical characteristics, would be suitable for recreation and open space use.

#### **SECTION 5.2 PERMITTED USES**

- 5.2.1** Public or private forest preserve, game refuge, golf course and club, golf driving ranges, park, playground, or other recreation purpose.
- 5.2.2** Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- 5.2.3** Single-family dwellings.
- 5.2.4** Accessory uses or structures.
- 5.2.5** Essential services and structures of a non-industrial character, but not including maintenance depots or warehouses.
- 5.2.6** Campgrounds, Travel Trailer, Motor Coach Parks, site plan.
- 5.2.7** Small Solar Energy Facility, subject to 2.4.71.1.C
- 5.2.8** Medium Solar Energy Facility, subject to the regulations contained in Section 17.9.10.

#### **SECTION 5.3 CONDITIONAL USES**

- 5.3.1** Amusement parks.
- 5.3.2** Commercially operated trails for use by motor cycles, dune buggies, snowmobiles, and similar types of vehicles.
- 5.3.3** Gun clubs and shooting ranges.
- 5.3.4** Extraction, soil removal and mining operations.
- 5.3.5** Large Solar Energy Facility, subject to the regulations contained in Section 17.9.10

#### **SECTION 5.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS**

See ARTICLE XV.

## ARTICLE VI

### RURAL NON-FARM RESIDENTIAL DISTRICT (RNF)

#### **SECTION 6.1 INTENT**

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

#### **SECTION 6.2 PERMITTED USES**

- 6.2.1** Single-family detached dwellings.
- 6.2.2** Home occupations, only in accordance with the regulations specified in ARTICLE XVI, Section 16.11.
- 6.2.3** State licensed residential facilities provided that no other state licensed residential facility exists within a fifteen hundred (1500) foot radius.
- 6.2.4** Accessory uses or structures.
- 6.2.5** Essential services, only in accordance with the regulations specified in ARTICLE XVI, Section 16.14.
- 6.2.6** On-site signs, only in accordance with the regulations specified in Article V, Section 16.2.3.
- 6.2.7** Bed and Breakfast.
- 6.2.8** Small Solar Energy Facility, subject to 2.4.71.1.C
- 6.2.9** Medium Solar Energy Facility, subject to the regulations contained in Section 16.21.

#### **SECTION 6.3 CONDITIONAL USES**

- 6.3.1** Churches and other buildings for religious worship.
- 6.3.2** Essential services structures of a non-industrial character, but not including maintenance depots or warehouses.
- 6.3.3** Golf courses and golf driving ranges.
- 6.3.4** Government or community-owned buildings.
- 6.3.5** Country clubs; public swimming pools; recreation centers; and parks, playgrounds, and playfields.
- 6.3.6** Planned unit developments.
- 6.3.7** Public and private nursery/childcare, primary and secondary non-profit schools.
- 6.3.8** Large Solar Energy Facility, subject to the regulations contained in Section 17.9.10.

#### **SECTION 6.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS**

See ARTICLE XV.

**ARTICLE VII**  
**LAKE RESIDENTIAL DISTRICT (RL)**

**SECTION 7.1 INTENT**

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

**SECTION 7.2 PERMITTED USES**

- 7.2.1 Single-family detached dwellings.
- 7.2.2 Home occupations in accordance with regulations specified in ARTICLE XVI, Section 16.11.
- 7.2.3 State licensed residential facilities provided that no other state licensed facility exists within fifteen hundred (1500) foot radius.
- 7.2.4 Accessory uses or structures.
- 7.2.5 Essential services, only in accordance with the Regulations specified in ARTICLE XVI, Section 16.14.
- 7.2.6 On-site signs, only in accordance with the Regulations specified in ARTICLE XVI, Section 16.2.3.
- 7.2.7 Small Solar Energy Facility, subject to 2.4.71.1.C

**SECTION 7.3 CONDITIONAL USES**

- 7.3.1 Churches and other buildings for religious worship.
- 7.3.2 Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
- 7.3.3 Parks and playgrounds.
- 7.3.4 Planned-unit residential developments, subject to regulations of.17.9.6

**SECTION 7.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS**

See ARTICLE XV.

**ARTICLE VIII**  
**SUBURBAN RESIDENTIAL DISTRICT (RS)**

**SECTION 8.1 INTENT**

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

**SECTION 8.2 PERMITTED USES**

- 8.2.1** Single-family detached dwellings.
- 8.2.2** Home occupations, only in accordance with the regulations specified in ARTICLE XVI, Section 16.11.
- 8.2.3** State licensed residential facilities provided that no other State licensed residential facility exists within a one thousand five hundred (1,500) feet radius.
- 8.2.4** Accessory uses or structures.
- 8.2.5** Essential services, only in accordance with the regulations specified in ARTICLE XVI, Section 16.14.
- 8.2.6** On-site signs, only in accordance with the regulations specified in ARTICLE XVI, Section 16.2.3.
- 8.2.7** Bed and Breakfast.
- 8.2.8** Small Solar Energy Facility, subject to 2.4.71.1.C

**SECTION 8.3 CONDITIONAL USES**

- 8.3.1** Churches and other buildings for religious worship.
- 8.3.2** Country clubs, recreation centers, public swimming pools, parks, playgrounds, and playfields.
- 8.3.3** Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
- 8.3.4** Golf courses and golf driving ranges.
- 8.3.5** Government- or community-owned buildings.
- 8.3.6** Planned unit residential developments, subject to regulations 17.9.6
- 8.3.7** Public and private nursery/childcare, primary and secondary non-profit schools.

**SECTION 8.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS**

See ARTICLE XV.



## ARTICLE IX

### MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM)

#### **SECTION 9.1 INTENT**

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

#### **SECTION 9.2 PERMITTED USES**

- 9.2.1** Multiple-family dwellings.
- 9.2.2** Two-family dwellings.
- 9.2.3** Rooming houses and boarding houses.
- 9.2.4** Home occupations, only in accordance with the regulations specified in ARTICLE XVI, Section 16.11.
- 9.2.5** Accessory uses or structures.
- 9.2.6** Essential services, only in accordance with the regulations specified in ARTICLE XVI, Section 16.14.
- 9.2.7** On-site signs, only in accordance with the regulations specified in ARTICLE XVI, Section 16.2.3.
- 9.2.8** Small Solar Energy Facility, subject to 2.4.71.1.C

#### **SECTION 9.3 CONDITIONAL USES**

- 9.3.1** Churches and other buildings for religious worship.
- 9.3.2** Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
- 9.3.3** Funeral establishments.
- 9.3.4** Government or community-owned buildings.
- 9.3.5** Hospitals, convalescent or nursing homes, sanitariums, and orphanages.
- 9.3.6** Offices.
- 9.3.7** Medical and dental clinics.
- 9.3.8** Manufactured home parks.
- 9.3.9** Manufactured home subdivision in accordance with the requirements of single-family dwelling in ARTICLE XVI, Section 16.11.
- 9.3.10** Planned-unit residential developments, subject to regulations 17.9.6.

**9.3.11** Public and private nursery/childcare, primary and secondary non-profit schools, and colleges and universities.

**9.3.12** Public swimming pools, recreation centers, parks, playgrounds, and playfields.

**9.3.13** Single-family dwellings.

**SECTION 9.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS**

See ARTICLE XV.

## ARTICLE X

### MANUFACTURED HOME RESIDENTIAL DISTRICT (MH)

#### SECTION 10.1 INTENT

This district is composed of those areas of Township whose principal use is or ought to be manufactured home dwellings. The regulations of this district are designed to permit a density of population and an intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut or are adjacent to such other uses, buildings, structures, or amenities which support, complement, or serve such a density and intensity.

#### SECTION 10.2 PERMITTED USES

- 10.2.1 Manufactured home parks.
- 10.2.2 Manufactured home subdivisions in accordance with the provisions of ARTICLE VIII, (RS, Suburban Residential District) of this Ordinance.
- 10.2.3 Public schools.
- 10.2.4 State licensed residential facilities provided that no other state licensed residential facility exists within a fifteen hundred (1500) foot radius.
- 10.2.5 Small Solar Energy Facility, subject to regulations referenced 2,471.1C

#### SECTION 10.3 MANUFACTURED HOME PARK REGULATIONS

10.3.1 **Adherence to Mobile Home Commission Regulations.** Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended), the Manufactured Housing Commission General Rules, and the minimum requirements set forth in this Section.

#### 10.3.2 Lot Area and Height Regulations.

A **Lot Area.** The minimum area of the lot that comprises the manufactured housing park shall be 20 acres.

#### B Height Requirements.

- 1. Except as otherwise provided in paragraph (ii) below, no building or structure shall exceed a height of two (2) stories or 25 feet.
- 2. The maximum height of accessory structures in a manufactured housing park shall be 15 feet. The height of a storage building on a manufactured housing park site shall not exceed the lesser of 15 feet or the height of the manufactured housing.

#### 10.3.3 Landscaping.

A A landscape strip at least 20 feet wide shall be located and continually maintained along all park borders not adjacent to public streets. This strip shall consist of such plant materials as trees and shrubs to provide privacy for the manufactured housing park residents and to provide a transition area between the manufactured housing park and surrounding properties. A fence may be required by the Planning Commission as part of the site plan approval to protect the manufactured housing park or adjacent properties from trespassing.

- B Such landscape strip shall not contain carports, recreation shelters, storage shelters, or any other structures, parking spaces, or active recreation areas.
- C **Outdoor Patio.** An all-weather, hard-surfaced outdoor patio area of not less than one hundred twenty (120) square feet shall be provided at each manufactured home site, conveniently located to the entrance of the manufactured home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of manufactured home.

**10.3.4 Exterior Antenna.** When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.

**10.3.5 Minimum Distances.** A manufactured home shall be in compliance with the following minimum distances:

- A Twenty (20) feet from any part of an attached or detached structure, which is used for living purposes, on an adjacent manufactured housing park site.
- B Ten (10) feet from an attached or detached structure or accessory, which is not used for living purposes, of an adjacent manufactured home.
- C Ten (10) feet from an on-site parking space of an adjacent site.
- D Fifteen (15) feet to any parking area designed for general parking in such park (general parking defines parking bays for other than park residents.)
- E Fifty (50) feet from any permanent building.
- F Ten (10) feet from the edge of an internal street.
- G Fifty (50) feet to the right-of-way of any public street or highway and 300 feet to the right-of-way of any U.S. highway.
- H Thirty (30) feet to the boundary of such park which is not a public street.
- I Thirty (30) feet to any collector street of such park (parking bay or central parking drive not a collector street).

**10.3.6 Parking Requirements.**

- A A minimum of two (2) parking spaces shall be provided for each manufactured housing park site.
- B Additional parking facilities shall be provided:
  1. for storage of maintenance vehicles;
  2. at the park office location for office visitors; and
  3. for general visitor parking, at the ratio of one (1) parking space for every three (3) manufactured housing park sites in the park, in a convenient location for the manufactured housing park sites served thereby.

**10.3.7 Streets.**

- A Vehicular access to a manufactured housing park shall be provided by at least one

hard-surface public road.

B Only streets within the manufactured housing park shall provide vehicular access to individual manufactured housing park sites in the manufactured housing park.

C Minimum widths of roadways within park shall be as follows:

Traffic Use	Motor Vehicle Parking	Minimum Pavement Width
2-way road	Parking prohibited	22 feet
2-way road	Parallel parking on 2 sides	42 feet
1-way road	Parallel parking on 1 side only	22 feet
1-way road	Parallel parking on 2 sides	32 feet

D A dead-end road shall terminate with an adequate turning area. A blunt end road is prohibited. Parking shall not be permitted within the turning area. Adequate turning radii for emergency vehicles, including fire trucks, shall be provided.

**10.3.8 Walkways.** Walkways shall not be less than four (4) feet in width excepting that walkways designed for common use of not more than three (3) feet in width.

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

**10.3.10 Outdoor Storage.**

A Common storage areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured housing park, but shall be limited for use only by residents of the manufactured housing park. The location of such storage area shall be shown on the site plan. No part of such storage area shall be located in any yard setback required on the perimeter of the manufactured housing park. Such storage area shall be screened from view from adjacent residential properties, public streets, and roads.

B Each manufactured home park shall include similarly designed enclosed storage structure or structures suitable for storage of goods and the usual effects of the inhabitants of such park, such storage space should not be less than one hundred forty-four (144) cubic feet for each manufactured home. Such storage structure or structures may be located in manufactured home sites or in common structure with individual lockers.

C Storage of goods and articles underneath any manufactured home or out of doors at any manufactured home site shall be prohibited.

**10.3.11 Site-constructed buildings.** All buildings constructed on site within a manufactured housing park must be constructed in compliance with applicable building, electrical, plumbing, and mechanical and cross-connection codes. Any addition to a manufactured housing unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for manufactured housing shall comply with applicable building, electrical, plumbing, and mechanical codes. Certificates and permits shall be required as provided in Article 1.0 (Administration and Enforcement). A final site plan shall be approved prior to construction of any principal structure, not including manufactured housing park units, in accordance with ARTICLE XVIII (Site Plan Review and Approval) of this Ordinance.

**10.3.12 Placement of a Manufactured Housing Park Unit.**

- A It shall be unlawful to park a manufactured housing park unit so that any part of such unit will obstruct a street or pedestrian walkway.
- B A building permit shall be issued by the Township Building Department before a manufactured home may be placed on a site in a manufactured housing park.

**10.3.13 Site Plan Review Required.**

- A Construction of a manufactured housing park shall require prior approval of a site plan by the Township Planning Commission.
- B The site plan shall be prepared on standard 24-inch by 36-inch sheets and shall be of a scale not greater than one (1) inch equals 20 feet or less than one (1) inch equals 200 feet, and of such accuracy that the Planning Commission can readily interpret the plan.
- C For purposes of this Section only, a site plan shall provide the following information:
  - 1. Scale, north arrow, name and date, and date of any revisions.
  - 2. Name and address of property owner and applicant; interest of applicant in the property; name and address of developer.
  - 3. Name and address of designer. A site plan shall be prepared by a community planner, architect, landscape architect, engineer, or land surveyor registered in the State of Michigan.
  - 4. A vicinity map; legal description of the property; dimensions and area; lot line dimensions and bearings. A metes and bounds description shall be based on a boundary survey prepared by a registered surveyor.
  - 5. Existing topography, at a minimum of two (2) foot contour intervals; existing natural features such as trees, wooded areas, streams, and wetlands; natural features to remain or to be removed; 100-year flood hazard area.
  - 6. Existing buildings, structures, and other improvements, including drives, utility poles and sewers, easements, pipelines, excavations, ditches, bridges, culverts; existing improvements to remain or to be removed; deed restrictions, if any.
  - 7. Name and address of owners of adjacent properties; use and zoning of adjacent properties; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.
  - 8. Locations and size of existing public utilities on or surrounding the property; location of existing fire hydrants; inverts of sanitary and storm sewers; location of existing manholes and catch basins; location of existing wells, septic tanks, and drain fields, if applicable.
  - 9. Names and rights-of-way of existing streets on or adjacent to the property; surface type and width; spot elevations of street surface at intersections with streets and drives of the proposed development.
  - 10. Zoning classification of the subject property; location of required yards; total property area; dwelling unit density; schedule of dwelling units, by type; phasing information.

11. Grading plan, at a minimum contour interval of two (2) feet.
12. Location and exterior dimensions of proposed buildings and structures other than manufactured housing unit dwellings; height and finished floor elevations of such buildings and structures; location of the manufactured home and parking spaces on each manufactured housing park site.
13. Location and alignment of all proposed streets and drives; rights-of-way, where applicable; surface type and width; typical street sections; location and details of curbs; curb radii.
14. Location and dimensions of all proposed parking areas; number of spaces in each; dimensions of spaces and aisles; typical cross section of parking surface.
15. Location, width, and surface of proposed sidewalks and pedestrian paths, including notations on the site plan depicting handicapped access.
16. Location, use, size, and proposed improvements of open space and recreation areas.
17. Location and type of proposed screens and fences; height, typical elevations, and vertical section of screens, showing materials and dimensions.
18. Location, type, size, area, and height of proposed signs.
19. General proposed utility layout for sanitary sewer, water and storm water systems.
20. Landscape plan showing location, type, and size of plant materials.
21. Location, dimension, and materials of proposed retaining walls; fill materials; typical vertical sections.
22. An overall map shall be developed on a 24-inch by 36-inch sheet showing how this property ties in with all other surrounding properties, including:
  - (a) existing and proposed water mains and sanitary and storm sewers in the area, including sanitary sewer service areas;
  - (b) the road network in the area; and
  - (c) the relationship of existing and proposed drainage courses and retention bases in the general area that impact or are impacted by this development as well as an area-wide drainage map showing all the sub-areas that affect this site (all drainage must be directed to retention ponds).

**10.3.14 Building Permits Required.** No manufactured home may be placed on a manufactured housing park site until a Building Permit has been issued by Woodstock Township. A Building Permit shall not be issued until all required state approvals have been obtained.

**10.3.15 Occupancy.** A manufactured home in a manufactured housing park shall not be occupied until all required approvals have been obtained from the State of Michigan and a Certificate of Occupancy is issued by the Woodstock Township Zoning Administrator.

**10.3.16 Garbage and Trash Disposal.** Disposal of garbage and trash shall be by any method approved

by the State and shall be inspected periodically by the Lenawee County Health Department.

**10.3.17 Utilities and Storm Drainage.**

- A All manufactured homes within such parks shall be suitably connected to sewer and water services provided at each manufactured site, and shall meet the requirements and be approved by the Lenawee County Health Department.
- B All sanitary sewage facilities, including plumbing connections to each manufactured home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Running water from a state tested and approved supply, designed adequately for a minimum flow of two hundred (200) gallons per day per manufactured home site shall be piped to each trailer. Sewer connections shall not exceed ten (10) feet in length above ground.
- C All electric, telephone and other lines from supply poles or other sources to each manufactured home site shall be underground. The electrical system shall be of such voltage and of such capacity to adequately serve all users in the park at peak periods. When separate meters are installed, they shall be located in a uniform manner.
- D Any fuel oil and gas storage shall be centrally located in underground tanks, at a distance away from any manufactured home site as it is found to be safe. All fuel lines leading to manufactured home sites shall be underground and so designed as to conform to Woodstock Township Building Code and any State code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner.
- E Storm drainage facilities shall be so constructed as to protect those that will reside in the manufactured home park, as well as the property owner adjacent to the park.

**10.3.18 Recreation Space.** A recreation space of at least three hundred (300) square feet per manufactured home site in park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than one thousand (1,000) feet from any manufactured home site served. Streets, parking areas, and laundry rooms are not be included as recreation space in computing the necessary area.

**10.3.19 Travel Trailers Prohibited.** No trailer designed for temporary or seasonal living shall be occupied in a manufactured home park. Reference 10.3.10

**10.3.20 Sale of Homes.** The business of selling new and/or used manufactured housings as a commercial operation in connection with the operation of manufactured housing parks shall be prohibited. New or used manufactured homes located on lots within the manufactured housing park to be used and occupied on that site may be sold by a licensed dealer or broker. This Section shall not prohibit the sale of a used manufactured home by a resident of the manufactured housing park provided the park's regulations permit the sale.

**SECTION 10.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS**

See ARTICLE XV.



**ARTICLE XI**  
**LOCAL COMMERCIAL DISTRICT (C-1)**

**SECTION 11.1 INTENT**

This district is designed to encourage planned and integrated groupings of stores that will retail convenience goods and provide personal services to meet regular and recurring needs of the neighborhood resident population. To these ends, certain uses, which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

**SECTION 11.2 PERMITTED USES**

- 11.2.1 Business services including banks, loan offices, real estate offices, and insurance offices.
- 11.2.2 Offices of an executive, administrative, or professional nature.
- 11.2.3 Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service Laundromats; and sale and repair shops for watches, shoes, radios, and televisions.
- 11.2.4 Retail sale of foods, drugs, hardware, notions, books, and similar convenience goods.
- 11.2.5 Accessory uses or structures.
- 11.2.6 Essential services and structures of a non-industrial character.
- 11.2.7 On-site signs, only in accordance with the regulations as specified in ARTICLE XVI, Section 16.2.4.
- 11.2.8 Small Solar Energy Facility, subject to regulations contained, reference 2.4.71.1C
- 11.2.9 Medium Solar Energy Facility, subject to the regulations contained in Section 16.21.

**SECTION 11.3 CONDITIONAL USES**

- 11.3.1 Churches and other buildings for religious worship.
- 11.3.2 Communication Tower.
- 11.3.3 Government or community-owned buildings, but not including schools.
- 11.3.4 Planned unit developments.
- 11.3.5 Single-family dwelling to be occupied as the principal residence of an owner actively, on a full time basis, operating the commercial business located on the premises or occupied as the principal residence of the full time manager of the commercial business located on the premises.
- 11.3.6 Medical Marijuana Growing Operations, as that term is defined by this ordinance, subject to the provisions of Section 17.9.9.

**SECTION 11.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS**

See ARTICLE XV.

## ARTICLE XII

### GENERAL COMMERCIAL DISTRICT (C-2)

#### SECTION 12.1 INTENT

This district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments which will retail convenience and comparison goods and provide personal and professional services for the entire area and to accommodate commercial establishments which cannot be practically provided in a neighborhood commercial area.

#### SECTION 12.2 PERMITTED USES

- 12.2.1 Any use permitted in the Local Commercial District (C-1).
- 12.2.2 Business schools, including dance schools, music schools, and art schools.
- 12.2.3 Clubs and lodges.
- 12.2.4 Eating and drinking establishments, but not including drive-in types.
- 12.2.5 Funeral homes.
- 12.2.6 Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice skating rinks.
- 12.2.7 Indoor retail sales establishments.
- 12.2.8 Printing establishments.
- 12.2.9 Accessory uses or structures.
- 12.2.10 Essential services and structures of a non-industrial character.
- 12.2.11 On-site signs, only in accordance with the regulations as specified in ARTICLE XVI, Section 16.2.4.
- 12.2.12 Small Solar Energy Facility, subject to regulations contained. reference 2.4.71.1C
- 12.2.13 Medium Solar Energy Facility, subject to the regulations contained in Section 16.21
- 12.2.14 Skilled trade services including plumbing, electric, heating, printing, and painting establishments – with site plan.
- 12.2.15 Vehicle repair garages, but not including junk yards – with site plan.

#### SECTION 12.3 CONDITIONAL USES

- 12.3.1 Drive-in business services.
- 12.3.2 Hotels or motels.
- 12.3.3 Churches and other buildings for religious worship.
- 12.3.4 Communication Tower.

- 12.3.5** Government or community-owned buildings, but not including schools.
- 12.3.6** Motor vehicle service stations
- 12.3.7** Open Recreational Vehicle Storage.
- 12.3.8** Public Warehouses.
- 12.3.9** Small animal clinics.
- 12.3.10** Single-family dwelling to be occupied as the principal residence of an owner actively, on a full time basis, operating the commercial business located on the premises or occupied as the principal residence of the full time manager of the commercial business located on the premises.
- 12.3.11** Medical Marijuana Growing Operations, as that term is defined by this ordinance, subject to the provisions of Section 17.9.9.

**SECTION 12.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS**

See ARTICLE XV.

## ARTICLE XIII

### HIGHWAY SERVICE COMMERCIAL DISTRICT (C-3)

#### **SECTION 13.1 INTENT**

This district is intended to provide for various commercial establishments offering accommodations, supplies, and services to local as well as through automobile and truck traffic. These districts should be provided at locations along major thoroughfares or adjacent to the interchange ramps of a limited access highway facility and should encourage grouping of various facilities into centers and discourage dispersion of these activities.

#### **SECTION 13.2 PERMITTED USES**

- 13.2.1 Any use permitted in the Local Commercial District (C-2).
- 13.2.2 Drive-in retail and service establishments, except drive-in theaters.
- 13.2.3 Eating and drinking establishments.
- 13.2.4 Motels and hotels.
- 13.2.5 Motor vehicle service stations.
- 13.2.6 Sales, rental, and service of motor vehicles, trailers, and boats.
- 13.2.7 Temporary camping provided a temporary permit be issued by the Township Zoning Administrator and further provided that the use of the campground does not exceed two (2) weeks in duration and a permit may not be issued consecutively more than once per year for an individual property.
- 13.2.8 Accessory uses or structures.
- 13.2.9 Essential services and structures of a non-industrial character.
- 13.2.10 On-site and off-site signs, only in accordance with the regulations as specified in Article XVI.
- 13.2.11 Small Solar Energy Facility, subject to regulations contained, reference 2.4.71.1C.
- 13.2.12 Medium Solar Energy Facility, subject to the regulations contained in Section 16.21.

#### **SECTION 13.3 CONDITIONAL USES**

- 13.3.1 Adult regulated uses.
- 13.3.2 Communication Tower.
- 13.3.3 Drive-in theaters.
- 13.3.4 Indoor and outdoor commercial amusements and entertainment.
- 13.3.5 Motor vehicle repair garages.
- 13.3.6 Open Recreational Vehicle Storage.

- 13.3.7** Outdoor flea market.
- 13.3.8** Self-Service Storage Facility
- 13.3.9** Single-family dwelling to be occupied as the principal residence of an owner actively, on a full time basis, operating the commercial business located on the premises or occupied as the principal residence of the full time manager of the commercial business located on the premises.
- 13.3.10** Medical Marijuana Growing Operations, as that term is defined by this ordinance, subject to the provisions of Section 17.9.9.
- 13.3.11** Large Solar Energy Facility subject to the regulations contained in Section 17.9.10.

**SECTION 13.4 AREA, YARD, HEIGHT, AND BULK REQUIREMENTS**

See ARTICLE XV.

**ARTICLE XIV**  
**GENERAL INDUSTRIAL DISTRICT (I)**

**SECTION 14.1 INTENT**

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

**SECTION 14.2 PERMITTED USES**

- 14.2.1** All industrial uses not in conflict with any enacted state or local laws, or any provisions of this Ordinance.
- 14.2.2** 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.
- 14.2.3** Contractor's yard.
- 14.2.4** Farm machinery and equipment sales and repair.
- 14.2.5** General service and repair establishments including dyeing, cleaning, or laundry works and upholstery or appliance repair.
- 14.2.6** Industrial office buildings.
- 14.2.7** Railroad Terminals.
- 14.2.8** Skilled trade services including plumbing, electric, heating, printing, and painting establishments.
- 14.2.9** Trucking terminals.
- 14.2.10** Vehicle repair garages, but not including junk yards.
- 14.2.11** Wholesale merchandising or bulk storage.
- 14.2.12** Essential services and structures.
- 14.2.13** Bulk oil storage, with site plan.
- 14.2.14** Research and testing laboratories or facilities, with site plan.
- 14.2.15** Sanitary landfills, with site plan. On-site and off-site signs only in accordance with the regulations as Specified in ARTICLE XVI, Section 16.2.5 and 16.2.6.
- 14.2.16** Small Solar Energy Facility, small subject to regulations contained reference 2.4.71.1C.
- 14.2.17** Medium Solar Energy Facility, subject to the regulations contained in Section 16.21.

**SECTION 14.3      CONDITIONAL USES**

- 14.3.1      Asphalt processing facilities and necessary equipment
- 14.3.2      Communication Tower, reference 17.9.7.
- 14.3.3      Junk Yards, reference 17.9.4.
- 14.3.4      Medical Marijuana Growing Operations, as that term is defined by this ordinance, subject to the provisions of Section 17.9.9
- 14.3.5      Large Solar Energy Facility subject to the regulations contained in Section 17.9.10.

**SECTION 14.4      AREA, YARD, HEIGHT, AND BULK REQUIREMENTS**

See ARTICLE XV.

## ARTICLE XV

### Area, Height and Bulk Requirements

Zoning District	Lot Requirements			Minimum Yard Requirements			Maximum Building Height Requirements		Minimum Transition Strip Requirements	Comments
	Minimum Lot Area	Minimum Lot Width (in feet)	Maximum Lot Coverage	Front (in feet)	Side (in feet)	Rear (in feet)	Principal	Accessory (in feet)		
Agricultural (AG)	2 acres*	200	10%	60	30 60‡	50	2½ story or 35 ft	80		Single-family detached dwelling units
	5 acres*									All other uses
Recreational Open Space (RO)	2 acres*	300	10%	60	30 60‡	50	2½ story or 35 ft	80		Single-family detached dwelling units
	5 acres*									All other uses
Rural Non-Farm Residential (RNF)	1 acre*	150	20%	50	20 35‡	35	2½ story or 35 ft	80		Single-family detached dwelling units
	2 acre*									All other uses
Lake Residential (RL)	10,000 ft²	80	30%	35	10 / 25 total 35‡	35	2½ story or 35 ft	25		Single-family detached dwelling units with central sewers and water systems
	15,000 ft²	100		50 <sup>a</sup>						Single-family detached dwelling
	1 acre*	120								All other uses
Suburban Residential (RS)	10,000 ft²*	100	30%	35	10 / 25 total 35‡	20	2½ story or 35 ft	25		Single-family detached dwelling units with central sewers and water systems
	15,000 ft²*	120								Single-family detached dwelling units without central sewers and water systems
	1 acre*	120								All other uses
Multi-Family Residential (RM)	10,000 ft²*	80	25%	25	10 / 25 total 35‡	25	2½ story or 35 ft	25		Single-family detached dwelling units with central sewers and water systems
	15,000 ft²*	120								Single-family detached dwelling units without central sewers and water systems
	15,000 ft²*	120								15,000 ft² for first three dwelling units plus 2,000 ft² for each additional dwelling unit
	½ acre*	120								All other uses



Zoning District	Lot Requirements			Minimum Yard Requirements			Maximum Building Height Requirements		Minimum Transition Strip Requirements	
	Minimum Lot Area	Minimum Lot Width (in feet)	Maximum Lot Coverage	Front (in feet)	Side (in feet)	Rear (in feet)	Principal	Accessory (in feet)		
Manufactured Home Residential (MH)	20 acres	35	15%	8 / 20 total Front and Rear	10 / 25 total	8 / 20 total Front and Rear	1 story or 15 ft	15	See MH District	Manufactured Home Park
	4,500 ft <sup>2</sup>									Manufactured home site within a Manufactured Home Park
Local Commercial (C-1)	10,000 ft <sup>2</sup>	75	25%	35	20 35‡	35	35 ft		15 ft wide and fence, wall or hedge; 4 to 6 ft, if abutting a residential district; 20 ft wide, landscaped strip if fronting a public street	With central sewers and water systems
	15,000 ft <sup>2</sup>	100								Without central sewers and water systems
General Commercial (C-2)	10,000 ft <sup>2</sup>	75	25%	35	20 35‡	20	35 ft		15 ft wide and fence, wall or hedge; 4 to 6 ft if abutting a residential district; 20 ft wide landscaped strip if fronting a public street	With central sewers and water systems
	15,000 ft <sup>2</sup>	100								Without central sewers and water systems
Highway Services Commercial (C-3)	15,000 ft <sup>2</sup>	100	25%	35	20 35‡	20	35 ft		15 ft wide and fence, wall or hedge; 4 to 6 ft if abutting a residential district; 20 ft wide landscaped strip if fronting a public street	With central sewers and water systems
										Without central sewers and water systems
General Industrial (I)	10,000 ft <sup>2</sup>	80	25%	35	20 35‡	35	35 ft		25 ft wide and fence >4 ft but <8 ft in height if abutting a residential district or commercial district; 20 ft wide, landscaped strip if fronting a public street	

‡ Corner Lot

▣ Abutting a water body

\* Stand alone accessory structures may be constructed provided that the lot meets the minimum lot area requirements for zoning district.

## **SECTION 15.1 COMPLIANCE WITH REGULATIONS**

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

## **SECTION 15.2 YARD MEASUREMENTS**

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

## **SECTION 15.3 HEIGHT EXCEPTIONS**

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

- 15.3.1** **Height Limitations.** The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable ordinances: Parapet walls, chimneys, smokestacks, church spires, flagpoles, radio and television towers, penthouses for mechanical equipment, and water tanks.
- 15.3.2** **Commercial and Governmental Towers and Structures.** Subject to site plan review, height in excess of the height above average ground level allowed in any district may be permitted for television, radio and/or telephone towers, used for commercial or governmental purposes (including essential services) provided all minimum front, side rear yard depths are increased one (1) foot for each additional one (1) foot of height, and further subject to any conditions placed on such use as a result of site plan review. Reference 17.9.7 and 17.9.8.

## **SECTION 15.4 ACCESSORY STRUCTURES**

- 15.4.1** Location. A building over two hundred (200) square foot footprint shall be located no closer than ten (10) feet to any other building or structure on adjacent property.
- 15.4.2** Dimensional Requirements. All detached accessory structures in any residential district shall be subject to the same dimensional requirements affecting the principal structure, except however, such accessory structure may be placed not less than six (6) feet from any rear lot line or the rear yard portion of any side lot line.
- 15.4.3** Non-Residential District Requirements. All accessory structures in non-residential districts shall be subject to the same standards and requirements as are required for all principal structures within such districts.
- 15.4.4** Decks. For the purposes of this ordinance, attached decks, shall be considered an extension of the primary structure and subject to the provisions applicable to such structures within this

ordinance. In addition, within all Lake Residential (RL) Districts in front, side, or rear yard areas of lots abutting on a body of water, or road abutting a body of water, the following additional provisions shall apply:

- A The floor elevation of an attached deck shall not exceed the elevation of the first floor, excluding the basement, of the principal structure located on the lot.
- B On any freestanding deck, closer than fifty (50) feet to the high water mark, floor elevation may not exceed more than one (1) foot above grade.
- C A freestanding deck may be no closer than eight (8) feet from the high water mark of a body of water in a Lake Residential (RL) District.
- D Railings surrounding attached decks shall be permitted. They shall be constructed to maintain the view of the body of water from adjacent properties. Railings shall not exceed thirty-six (36) inches in height.
- E Railings surrounding freestanding decks are not permitted.
- F Determination of obstruction of view shall be made in consultation with the property owners, adjacent property owners, and Zoning Administrator before issuance of the zoning permit. If no agreement can be reached, the matter will be resolved through application to the Zoning Board of Appeals (See Article VII).

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

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

**15.4.6 Number of Permitted Accessory Structures.** Subject to the maximum lot coverage provisions of Article XV the following regulations shall govern the number of accessory structures permitted on a single lot of record:

- A In all Residential Districts (RNF, RL, RS, RM) no more than one (1) attached and one (1) detached accessory structure shall be permitted.
- B In all other Zoning Districts there shall be no limit to the number of permitted accessory structures.

**15.4.7 Freestanding Accessory Structures.** Notwithstanding anything herein to the contrary, subject to the maximum lot coverage provisions of Article XV, on lots with a minimum lot area of:

- A Two (2) acres in the Agricultural (AG) and Recreation Open Space (RO) Zoning Districts.
- B One (1) acre in the Rural Non-Farm Residential (RNF) Zoning District, Suburban Residential.
- C ½ acre in the Multiple Family Residential Zoning District; and

- D Ten thousand (10,000) square feet in Lake Residential (RL) and Suburban Residential Zoning Districts, a freestanding accessory structure may be erected or placed on a single lot of record, without the necessity of a principal structure being located on such lot, if said lots are otherwise in compliance with this Ordinance.

**SECTION 15.5      MAXIMUM DENSITY**

**15.5.1** In all districts, the total number of units in a planned unit development a platted development, a cluster development, site condominium development or any development of that type, shall be determined by ARTICLE XV, exclusive of the following areas: subaqueous or submerged bottom land of lakes or streams, wetlands and floodplains as stipulated in Section 15.5.2 below.

**15.5.2** On parcels containing wetlands or floodplains or both, only twenty-five (25) percent of the wetlands of floodplain may be included within the total site area for the computation of density, however, in no instance shall that portion of the wetlands or floodplain which exceeds the size of the upland area of the parcel be eligible for computation of density.

**ARTICLE XVI**  
**SUPPLEMENTAL REGULATIONS**

**SECTION 16.1      PURPOSE**

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

**SECTION 16.2      SIGN REGULATIONS**

**16.2.1      General Sign Regulations.**

- A      No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination, may interfere with or obstruct the view of traffic, nor shall any sign be confused with any authorized traffic sign, signal, or device.
- B      All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.
- C      In the Agricultural District, Recreation Open Space District, and all Residential districts, signs may be illuminated only by non-flashing reflected light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets. All signs shall be placed no closer to the street right-of-way line than ten (10) feet.
- D      In the Local Commercial District, General Commercial, Highway Service Commercial, and General Industrial Districts, all signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and streets. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- E      Any sign located on a State or Federal Highway shall be exempt from the terms of this Ordinance as long as such sign meets the standards and requirements of applicable State or Federal rules, regulations and/or statutes.

**16.2.2      Permitted On-Site Signs in the Agricultural District and Recreation Open Space District.**

- A      One (1) on-site sign advertising the sale or lease of the lot, chattels, or building, not exceeding six (6) square feet in area.
- B      One (1) on-site sign announcing a home occupation not to exceed six (6) square feet in area.
- C      One (1) on-site sign identifying a park, school building, or other authorized use not to exceed thirty-two (32) square feet in area.
- D      One (1) on-site sign advertising the type of farm products grown on the farmstead not to exceed thirty-two (32) square feet in area.

**16.2.3      Permitted On-Site Signs in Residential Districts.** The following on-site signs are permitted on any one (1) lot in Residential Districts:

- A      One (1) on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.

- B One (1) on-site sign announcing a home occupation, boarding home, or professional service, not to exceed six (6) square feet in area and it shall be attached flat against the front wall of the building.
- C One (1) on-site sign advertising a recorded subdivision or development not to exceed thirty-two (32) square feet in area. Such sign shall be removed within one (1) year after the sale of ninety (90%) percent of all lots or units within said subdivision or development.
- D One (1) on-site sign not having commercial connotations identifying a multiple-family building or development or manufactured home park, not to exceed thirty-two (32) square feet in area.
- E One (1) on-site sign identifying a school, church, public building, or other authorized use, not to exceed thirty-two (32) square feet in area.

**16.2.4 Permitted On-Site Signs in General Commercial, Highway Service Commercial, and General Industrial Districts.** The following on-site signs are permitted on any one (1) lot in the Local Commercial, General Commercial, Highway Service Commercial and General Industrial Districts

- A One (1) on-site sign may be affixed flat against the wall of the building, or may project there from not more than forty-eight (48) inches. The total sign area shall not exceed sixty-four (64) square foot.
- B One (1) on-site free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side, or rear property line, than ten (10) feet.
- C One (1) on-site free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed sixty-four (64) square feet in area, nor be closer to the front, side, or rear property line, than ten (10) feet.

**16.2.5 Off-Site Signs.** Off-site signs, signs advertising a product for sale or a service to be rendered at a location other than the premises, shall be permitted in the Highway Service Commercial, and General Industrial Districts under the following conditions

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

**16.2.6 Signs for Motor Vehicle Service Stations.** Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage,

installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way to a height of sixteen (16) feet other than necessary supports, and not exceeding one hundred (100) square feet in area. A sign or legend may also be placed on the main building or fuel pump canopies.

### **SECTION 16.3 OFF-STREET PARKING REQUIREMENTS**

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

- 16.3.1 Plans.** Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Compliance Permit for the erection or enlargement of a building.
- 16.3.2 Location of Off-Street Parking Areas.** Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
- 16.3.3 Parking in Residential Districts.** Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed three-fourths (3/4) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zone.
- 16.3.4 Off-Street Parking Area Design.**
- A Each off-street parking space for automobiles shall be not less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition.
  - B There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
  - C Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:
    - 1. For ninety (90) degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
    - 2. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width.
    - 3. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
    - 4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
  - D All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.

- E All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
- F Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
- G Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- H All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one- or two-family dwellings.

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

**16.3.6 Determining Requirements.** For the purposes of determining off-street parking requirements the following units of measure shall apply:

- A **Floor Area:** In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.
- B **Places of Assembly:** In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- C **Fractions:** When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

**16.3.7 Schedule of Off-Street Parking Spaces.** The minimum required off-street parking spaces is set forth in the following Schedule of Off-Street Parking Spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.



Use	Parking Space Requirements
Motor Vehicle or Machinery Sales and Service Garages	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.
Motor Vehicle Service Stations	One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees.
Bank, Business, and Professional Offices	One (1) space for each two hundred (200) square feet of gross floor area.
Barber Shops and Beauty	One (1) space for each chair parlors plus one (1) space for each employee.
Bowling Alleys	Seven (7) spaces for each alley.
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls, other than Schools	One (1) space for each four (4) seats
Dwelling Unit	Two (2) spaces for each family or dwelling unit.
Elementary and Junior High	One (1) space for each employee Schools, Private or Public normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
Funeral Homes and Mortuaries	One (1) spaces for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle.
Drive-in Restaurants	Ten (10) spaces plus one (1) space for every twenty (20) square feet of gross floor area.
Furniture, Appliance Household Equipment Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area.
Hospitals	One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.
Hotels, Motels, Lodging Houses, Boarding Homes	One (1) space for each living unit plus one (1) space for each two (2) employees.
Manufacturing, Fabricating, Processing and Bottling Plants, Research & Testing Laboratories	One (1) space for each two (2) employees on maximum shift.
Medical and Dental Clinics	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees.
Restaurants, Beer Parlors, Taverns, and Night Clubs	One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees.

Use	Parking Space Requirements
Self-service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machines.
Senior High School Institutions of Higher Learning, Private or Public	One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.
Supermarket, Self-service Food and Discount Stores	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each employee.
Wholesale Establishments	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

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

**SECTION 16.4 OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

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

**16.4.1 Plans.** Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Compliance Permit.

**16.4.2 Off Street Loading Area Design.**

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

**16.4.3 Off-Street Loading Area Space Requirements.**

- A In the case of mixed uses on one (1) lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.

- B All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space.
- C All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

**SECTION 16.5 PERFORMANCE STANDARDS**

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

- A **Vibration.** No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.
- B **Smoke.** Smoke shall not be emitted with a density greater than No. 1 on the Ringelmann Chart as issued by the U.S. Bureau of Miners except for blow-off periods of ten (10) minutes duration of one (1) per hour when a density of not more than No. 2 is permitted.
- C **Odor.** No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.
- D **Air Pollution.** No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.
- E **Glare.** No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.
- F **Erosion.** No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams.

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

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

**SECTION 16.6 STORAGE OF MATERIALS**

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

**16.6.1** On any lot in any open district, residential district, or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials in a manner least observable in any zoning district.

- 16.6.2** On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.
- 16.6.3** Nothing in this ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on a drive way located on private property shall not be prohibited.
- 16.6.4** In any manufactured home residential district (MH-1), in conjunction with an established Manufactured Home Park or Manufactured home subdivision, temporary storage of materials and equipment, including unused manufactured home units but excluding vehicles, may be located and stored within an area surrounded by a fence or wall at least six (6) feet in height and screened from view of neighboring properties and public roadways by means of a buffer of appropriate plantings and/or landscaping, and located not closer than one hundred (100)
- 16.6.5** Upon a complaint in writing by any township resident the Township Zoning Administrator shall review and have sole power in the determination of a violation.
- 16.6.6** For purposes of this section, the following definitions shall apply:
- A Motor vehicles are hereby defined as any vehicles which are self-propelled, intended to be self-propelled, or towed behind.
  - B Inoperable motor vehicles are defined as motor vehicles which by reason of dismantling, lack of repair, or other cause are incapable of being propelled under their own power including but not limited to any motor vehicle, watercraft, trailer or other item required to be registered for transport on a public street, road, highway and waterway in the State of Michigan that does not have currently valid registration plates issued under the laws of this or another state pertaining to the registration of motor vehicles, watercraft, trailer or other items of public transport.
  - C Dismantled or partially dismantled motor vehicles are defined as motor vehicles, watercraft, trailers, or other items required to be registered for transport on a public street, road, highway and waterway in the State of Michigan from which some part or parts that are ordinarily a component of such motor vehicle, watercraft, trailer or other item of transport has been removed or is missing.

**SECTION 16.7 TRAVEL TRAILERS**

- 16.7.1** No travel trailer shall be used as a dwelling except in a campground, or as a temporary dwelling for a period not to exceed two (2) weeks provided such travel trailer is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer occupants.
- 16.7.2** Such travel trailer shall not be located between the established setback line and the public right-of-way line of such premises.
- 16.7.3** The sanitary facilities of the travel trailer for the disposal of sewage and waste shall be properly connected to the central sewage system available, then properly connected to the existing septic tank sewage disposal system which is approved by the Lenawee County Health Department for the permanent dwelling to be constructed thereat, or have a holding tank adequate for the stay.

## **SECTION 16.8 VISIBILITY AT INTERSECTIONS**

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right of way lines and a straight line joining the two (2) streets lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line. In addition, in any zoning district, hedges, vegetation and plantings shall not be closer than three (3) feet from the road right of way and shall not exceed three (3) feet in height for a distance of ten (10) feet from road right of way and under no circumstances shall vegetation or any other obstruction cause impaired visibility from an driveway or approach.

## **SECTION 16.9 DRIVEWAYS AND ROADS**

**16.9.1 Definitions.** For purposes of this Section, the following words and phrases shall be defined as follows:

- A A "driveway" is an improved or unimproved path or road extending from a public or private road to a single lot, building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof.
- B A "shared driveway" is a path or road extending from a public or private road to 2 lots, buildings, dwellings or structures, intended to provide ingress and egress primarily for the occupants thereof.
- C A "private road" is the entire length of any undedicated path, drive or road which is privately owned and maintained and which provides or is intended to provide the primary means of ingress and egress to 3 or more lots, dwellings, dwelling units or structures or combination thereof. Driveways providing access to a single building, dwelling or structure are not considered to be part of a private road. Private road provisions of this Section shall not apply to internal roads serving only one lot or parcel of land which has direct public or private street frontage and is under the control of one person, corporation, or association, and which is to be developed for uses subject to site plan review under this Ordinance. Such internal roads shall not provide the principal means of access to any abutting lot or parcel of land. Examples of access roads that may be exempted from the provisions of this section include those serving multi-family dwellings, nursing homes, hospitals, factories, schools, mobile-home parks, and shopping centers.
- D A "private road easement" is an easement which is granted exclusively for private access to 3 or more lots, whether by grant of easement, private dedication, designation as a common area, or other means, and which contains a private road.
- E An "existing-private road" is a private road which is used to provide access to existing lots, buildings or dwelling units as of the effective date of this Section.
- F An "existing lot" is a lot which, as of the effective date of this Section (September 26, 1990) meets at least one of the following conditions:
  - 1. The lot consists of a parcel described by metes and bounds for which a deed has been recorded with the Lenawee County Register of Deeds, or of a parcel described by a land contract or memorandum of land contract which has been recorded with the Lenawee County Register of Deeds;
  - 2. The lot has been assigned its own permanent parcel number by the Lenawee County Property Description and Mapping Department and is individually

assessed and taxed on that basis; or

3. The lot consists of a "condominium unit" (i.e., a portion of a condominium project designed and intended for separate ownership and use as described in the condominium master deed) located within a "site- condominium" development for which a condominium master deed has been recorded with the Lenawee County Register of Deeds in accordance with the requirements of the Michigan Condominium Act (PA59 of 1978, as amended, MCLA 559.101 et seq.) and other applicable laws and ordinances.

G An "existing building" or an "existing dwelling unit" is a building or dwelling unit for which a building permit has been issued by the Township as of the effective date of this Section.

**16.9.2 Access to Streets:** In all zoning districts, every use, building, or structure built or established after the effective date of this Ordinance shall be on a lot or parcel which adjoins either a public street or a private road, subject to the standards set forth in this Section, and which shall have access to the public street or private road by means of a driveway or approved shared driveway.

**16.9.3 Shared Driveways: Minimum Standards and Requirements Applicable.**

A After the effective date of this Section, no shared driveway shall be constructed, extended, improved or relocated, nor shall an existing driveway be used or extended to provide access to a second lot, building or dwelling unit which was not existing and which was not provided access by the driveway as of the effective date of this Section, except in accordance with the minimum standards and requirements of this Section.

B For a shared driveway existing as of the effective date of this Section, which thereafter becomes a private road by extension or lot division, the existing portion of the shared driveway shall be improved to the private-road requirements stated in this Section.

**16.9.4 Shared Driveways: Minimum Standards for Design and Construction.**

A The area in which the shared driveway is to be located shall have a minimum cleared width of 20 feet. The cleared width shall be maintained by those having legal right to use the shared driveway.

B A shared driveway shall be located within an easement of not less than 20 feet wide.

C Only one shared driveway shall be located within an easement.

D The driving surface shall be at least 12 feet wide.

E All shared gravel driveways shall be constructed on a base of stable soil and a minimum of 6 inches of MDOT 22A compacted road gravel on the top thereof.

F The driving surface of the shared driveway shall be crowned or sloped to facilitate drainage.

G The longitudinal slope of the driveway shall not exceed 15 percent unless a steeper driveway is specifically approved.

H The driving surface of the driveway shall be adequately maintained by the property

owner, or by those with a legal right to use the driveway.

- I When a shared driveway crosses a natural stream or drainage course, adequate provisions shall be included to maintain the surface water flow to the satisfaction of the Zoning Administrator and any other agency having jurisdiction thereof. The method used in crossing any natural stream, drainage course, or similar feature shall have a sufficient load capacity to safely support Fire Department equipment.
- J Except where the driveway crossed a natural stream or drainage course, the driveway shall be no closer than 25 feet from the stream or drainage course or other body of water.
- K The inside radius of a driveway curve shall be a minimum of 40 feet.
- L House numbers shall be visibly displayed at the intersection of the shared driveway and the public or private road.
- M The edge of the shared driveway shall be set back a minimum of 20 feet from any existing principal dwelling not served by the shared driveway. For shared driveways serving commercial and office uses, the Planning Commission may modify this setback requirement if such modification is needed to achieve safe and efficient traffic flow both on and off site.
- N A shared driveway which intersects a public or private road shall be a minimum of 60 feet from any other shared driveway, or a private or public road which is on the same side of the road. This distance shall be measured between centerlines.

#### **16.9.5 Review and approval of Shared Driveway Plan.**

- A Prior to constructing, extending, improving, or relocating a shared driveway, or using or extending an existing driveway to provide access to a second lot, building, or dwelling unit, which was not existing, and which was not provided access by the driveway of the effective date of this Section, a plan for the shared driveway shall be submitted to the Zoning Administrator to determine compliance with the standards and requirements of this Section.
- B A shared driveway which is part of a Planned Unit Development, Site Condominium, Subdivision, or other land development proposal requiring approval by the Planning Commission may be approved by the Planning Commission subject to the shared driveway regulations of this Ordinance and approval by the Township Engineer.
- C The plan for the shared driveway shall accurately show the location, route, dimensions, design and grade of the shared driveway; the relation of the shared driveway to adjacent or intersecting public or private roads and other shared driveways; existing, or proposed curb cuts; the lots, buildings or dwelling units, existing and proposed, which will be provided access by the shared driveway; the location of any drainage courses, lakes, streams or other natural bodies of water within the shared-driveway easement and within 100 feet of the easement.
- D If the Township Engineer, and the Zoning Administrator or the Planning Commission determine that the shared driveway meets the standards and requirements of this Section, then the plan shall be approved and the shared driveway may be constructed, extended, improved, or relocated in accordance with the approved plan.

#### **16.9.6 Shared Driveways: Issuance of building permits.** A building permit for a building or dwelling to be served by a shared driveway shall not be issued unless the applicant for the building

permit provides the Township Zoning Administrator with

- A Proof of lawful access over the shared driveway to the lot, parcel or building site.
- B An approved plan for the shared driveway; and
- C A driveway permit for the shared driveway issued by the Lenawee County Road Commission and/or MDOT, as applicable.

**16.9.7 Private Roads: Minimum Standards and Requirements Applicable.** After the effective date of this Section, no private road shall be constructed, extended, improved or relocated, nor shall an existing private road be used or extended to provide access to a lot, building or dwelling unit which was not existing and which was not provided access by the private road as of the effective date of this Section, except in accordance with the minimum standards and requirements of this Section.

**16.9.8 Private Roads: Minimum Standards for Design and Construction.**

- A A private road shall be located within a private road easement. The easement shall be at least 40 feet wide at all points.
- B A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located.
- C If determined necessary by the Planning Commission for maneuvering emergency vehicles or other public safety purposes, a private road or segment of a private road which terminates in a cul-de-sac or dead-end shall be provided with an easement with a minimum radius of 50 feet at the terminal end of the private road. In the event that severe topography, mature trees or other similar significant natural feature prevents the reasonable installation of the turnaround, the approving body may allow some other turnaround design to enable emergency vehicles to maneuver.
- D All private roads shall be constructed on a base of at least six inches of MDOT 22A grade road gravel with a minimum of a 12 inch sand sub-base.
- E A private road which serves at least 3 but not more than 20 residential lots, or dwelling units, need not be paved but shall have a minimum width of 28 feet. This includes cul-de-sacs which are connected to a larger private road system.
- F A private road which serves more than 20 residential lots, or dwelling units, shall be paved and shall have a minimum pavement width of 26 feet inclusive of curbs measured back to back. This includes cul-de-sacs which are connected to a larger private road system.
- G A private road which serves commercial or office lots or buildings shall be paved and have a minimum pavement width of 30 feet inclusive of curbs measured back to back.
- H On any private road which is required to be paved, a 3-foot wide road shoulder shall be provided along each side of the paved surface of a private road and around the circumference of the paved surface of any required turn-around area unless asphalt or concrete curbing is provided.
- I A private road, or interconnected private and public road system, or any combination of public and/or private roads shall not serve more than 75 residential lots, site condominium units, or dwelling units, unless a secondary means of egress is provided for the entire property served. This secondary access shall meet the



minimum standards of this Section.

- J A private road shall not exceed a grade of 10 percent; provided that within 30 feet of the intersection of a private road with any other private road or with any public right-of-way, a private road shall not exceed a grade of 4 percent.
- K A private road shall be constructed in a manner determined adequate by the Township Engineer to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure, for example) must be approved by the Township Engineer and must comply with applicable state and local requirements. The Fire Chief shall also approve the crossing structure to ensure fire truck access.
- L A private road shall be given a street name that is not the same or similar to any other street name in the County as determined by the Lenawee County Road Commission. A readily visible street sign bearing the name given the private road shall be erected and maintained at the intersection of the private road with another private road or a public right-of-way.
- M A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road.
- N The edge of the private road pavement shall be set back a minimum of 35 feet from any existing principal dwelling not served by the private road. For private roads serving commercial and office uses, the Planning Commission may modify this setback requirement if such modification is needed to achieve safe and efficient traffic flow both on and off site.
- O In order to facilitate access to adjoining properties when appropriate, reserve strips may be required by the Planning Commission between the terminus of a private road and the property's boundary. The reserve strip shall be illustrated on the private road plans. In considering whether to require a reserve strip, the Planning Commission shall consider the following factors:
  - 1. Whether cross-access across adjoining properties would improve traffic circulation in both developments.
  - 2. Whether or not it is practical to align the private roads.
  - 3. The relative size and intensity of the adjoining developments, and
  - 4. Whether or not there is an existing second means of access for the development.

#### **16.9.9 Review and approval of private road plan.**

- A Prior to constructing, extending, improving or relocating a private road, or using or extending an existing private road to provide access to a lot, building, or dwelling unit, which was not existing, and which was not provided access by the private road as of the effective date of this Section, a plan for the private road shall be submitted to the Planning Commission to determine compliance with the standards and requirements of this Section. A private road which is part of a Planned Unit Development, Site Condominium, Subdivision or other land development proposal requiring approval by the Planning Commission may be approved by the Planning

Commission subject to the private road regulations of this Ordinance and approval by the Township Engineer.

- B The plan for the private road shall be prepared and sealed by a registered engineer or surveyor and shall show the location, route, dimensions, design and grade of the private road; the relation of the private road to adjacent or intersecting public or private roads; existing, or proposed curb cuts; the lots, buildings or dwelling units, existing and proposed, which will be provided access by the private road; the location of public utilities within the private road easement and within 20 feet of the easement; the location of any drainage courses, lakes, streams or other natural bodies of water within the private road easement and within 100 feet of the easement; and the street name and location of street signs.
- C Provision shall be made to insure the continued repair and maintenance of the private road, and financing of the costs thereof by the property owners benefiting from the private road. This shall be accomplished through the use of a recorded agreement between the parties in interest in the private street, or through a restrictive covenant, which shall run with the land. This recorded agreement shall ensure that easements are provided for access for emergency and other public vehicles and for installation of public utilities. The agreement shall also contain a statement that no public funds of Woodstock Township shall be used to build, repair or maintain the private road. A copy of the agreement or restrictive covenant shall be provided to the Township as a condition to approval of the plan for the private road.
- D If the Township Engineer, the Planning Commission determine that the private road meets the standards and requirements of this Section, then the plan shall be approved and the private road may be constructed, extended, improved or relocated in accordance with the approved plan.

**16.9.10 Private Roads: Issuance of Building Permits.**

- A A building permit for a building or dwelling to be served by a private road shall not be issued unless the applicant for the building permit provides the Township Building Inspector with
  - 1. Proof of lawful access over the private road to the lot, parcel or building site.
  - 2. An approved plan for the private road and a copy of the signed and recorded agreement or restrictive covenant as provided by Subsection 17.15(8); and
  - 3. A driveway permit for the private road issued by the Lenawee County Road Commission, as applicable.
- B Drawings of the private road as it has been constructed shall be certified by the registered professional engineer who prepared the plans and shall be provided to the Township Zoning Coordinator before a Certificate of Occupancy is issued or the applicant shall provide a bond or irrevocable letter of credit in an amount determined by the Township to insure completion of the drawings as well as the completion of the private road if necessary.

**16.9.11 Application to Existing Private Roads.** Except with regards to the requirements under Section 16.9.8 (L) and (M) regarding street names, street signs and house numbers, this Section shall not apply to an existing private road which provides access solely to existing lots, buildings, or dwelling units.

## **SECTION 16.10 FLOODPLAINS**

Notwithstanding any other provisions of this ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures are located within the area subject to flooding. The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corps. Of Engineers, or other official authority.

## **SECTION 16.11 HOME OCCUPATION**

- 16.11.1** A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional shall be observed.
- 16.11.2** Such home occupation shall be carried on within the dwelling or within a building accessory thereto and entirely by the inhabitants thereof.
- 16.11.3** No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- 16.11.4** There shall be no exterior storage of materials or equipment.

## **SECTION 16.12 FENCES**

Fences in all districts shall be permitted subject to the following conditions:

- 16.12.1** Fences which enclose property except Lake Residential (RL) District shall not exceed six (6) feet in height, as measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the dwelling or the required minimum front yard, whichever is greater.
- 16.12.2** Fences located in the Lake Residential district (RL) shall not exceed a height of four (4) feet as measured from the surface of the ground, nor shall such fences exceed fifty (50%) percent solidarity, subject to other provisions of this ordinance or state law. Fences enclosing perimeter of a property may be placed no closer than three (3) inches of side lot lines and three (3) inches of rear lot lines. Fences may be placed on lot lines with written consent of both property owners at the time of permit is issued, and on file with Zoning Administrator.
- 16.12.3** Fences located in a Lake Residential district (RL) shall be set back a minimum of three (3) feet from the public road right-of-way on any lot contiguous with a public road.
- 16.12.4** Fences located in Lake Residential district (RL) shall not be located closer than eight (8) feet to a body of water.
- 16.12.5** A person constructing a fence located in any zoning district shall be first required to obtain a permit from the Township Zoning Administrator. Said permit will require a property legal description supplied by the applicant and attached as part of the fence permit.
- 16.12.6** Use of an agricultural nature in an Agricultural district (AG) district shall be exempt from the requirement of a permit for fences.

## **SECTION 16.13 TEMPORARY USE**

Circuses, carnivals, or other transient enterprises require the approval of the Planning Commission regardless of district and will be based on findings that the location of such activity will not adversely affect the adjoining properties, nor adversely affect public health, safety, morals and the general welfare.

**SECTION 16.14 ESSENTIAL SERVICES**

**16.14.1** Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provision of this Ordinance.

**16.14.2** Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot for provision of an essential service except as otherwise permitted in this ordinance.

**SECTION 16.15 FLOOR AREA REQUIREMENTS FOR DWELLINGS**

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

Number of Bedrooms in Each Dwelling Unit	Minimum Floor Area Per Each Dwelling Unit (sq. ft.)
0-2	860
3	1,000
4	1,100
5	1,200

**SECTION 16.16 LOT TO BUILDING RELATIONSHIP**

Every building erected, altered, or moved shall be located on a lot of record as defined in this Ordinance or on a unit as described in the master deed of a site condominium project. Except in the case of approved multiple dwelling developments located in the Multi-Family District (RM), in all other Residential (RNF,RL,RS), Agricultural (AG) and Recreational Open Space (RO) Zoning Districts, there shall be no more than one (1) residential structure and its permitted accessory structure(s) located on each lot or unit. In all other districts, not more than one (1) principal structure shall be permitted on any lot of record.

**SECTION 16.17 REQUIREMENTS FOR MANUFACTURED HOMES OUTSIDE OF MANUFACTURED HOME PARKS**

All manufactured homes located outside of a manufactured home park or subdivision shall have an enclosed storage structure suitable for the storage of goods and the usual effects of the inhabitants of the manufactured home. Such structure shall be a minimum of one hundred forty four (144) square feet in area, and placed on at least a three and one half (3 1/2) inch concrete slab, and be suitably anchored. A single car garage with at least one hundred forty four (144) feet of storage space, excluding the space customarily occupied by an automobile. Using such garage may be provided in lieu of a storage structure.

**SECTION 16.18 YARD OR OCCASIONAL SALES**

Yard, porch, garage or similar occasional sales conducted by the owner or occupant of property, where the public is invited by signs, advertising, or other means to come for the purpose of purchasing used good owned by the occupant of the property for not less than twelve (12) months, shall be permitted in agricultural or residential district provided that such sales may in no event be conducted for a period of more than five (5) days, nor shall the owner or occupant of a property conduct more than one (1) such sale in a three (3) month period.

## SECTION 16.19 PROHIBITION OF FUNNELING

Any proposed or actual use of any property, parcel or lot which constitutes Funneling as such term is defined in this ordinance, is prohibited.

**16.19.1** Where a parcel of land contiguous to a body of water is presented for subdividing, a recreational park bordering on said body of water may be dedicated for the purpose of swimming and picnicking, the privileges of which are to be reasonably enjoyed by the owners and occupants of lots included in any plat or plats recorded within said parcel and only such owners and occupants, provided that said recreational park is dedicated at the time for the use of owners and occupants of lots contained in such a recorded plat or plats, at least twenty (20) lineal feet of water frontage and one hundred fifty (150) feet in depth shall be reserved therein for the rights of each lot of the size required by this division; provided, however, that no recreational park so created shall have less than three hundred (300) feet of water frontage. The launching of a watercraft required to be licensed by the State of Michigan from said recreational park shall not be permitted nor shall watercraft required to be licensed by the State of Michigan be allowed to be docked at such recreational park.

**16.19.2** For residential developments, other than platted subdivisions but including cluster developments which are platted but for which no lakefront lots are created within the development, the maximum number of watercraft required to be licensed by the State of Michigan which can be launched from the commons area or stored in any manner with the commons area or on the water shall be determined by zoning district and shall not exceed the following:

District	Number of Spaces/Foot of Lake Frontage
RS	2 boats/100 feet
RL	2 boats/80 feet
RM	2 boats/80 feet
RNF	2 boats/150 feet
RO	2 boats/100 feet

Note: When "boats" is used in the above formula, it is referring to any watercraft that is required to be licensed by the State of Michigan.

**16.19.3** The creation of any lakefront lots within the development shall preclude the use of watercraft required to be licensed by the State of Michigan from the commons area.

**16.19.4** Prior to the issuance of a building permit, the owner or developer shall provide the township with evidence that the limitation on the number of watercraft required to be licensed by the State of Michigan to be docked will be included in the open space agreement in the instance of a cluster development. In the instance of development in any District, evidence of such limitation shall be submitted to the Township Board and shall be reviewed by the township attorney.

**16.19.5** When lots have lake access and meet the other requirements of this ordinance; such access can only be used by property owners.

**16.19.6** All watercraft docked through the provisions of this ordinance must be covered by proper documentation.

**SECTION 16.20 PERSONAL WIND GENERATION UNITS**

**16.20.1 Permitted Districts.** Personal Wind Generation Units are allowed in the following zoning districts under the following guidelines:

- A Agricultural (AG)
- B Recreation Open Space (RO)
- C Rural Non-Farm Residential (RNF)
- D Lake Residential (RL)
- E Suburban Residential (RS)

**16.20.2 Maximum Blade Diameters.**

District	Maximum Blade Diameters
AG	20 feet
RO	20 feet
RNF	10 feet
RL	8 feet
RS	10 feet

**16.20.3 Regulations.**

- A Twelve (12) feet from grade to bottom of blade tip in a vertical position.
- B No wind generation unit may have a setback of less than stated in zoning ordinance bulk regulations. Distance measured from the blade tip in a horizontal position.
- C No part of the wind generation unit may ever extend beyond a property line.
- D Required permits
  - 1. Zoning permit
  - 2. Electrical permit
  - 3. Building permit
- E Wind generation units must be installed in a manner which meet or exceeds manufacturer's installation instructions.
- F A tower capable of being climbed shall have a locked and maintained anti-climb device.
- G All guy wires reaching the ground must have a permanent reflective jacket extending to at least six (6) feet from grade.
- H All parts of the wind generation units and its supports shall be painted with a non-

reflective paint and conform with the following performance standards:

- I Each wind generation unit shall be designed constructed and operated so as not to cause radio, telephone and television interference. In the event that electromagnetic interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected or remove the wind generation unit.
- J Each wind generation unit shall be capable of surviving wind speeds of one hundred forty (140) miles per hour without structural damage.

**SECTION 16.21 MEDIUM SOLAR ENERGY FACILITY.**

**16.21.1 Minimum Requirements.** All Medium Solar Energy Facilities are subject to the following minimum requirements that address the applicable type of construction.

- A A medium solar energy facility shall provide power for the principal use and/or accessory use of the property on which the medium solar energy facility is located, and/or may be used for the generation of power for the sale of energy to local utility companies.
- B A medium solar energy facility connected to the utility grid shall provide written authorization from the local utility company to Woodstock Township acknowledging and approving such connection.
- C A roof-mounted facility may be mounted on a principal building or accessory building. A roof mounted facility, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the medium solar energy facility extend beyond the edge of the roof.
- D Roof Mounted Solar Energy Facility as defined in Section 2.4.71.1.B, shall be required to have appropriate building permits.
- E A ground mounted facility shall not exceed a height of fourteen (14) feet.
- F The surface area of a ground mounted facility, regardless of the mounted angle, shall be calculated as part of the overall lot coverage. the overall lot coverage surface area of a ground mounted solar array that does not form a continuous water shedding surface, will be measured by the area that actually contacts the ground and interferes with the legacy infiltration of surface water into the soil. Various vegetation or vegetation control overlays may enhance or reduce the rate of infiltration and this shall be documented as it effects infiltration and accordingly calculated as overall lot coverage when the site plan is reviewed. Approval should be denied if the underlying zoning district lot coverage is exceeded or if water retention and controlled discharge is not engineered into the site plan.
- G A ground mounted facility or facility attached to an accessory building shall not be located within the required front yard setback.
- H The minimum ground-mounted medium solar energy facility setback distance from the property lines shall be equivalent to the principal accessory building and/or accessory structure setback of the underlying zoning district.

- I All mechanical equipment associated with and necessary for the operation of the medium solar energy facility shall comply with the following:
1. Mechanical equipment used to connect a medium solar facility to the owner's equipment or buildings shall either be situated in a building that conforms to the zoning requirements for the district where the facility is located, or if freestanding, screened from any adjacent residential property with vegetation or fencing compliant with section 16.12. Additional screening may be required if the equipment raises the sound level at the property line above 45 dBA or more that 2 dBA above the ambient sound, whichever is greater. This rule is not meant to interfere with the accepted and normal practices of the utility company that places or requires their customers to place equipment in proximity to the energy delivery system for that medium solar facility.
  2. Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
  3. Mechanical equipment for ground-mounted facilities shall comply with the setbacks specified for principal accessory structures and/or accessory structures in the underlying zoning district.
- J Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- K All power transmission lines from a ground mounted medium solar energy facility to any building or other structure shall be located underground.
- L A medium solar energy facility shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy facility provided they comply with the prevailing sign regulations.
- M The design of the medium solar energy facility shall conform to applicable industry standards. A building/zoning/electrical permit shall be obtained prior to construction. In the case of a roof-mounted facility, the existing roof structure and the weight of the facility shall be taken into consideration when applying for a medium solar energy facility permit.
- N All wiring shall comply with the applicable version of Michigan's construction codes. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer registered in the State of Michigan.
- O The medium solar energy facility shall comply with all applicable Township ordinances and codes so as to ensure the structural integrity of such facility.
- P Before any construction can commence on any medium solar energy facility the property owner must acknowledge that he/she is the responsible party for owning/leasing and maintaining the solar energy facility.



**16.21.2 Removal.** If a ground mounted medium solar energy facility is removed, any earth disturbance as a result of the removal of the ground mounted facility shall be graded and reseeded.

**16.21.3 Abandonment.** If a ground mounted medium solar energy facility has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Building Inspector, the facility shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Building Inspector. If the owner fails to remove or repair the defective or abandoned solar energy facility, the Township may pursue a legal action to have the facility removed at the owner's expense.

**16.21.4 Solar Access.** The Township makes no assurance of solar access other than the provisions contained within this Section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy facility.

# ARTICLE XVII

## CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of the Township of Woodstock into districts in each of which are permitted specific uses which are mutually compatible. In addition to such permit compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for protection of the Township of Woodstock. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

### **SECTION 17.1 AUTHORITY TO GRANT PERMITS**

The Planning Commission as hereinafter provided, shall have the authority to recommend to the Woodstock Township Board to grant conditional use permits, subject to such conditions of design, operation and safeguards as the Woodstock Township Board may determine for all conditional uses specified in the various district provisions of this Ordinance.

### **SECTION 17.2 APPLICATION AND FEE**

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Woodstock Township Zoning Administrator by filling in an official conditional use permit application form: submitting required data, exhibits, and information: and depositing the required fee as established by resolution of any government body or agency. No part of such fee shall be returnable to the applicant.

### **SECTION 17.3 DATA, INFORMATION AND SITE PLAN APPLICATION REQUIREMENTS**

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

### **SECTION 17.4 PUBLIC HEARINGS**

After a preliminary review of the site plan and an application for Conditional use permit, the Planning Commission shall hold a hearing on the site plan and conditional use request. Notice of the hearing shall be given by mail or personal delivery to the owners of property for which Conditional use permit approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. Notice of the Public Hearing shall also be published in a newspaper of general distribution in the Township. Public notice shall be given not less than 15 days before the date of the public hearing on the application. If the name of the occupant is not known the term "occupant" may be used in notification. Notification need not be given to more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships,, business or organizations, notice may be given to the manager or notice posted at the primary entrance to the structure. Each notice given under this section shall:

**17.4.1** Describe the nature of the conditional use request.

**17.4.2** Indicate the property which is the subject of the conditional use request.

**17.4.3** State when, where, and at what time the public hearing on the Conditional use request will be considered

**17.4.4** Indicate when and where written comments will be received concerning the request.

### **SECTION 17.5 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS**

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot or parcel meets the following requirements:

**17.5.1** Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.

**17.5.2** Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.

**17.5.3** Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

**17.5.4** Will not be hazardous or disturbing to existing or future neighboring uses.

**17.5.5** Will not create excessive additional requirements at public costs for public facilities and services.

### **SECTION 17.6 DETERMINATION AND IMPOSITION OF CONDITIONS**

Upon review of the application and site plan in accordance with the standards established in Section 17.5, 17.9 and Article XVIII of this Ordinance and the requirements of other provisions of this ordinance the Township Board may require reasonable conditions necessary to insure that public services and facilities affected by the proposed land use or activity shall be capable of accommodating increased services and facility loads generated by the land use or activity: to protect the natural environment and on conserve natural resources and energy; to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon mutual consent of the Township Board and the landowner.

### **SECTION 17.7 APPROVAL: GRANTING OF PERMIT**

Upon holding a public hearing and the finding that the requirements of Sections 17.2 through 17.6 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days recommend approval or disapproval to the Woodstock Township Board. When the Township Board gives final approval, a conditional use permit shall be issued to the applicant. The Township Board shall forward a copy of the permit to the applicant, Clerk, Zoning Administrator, and Planning Commission. The Zoning Administrator shall not issue a zoning compliance permit until they have received a copy of the conditional use permit approved by the Woodstock Township Board.

### **SECTION 17.8 VOIDING OF CONDITIONAL USE PERMIT**

Any Conditional Use Permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within two hundred ten (210) days and completed within five hundred seventy-five (575) days of the date of issuance. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Township Board to terminate and cancel such Conditional Use Permit.

## SECTION 17.9 ADDITIONAL DEVELOPMENT REQUIREMENTS FOR CERTAIN USES

A Conditional Use Permit shall not be issued for the uses specified in this section unless complying with the site development requirements as herein specified. The Planning Commission may recommend the imposition of additional conditions and safeguards when deemed necessary by that body and the Township shall have authority to accept, reject or modify such conditions.

**17.9.1 Adult Regulated Uses.** The township recognizes that regulation of Adult Regulated Uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas.

A The following site and developmental requirements shall apply:

1. No adult regulated use shall be established on any premises where there exists another adult regulated use within 1,000 feet, measured as a straight line distance between the closest property lines.
2. The property on which an adult regulated use is located shall be situated at least 1,500 feet from a state-licensed child care facility, religious institution, public school, public building, public park, or any residential district or residential use, measured as a straight line distance between the closest property lines.

B The following special performance standards shall apply:

1. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner that include specified anatomical areas or specified sexual activities.
2. Adult regulated uses shall not be located within, or otherwise be attached to, a building in which 1 or more dwelling units or sleeping quarters are located, or on the same lot where 1 or more dwelling units or sleeping quarters are located.
3. Operational hours are permitted between 11:00 a.m. and 2:00 a.m. only.
4. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than 1 foot candle measured at floor level.
5. The applicant shall submit a diagram of the premises, showing a plan thereof, and specifying the location of 1 or more manager's stations, and the location of all overhead lighting fixtures and illumination intensity of each. A manager's station shall not exceed 30 square feet of floor area.
6. The premises shall be so configured and designed to provide an unobstructed view of each area of the premises to which any person is permitted access, for any purpose, from at least 1 of the manager's stations.
7. Activities conducted within buildings housing the aforementioned uses shall be shielded in a manner that no person outside the building can see the activities; provided, however, that the shielding shall not consist of a curtain alone, shall not obstruct the exit sign or directional or instructional signs regarding emergency egress, nor shall it be constructed in a way as to block an exit.

8. All changing of attire by employees or performers shall be within a completely enclosed room into which access by patrons is prohibited.

**17.9.2 Extraction, Soil Removal and Mining Operations.** The following site and developmental requirements shall apply:

- A The Planning Commission shall review the request for conditional land use approval in conformance with Section 17.5 of this Ordinance. In furtherance of this requirement, the applicant shall submit:
  1. A narrative description of the nature and scope of the proposed extraction operations referenced to the requirements of Section 17.5 of this Ordinance.
  2. Reclamation plans for the site.
- B Grant of a conditional land use approval and permit by the Township Board does not authorize the applicant to proceed with development of the site and commencement of mining activities. Should the Township Board grant a conditional use permit, the applicant shall proceed with application for a license to operate under the Township's Mineral Extraction Ordinance.

**17.9.3 Gun Clubs and Shooting Ranges.** The following site and developmental requirements shall apply:

- A All such facilities must be situated on a parcel of land not less than ten (10) acres in area and having a minimum of five hundred (500) foot road frontage.
- B Such parcel of land must be adequately fenced, that being a fence of at least four (4) feet in height and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than fifty (50) feet apart.
- C The facility shall be designed to reduce the negative impact on adjacent properties from noise. Site layout, berming, setbacks, and building placement shall be considered in the Planning Commission's determination that this criteria has been met by the applicant.
- D Design and operation of such facility shall also be in accordance with specifications and practices outlined in the National Rifle Association's "NRA Range Manual."
- E Hours of operation shall be limited to 9 a.m. to 7 p.m. Monday through Saturday, and 12 noon through 6 p.m. on Sundays. The Planning Commission may restrict hours further in order to reduce the impact of the facility on adjacent residential uses.

**17.9.4 Junk Yards.** The following site and developmental requirements shall apply:

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

between the lines of said lot and the solid, unpierced fence or wall located on said lot.

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

**17.9.5 Drive-In Theaters.** The following site and developmental requirements shall apply:

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

**17.9.6 Planned-Unit Development/Site Condominium.** The purpose of this section is to permit flexibility for residential, commercial, and industrial development where large tracts of land are planned with integrated and harmonious design, and where the overall design of such units is so outstanding as to warrant modification by the Planning Commission of the regulations. Any planned-unit development to be eligible under this provision must comply with the following requirements:

- A The tract of land to be developed shall have a minimum area of not less than ten (10) acres.
- B The owner of the property shall submit to the Planning Commission a plan for the use development of the total tract of land as a planned unit development in accordance with the provisions of ARTICLE XVIII (Site Plan Review and Approval) of this Ordinance. In addition to the site plan data specified in ARTICLE XVIII, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use may make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.
- C The site plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the planned-unit development and not inconsistent with the best interests of the entire Township of Woodstock.
- D The average density of structures of the tract shall not be greater than the density requirements in the district in which the planned-unit development is located.
- E The use of land shall be in conformance with the permitted uses of the district in which the proposed plan is to be located.

- F The proposed development shall be served by adequate public facilities and service, such as: highways, streets, police and fire protection, drainage, structures, and refuse disposal. These facilities may be provided by a governmental or private organization.
- G The proposed unit shall be of such size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit, without dependence on any subsequent unit or development.
- H The common open-space, common properties, individual properties, and all other elements of the planned-unit development shall be so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.
- I The applicant may be required to dedicate land for street and park purposes by appropriate covenants, to restricting areas perpetually for the duration of the Planning Development as open space for common use. The development as authorized shall be subject to all conditions so imposed, and shall be exempt from other provisions of this Ordinance only to the extent specified in the authorization.

**17.9.7 Communication Tower.**

- A The following site and developmental requirements shall apply:
  1. A minimum site of one (1) acre and two hundred (200) feet of road frontage shall be required.
  2. The appropriateness of guywires shall be considered when the property abuts a residential zoning district or use.
  3. The base of the tower and guywires supports shall be fenced with a minimum six (6) foot high fence.
- B The following special performance standards shall apply to communication towers:
  1. Communication towers must be set back from all property lines a distance equal to its height plus twenty-five feet setback from all overhead electric power and other overhead utility lines shall equal the tower height and an additional ten (10) feet.
  2. Accessory structures are limited to uses associated with the tower and may not be located any closer to any property line than the minimum front yard requirement for the appropriate zoning districts as found in ARTICLE XV (Area, Yard, Height, and Bulk Requirements).
  3. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
  4. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
  5. The plans of the tower shall be certified by a registered structural engineer.
  6. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is following all applicable codes.

7. All towers must meet the standards of the Federal Communications Commission and the Federal Aviation Administration; as well as the Electronics Industrial Association Code-Reference No. 222-E-91.
8. Communication towers in excess of one hundred (100) feet in height above grade level shall be prohibited within two (2) mile radius of public airport or one-half (1/2) mile of a helipad.
9. No part of any communications tower or antenna shall be constructed, located, or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a proper line.
10. Metal towers shall be constructed of or treated with, corrosive-resistant material.
11. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with all applicable local statutes, regulations and standards.
12. Towers with antennae shall be designed to withstand a uniform wind loading in accordance with Section 1611.9 of the BOCA Code-1993.
13. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
14. Tower shall be located so that they do not interfere with nearby residential areas.
15. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
16. The base of the tower shall occupy no more than five hundred (500) square feet.
17. Minimum spacing between tower locations shall be two (2) miles in order to prevent a concentration of towers in one area.
18. Height of the tower shall not exceed two hundred (200) feet from grade within a commercial zoning district, and three hundred (300) feet from grade within an industrial or agricultural zoning district.
19. Towers shall not be artificially lighted except as required by the Federal Aviation Administration.
20. Existing on-site vegetation shall be preserved to the maximum extent practicable.
21. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
22. There shall be no employees located on the site on a permanent basis to service or maintain the communications tower. Occasional or temporary repair and service activities are excluded from this restriction.
23. Where the property adjoins any residentially-zoned property or land use, the



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

24. The policy of the community is to minimize the number of communication towers in the Township. Therefore, the Township shall require the collocation of communication towers. Pursuant to this policy, the following standards apply to communication towers:
  - (a) All new and modified communication towers shall be designed and constructed to accommodate collocation.
  - (b) A conditional use permit for the construction and use of a new communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
25. The following information shall be submitted prior to Township approval to construct a communications tower:
  - (a) Site plan in accordance with ARTICLE XVIII.
  - (b) A maintenance plan, and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed communication tower. Such plan shall be designed to ensure the long-term, continuous maintenance to a reasonable prudent standard.
  - (c) The application shall include a description of security to be posted at the time of receiving a building permit for the communication tower to ensure removal of the facility when it has been abandoned is no longer needed. In this regard, the Planning Commission shall specify the form of security as approved by the township attorney and recordable at the office of the County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section with the further provision that the applicant shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal. The security shall be adjusted on an annual basis according to the U.S. Bureau of Labor Statistics' Consumer Price Index annual average for United States cities in the North Central Region of the United States.
  - (d) The name, address, and phone number of the person to contact for Engineering, maintenance and other notice purposes. This Information shall be continuously updated during all times the Facility is on the premises.

**17.9.8 Commercial Wind Generation Unit.** Wind Energy Conversion Systems (WECS). The purpose of this section is to establish standards and procedures by which the installation and operation of a WECS shall be governed within the Township as a conditional use within the AG - Agricultural zoning district.

**A Definitions.**

1. "Wind Energy Conversion System (WECS)", also commonly referred to as a wind generating tower, windmill or wind powered generator shall mean a combination of:
  - (a) The surface area (typically a blade, rotor or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers.
  - (b) A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device.
  - (c) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy.
  - (d) The tower, pylon or other structure upon which any, all, or some combination of the above are mounted.
  - (e) A wind energy conversion system can also include other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.
2. "Interconnected WECS" is a WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.
3. "Survival Wind Speed" is the maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
4. "WECS height" is the distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal Grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).
5. "Wind Farm" shall mean a cluster of two (2) or more WECS placed upon a lot or parcel with the intent to sell or provide electricity to site or location other than the premises upon which the WECS are located. Said WECS may or may not be owned by the owner of the property upon which the WECS is placed.
6. "Single WECS for Commercial Purposes" shall mean a single WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the structure is located. Said WECS may or may not be owned by the owner of the property upon which the WECS is placed.
7. "WECS Testing Facility" or "Testing Facility" shall mean a structure and equipment used to determine the potential for the placement of a WECS.
8. "Applicant" shall mean the person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval under this section, as well as the applicant's successor(s), assign(s) and/or

transferee(s) as to any approved WECS or Testing Facility. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WECS or Testing Facility. The duties and obligations regarding a zoning Approval for any approved WECS or Testing Facility shall be with the Owner of the WECS or Testing Facility, and jointly and severally with The owner and operator or lessee of the WECS or Testing Facility if different than the owner.

**B Applicability.**

1. WECS, Wind Farms, Single WECS for Commercial Purposes, and WECS Testing Facilities: Wind energy conversion systems such as a WECS, wind farm, single WECS for commercial purposes, and WECS Testing Facility associated with the commercial application of a WECS may be allowed as a conditional use only within the Agriculture zoning district, subject to the regulations and requirements of this section and also the general conditional use review procedures and standards/criteria of the zoning ordinance.
2. Single WECS for on-site service only — Single WECS applications of wind energy conversion system, including WECS Testing Facilities, to service the energy needs of only the property where the structure is located may be approved in any zoning district as a conditional use, provided the property upon which the system is to be located is at least three and one half (3 1/2) acres in size and subject to the review and approval procedures and standards/criteria of this ordinance, as well as all of the following.
  - (a) The tower shall not exceed a height of eighty (80) feet.
  - (b) The blade diameter (tip to tip) shall not exceed one hundred (100) feet.
  - (c) The height of the overall WECS (with the blade in the vertical position) shall not exceed one hundred thirty (130) feet above ground level (at normal grade).
  - (d) The distance of the structure from all property lines shall be at least two (2) times the WECS height.

**C Site Plan Drawing.** All applications for a WECS or WECS Testing Facility conditional use approval be accompanied by a detailed site plan drawn to scale and dimensioned, displaying all of the following information:

1. All requirements for site plan contained in ARTICLE XV.
2. All lot lines and dimensions, including a legal description.
3. Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing and other above ground structures associated with the WECS.
4. Locations and height of all adjacent buildings, structures and above ground utilities located with three hundred (300) feet of the exterior boundaries of the lot or parcel where the proposed WECS and/or Testing Facility will be located. Specific distances to other on site buildings, structures, and utilities shall also be provided. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown,

whether to be utilized or not with the WECS or Testing Facility, located on the lot or parcel involved, as well as within one thousand (1,000) feet of the boundaries of such parcel or lot.

5. Existing and proposed setbacks for the WECS from all structures located on the property where the WECS will be located.
6. Elevation of the premises accurately depicting the proposed WECS location and its relationship to the elevation of all existing and proposed structures within three hundred (300) feet of the proposed WECS.
7. Access driveway to the WECS and the Testing Facility together with a detailed narrative regarding dimensions, composition, and maintenance of the proposed driveway. The Township shall require the construction of a private road to serve a WECS or Testing Facility if it is determined by the Township Board that said road is necessary to protect public health, safety or welfare or to offer an adequate means by which the Township or other governmental agency may readily access the site in the event of an emergency. All private roads shall be constructed to Township private road standards.
8. Planned security measures to prevent unauthorized trespass and access.
9. WECS and Testing Facility Maintenance Programs. The applicant shall provide to the Township a written description of the maintenance program to be used to maintain the WECS and Testing Facility, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the WECS or Testing Facility become obsolete or abandoned.
10. Additional detail(s) and information as required by the conditional use requirements of this ordinance, or as requested by the Planning Commission.

**D Compliance with the Township Building Code.** A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the WECS and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code as adopted by the Township. Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Michigan.

**E Compliance with the Electrical Code.** WECS and Testing Facility electrical equipment and connections shall be designed and installed in full compliance with the Electrical Code as adopted by the Township. A copy of manufacturer installation instructions and blueprints shall be provided to the Township.

**F Design Standards.**

1. **Height.** The permitted maximum total height of a WECS (i.e., WECS height) shall be four hundred (400) feet including the blade in vertical position.
  - (a) State and Federal regulations may require a lesser height.
  - (b) As a condition of approval, the Township may require a lesser height for a WECS if reasonably necessary to comply with the

standards contained in subsection (G) hereof.

2. **Height of Test Tower Facility.** Unless a different height is approved by the Planning Commission, the WECS Testing Facility height shall be no greater than three hundred (300) feet from the ground (i.e., from normal grade to the test tower top).
3. **Construction.** A WECS shall be constructed with a tubular tower, not a lattice tower.
4. **Setbacks.** No part of a WECS or WECS Testing Facility (including guy wire anchors) shall be located within or above any required front, side or rear yard setback. The setback for placement of a WECS or a WECS Testing Facility shall be equal to the required setbacks for the zoning district in which the WECS is located plus the WECS height.
5. **Rotor of Blade Clearance.** Blade arcs created by a WECS shall have a minimum of seventy five (75) feet of clearance over and from any structure, adjoining property or tree. The minimum blade or rotor clearance above ground level shall be at least twenty (20) feet.
6. **Rotor or Blade Safety.** Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within eighty percent (80%) of design limits of the rotor.
7. **Tower Access.** To prevent unauthorized climbing, WECS and Testing Facilities must comply with at least one of the following provisions:
  - (a) Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
  - (b) A locked anti-climb device shall be installed and maintained.
  - (c) A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fence.
8. **Postings/Posting.** Each WECS and Testing Facility shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain at least the following:
  - (a) Warning high voltage.
  - (b) Manufacturer's name.
  - (c) Emergency numbers (list more than one number).
  - (d) Emergency shutdown procedures.
  - (e) FAA regulated postings/posting with precise description with latitude and longitude and shall also contain both the applicant's current telephone number and the current telephone number for the FAA's regional office having jurisdiction over Woodstock Township.
  - (f) If fenced, place postings/posting on fence.
9. **Lighting.** A lighting plan for each WECS and Testing Facilities shall be

approved by the Planning Commission. Such plan must describe all lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and whether any lights will be flashing. Strobe lights are discouraged and must be shielded from the ground if such lights are allowed by the Planning Commission.

10. **Electromagnetic Interference.** Each WECS and Testing Facilities shall be designed, constructed and operated so as not to cause radio and television interference. In the event that electromagnetic interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected.
  11. **Noise Emissions.** Noise emissions from the operation of a WECS and Testing Facilities shall not exceed forty five (45) decibels on the DBA scale as measured at the nearest property line or road.
    - (a) A baseline noise emission study of the proposed site and impact upon all areas within one (1) mile of the proposed WECS location must be done (at the applicant's cost) prior to any placement of a WECS and submitted to the Township. The applicant must also provide estimated noise levels to property lines at the time of a conditional use application.
  12. **Utility Company Interconnection (Interconnected WECS).** All distribution lines from the WECS to the electrical grid connection shall be located and maintained underground (both on the property where the WECS will be located and off site). The Planning Commission may waive the requirement that distribution lines for the WECS which are located off site (i.e., are not located on or above the property where the WECS will be located) be located and maintained underground if the Planning Commission determines that to install, place or maintain such distribution lines underground would be impractical or unreasonably expensive.
- G Approval Standards.** In addition to the other requirements and standards contained in this section the Township Board shall not approve any WECS or Testing Facilities unless it finds that all of the following standards are met:
1. The general conditional use standards contained in this ordinance; and
  2. The WECS or Testing Facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.
- H Ornamental Wind Devices.** Ornamental wind devices that are not a WECS shall be exempt from the provisions of this section, so long as they do not exceed the height limitation for permitted accessory structures (i.e., those permitted as of right) within the zoning district where the ornamental wind device will be located. Such devices may also be regulated by other provisions of this ordinance.
- I Inspection.** The Township shall have the right upon issuing any WECS and Testing Facility conditional land use permit to inspect the premises on which the WECS or Testing Facility is located at all reasonable times. The Township may hire a consultant to assist with any such inspections at the applicant's cost.
- J Maintenance.** Each WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take

expeditious action to correct the situation. The applicant shall keep a maintenance log on each WECS which the Township can review on a monthly basis.

- K **Abandonment.** Any WECS or Testing Facilities which is not used for six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property. All above and below ground materials must be removed. The ground must be restored to its original condition within sixty (60) days of abandonment.
- L **Security.** If a conditional use is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, surety bond, or irrevocable letter of credit (in a form, amount, time duration and with a financial institution deemed acceptable to the Township), which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a conditional use has been approved but before construction commences upon a WECS or WECS Testing Facility. At a minimum, the financial security shall be in an amount determined by the Township to be sufficient to have the WECS or Testing Facility fully removed (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the conditional use approval. Such financial security shall be kept in full force and effect during the entire time while a WECS or WECS Testing Facility exists or is in place. Such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then owner of the WECS or WECS Testing Facility) for at least thirty (30) years from the date of the conditional use approval. Failure to keep such financial security in full force and effect at all times while a WECS or WECS Testing Facility exists or is in place shall constitute a material and significant violation of a conditional use approval and this ordinance, and will subject the applicant to all available remedies to the Township, including possible enforcement action and revocation of the conditional use approval.
- M **Road Repair.** Any damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS or Testing facility shall be repaired at the applicant's expense.
- N **Liability.** The applicant shall insure each WECS at all times for at least \$2,000,000 (in 2005 dollars based on the federal CPI) for liability to cover the applicant, Township and land owner.
- O **Color.** A WECS shall be painted a non-obtrusive (light environmental color such as Beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.
- P **Strobe Effect.** All efforts shall be made not to affect any resident with any strobe effect.
- Q **Vibration and Wind.** Under no circumstances shall a WECS or Testing Facility produce vibrations or wind currents humanly perceptible beyond the property boundaries of the lot or parcel on which the WECS or Testing Facility is located.
- R **Compensation for Damages.** The applicant shall be responsible for compensation to persons damaged due any stray voltage caused by a WECS.

- S **Environmental Assessment.** At the Township's request, the applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review by the Township regarding the area or surrounding areas where the WECS will be placed. Each study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the conditional use request.
- T **Wind Rating.** The applicant shall show proof of a minimum wind rating of three (3) from the proposed WECS when applying for a conditional use permit.
- U **Financial Impact Study.** At the Township's request, the applicant shall fund a financial impact study for review by the Township of the area affected by the WECS. Such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the conditional use request.
- V **Escrow.** An escrow account shall be set up when the applicant applies for a conditional use permit for a WECS or WECS Testing Facility. The monetary amount to be deposited by the applicant with the Township shall be in an amount estimated by the Township to cover all costs and expenses associated with the conditional use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall be in addition to regularly established fees. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so promptly, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township shall also be applicable
- W **Reasonable conditions.** In addition to the requirements of this section, the Planning Commission may recommend additional reasonable conditions on the approval of a WECS or WECS Testing Facility as a conditional use and the Township shall have authority to accept, reject or modify such conditions.
- X **Compliance with Laws.** Each WECS and WECS Testing Facility shall also comply with all applicable Federal, State of Michigan, and County requirements, in addition to Township ordinances.

**17.9.9 Medical Marijuana Growing Operations.**

- A **Intent.** The intent of this section is to regulate areas within the Township where primary caregivers, as that term is used in the Michigan Medical Marijuana Act of 2008, MCL 333.26421 et seq. (hereafter the "Act"), may grow medical marijuana (hereafter referred to as "growing operations") within the Township and to do so in a manner that promotes and protects the public health, safety, and welfare; minimizes potential impacts on abutting land uses, neighborhoods, and the Township as a whole; recognizes the medical-oriented character of the land use; and conforms to the requirements of the Act and the general rules of the Michigan Department of Community Health ( MDCH) as adopted under the Act.
- B **Use Standards.** The following standards shall apply to growing operations:



1. The medical marijuana growing operation shall not exceed 2,500 total square feet.
2. A medical marijuana growing operation shall not be located:
  - (a) Within 1000 feet of any residential zoning district: (Rural Non-Farm Residential District (RNF) Lake Residential (RL) Suburban Residential District (RS), Multiply Family Residential District (RM), Mobile Home Park District (MH)
  - (b) Within 1000 feet of the property line of any public or private school, college or university, any nursery school, day nursery, licensed day care center or any other building or location either rented or used in any way for the care or instruction of children under 18 years of age.
  - (c) Within 1000 feet if the property line of any church, house of worship or other religious facility or institution.
  - (d) Within 1000 feet of any public park, publically owned building or recreational area commonly used by minor children.
  - (e) Within 1000 feet of any other medical marijuana growing operation business.

The distance measurement provided for in this subsection shall be a straight line from the property line of the medical marijuana growing operation business to the property line of the location from which it is to be separated.

3. All medical marijuana growing operations shall be subject to site plan approval per Article XVIII (Site Plan Review)
4. Ventilation and dehumidifying systems shall be employed to ensure that the cultivation, growing or harvesting of medical marijuana does not result in mold growth or damage to the facility.
5. All necessary zoning, building, electrical, plumbing, and mechanical permits shall be obtained prior to installation or alteration of electrical wiring, lighting, heating and cooling systems, plumbing, and watering devices that support the cultivation, growing, harvesting or storage of medical marijuana.
6. Areas of the building used to support the cultivation, growing or harvesting of medical marijuana and storage of chemicals such as herbicides, pesticides, and fertilizers, used in generally accepted agricultural management practices.
7. Lighting used to support the cultivation, growing or harvesting of medical marijuana shall not be visible from the exterior of the building or any property line or road right-of-way.
8. Growing operations shall not create any noise, vibration, glare, fumes, odor, electrical interference, or similar nuisances to persons off the premises; or any visual or audible interference with any radio or television receivers or any fluctuations in line voltages off the premises.

**17.9.10 Large Solar Energy Facility.** The purpose of this Subsection is to establish minimum requirements and regulations for the placement, construction and modification of large solar energy facilities, as defined in Section 2.4.71.1 while promoting the safe, effective and

efficient use of such energy facilities as a special land use in specified zoning districts.

- A LOCATION. All large solar energy facilities are limited to the Agricultural (AG), Recreation Open space (RO), Rural Non-Farm Residential District (RNF), Highway Service Commercial District (C3), and Industrial (I) zoned areas.
- B REGULATIONS AND DESIGN STANDARDS. All large solar energy facilities shall comply with the following minimum regulations and design standards.
  - 1. DESIGN STANDARDS.
    - (a) MINIMUM LOT SIZE. No large solar energy facility shall be erected on any lot less than twenty (20) acres in size (see Section 17.9.10.B.3).
    - (b) MAXIMUM HEIGHT. The maximum height for a solar panel shall be fourteen (14) feet. The maximum height of a power switchyard (see the definition in Article II) shall not exceed the minimum height needed to tie into electric transmission lines. The height of all other structures shall meet the maximum building height requirements of the zoning district listed in Article XV.
    - (c) SETBACKS. Large solar energy facility solar arrays and other structures shall be set back from all lot lines and public road rights-of-way at least thirty feet, or the district setbacks stated in Article XV, whichever is greater. In addition, large solar energy facility solar arrays and other structures must be located at least one hundred feet from all residentially zoned lots and existing residences, unless the zoning lot is comprised of a portion of the lot containing the residence. Additional setbacks may be required to mitigate noise and glare impacts, or to provide for designated road or utility corridors, as identified through the review process.
    - (d) SAFETY/ACCESS.
      - (i) An appropriate fence, wall, or other protective barrier, meeting the requirements of Section 16.12 shall be placed around the perimeter of the large solar energy facility. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
      - (ii) Appropriate warning postings shall be placed at the entrance and perimeter of the large solar energy facility.
    - (e) NOISE. No operating large solar energy facility shall produce noise that exceeds any of the following limitations. Adequate setbacks shall be provided to comply with these limitations.
      - (i) Fifty (50) dBA, as measured at the property line of any adjacent residentially zoned lot line.
      - (ii) Forty-five (45) dBA, as measured at any existing adjacent residence between the hours of nine p.m. and seven a.m.
      - (iii) Sixty (60) dBA, as measured at the lot lines of the project boundary.

(f) VISUAL APPEARANCE.

- (i) Large solar energy facility buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
- (ii) Appropriate landscaping and/or screening materials shall be required to help screen the large solar energy facility and accessory structures from residences located 300 feet, or closer, to the solar array equipment. The Zoning Administrator, residential property owner, and the solar array installation company shall determine the appropriate percentage of lot line coverage. If the parties cannot reach an agreement on the coverage issue, the issue shall be referred to the ZBA for a final decision. The final design and coverage shall be recorded on the Site Plan. Berms, walls, vegetation and like materials shall be used and evergreen(s) . Adjacent residential lots that contribute to the acreage of the zoning lot do not count towards the screening requirements.
- (iii) Lighting of the large solar energy facility and accessory structures shall be limited to the minimum necessary, supplied with down lighting, and in no case shall light from the facility extend beyond the lot line.
- (iv) No large solar energy facility shall produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.

(g) MEDIUM VOLATAGE CABLE. All medium voltage cable (see the definition in Article II) within the project boundary shall be underground, unless determined otherwise by the Planning Commission because of severe environmental constraints (e.g. wetlands, cliffs, hard bedrock), and except for power switchyards (see the definition in Article II) or area within a substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

2. LOCAL, STATE AND FEDERAL PERMITS. A large solar energy facility shall be required to obtain all necessary permits from the Michigan Department of Environmental Quality and any applicable municipal/county or Federal permits.

3. AGREEMENTS/EASEMENTS. If the zoning lot (see definition in Article II) on which the project is proposed is to be leased, rather than owned, by the solar energy development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the solar development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by the special land use permit.

C PERMIT APPLICATIONS. An application for a conditional use permit to establish a large solar energy facility shall include a complete description of the project and documentation to sufficiently demonstrate that the requirements set forth in Section

17.9.10.B.1 will be met. Supporting documentation for addressing the review criteria of Section 17.9.10.D and Section 17.5 (required standards and findings for making a conditional land use determination) is also to be provided. The Planning Commission and/or Township Board may require any information reasonably necessary to determine compliance with this ordinance.

It is preferred that any related special land use permit applications for substations or new transmission lines be considered in conjunction with the special land use permit application for the large solar energy facility; however, if the details of those improvements are not available at the time of application for the large solar energy facility, they may be considered later, with addition fees through subsequent special land use permit review. At a minimum, the intended route for connecting to the power grid and the alternative locations of any substation shall be disclosed with the application for the large solar energy facility.

Due to the complexity of large-scale large solar energy facility projects, the Township shall require a development agreement or other appropriate instrument to address taxing, property assessment, decommissioning bond, and other related issues not addressed by this Section. A development agreement shall be required as a condition of the permit and must be approved by the Township Board prior to commencing construction.

- D PROVISIONS FOR CONDITIONAL LAND USE PERMIT REVIEW. Following the provisions of Article XVII, as the Township determines whether the project needs to be approved, denied, or conditionally approved, additional consideration shall be given to the following:
1. PROJECT RATIONALE. Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.
  2. SITING CONSIDERATIONS. Siting considerations, such as avoiding areas/locations with a high potential for biological conflict such as areas of environmental concern, parks, trails, special management areas or important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic viewsheds; avoiding areas of erodible slopes and soils, where concerns for water quality, landslide, severe erosion, or high storm runoff potential have been identified; and, avoiding known sensitive historical, cultural or archeological resources.
  3. SITE PLANS. Site plans shall identify and/or locate all existing and proposed structures; setbacks; access routes; proposed road improvements; any lots within three hundred (300) feet of a large solar energy facility ; existing utilities, pipelines, and transmission lines; proposed utility lines; utility and maintenance structures; existing topographic contours; existing and proposed drainage ways; proposed grading; areas of natural vegetation removal; revegetation areas and methods; dust and erosion control; any floodplains or wetlands; and other relevant items identified by the Planning Commission. All maps and visual representations need to be drawn at an appropriate scale and in accordance with Section 18.6 (required data for detailed site plan).
  4. WILDLIFE HABITAT AREAS AND MIGRATION PATTERNS. Specifically include information on any use of the site by endangered or threatened species and whether the project is in a biologically significant area. If threatened or endangered species exist in the area, consultation with the

Michigan Departments of Natural Resources and Environmental Quality will be necessary.

5. ENVIRONMENTAL ANALYSIS. The Planning Commission may require an analysis of impacts to historic, cultural and archaeological resources, soil erosion (water and wind), flora, and water quality and water supply in the area, when there is reason to believe that adverse impacts to such may occur.
  6. HAZARDOUS WASTE. As applicable, the application must include plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes.
  7. TRANSPORTATION PLAN FOR CONSTRUCTION AND OPERATION PHASES. Proof of an agreement with the County Road Commission, and the Michigan Department of Transportation (if applicable) regarding any construction phase of the project is required.
  8. PUBLIC SAFETY. Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created by the project.
  9. DECOMMISSIONING PLAN. Describe the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (Township, any lessor or property owner, etc.) that ensure proper final reclamation of the large solar energy facility. Among other things, re-vegetation and road repair activities should be addressed in the plan.
  10. OTHER PROBABLE AND SIGNIFICANT IMPACTS, as identified through the review process.
- E SOLAR ACCESS. The Township makes no assurance of solar access other than the provisions contained within this Section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy facility.

## ARTICLE XVIII

### SITE PLAN REVIEW AND APPROVAL

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

#### **SECTION 18.1      PURPOSE**

- 18.1.1**      The purpose of site plan and development approval is to determine compliance with this Ordinance, Township Standards and Specifications and to provide the orderly development of Woodstock Township, proper ingress and egress, sufficient highways and streets, the stability of land values, investments, the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures, or alterations thereto, without proper attention to siting, or to unsightly, undesirable or obnoxious appearances, and also to afford protection to related or adjoining residential properties.
- 18.1.2**      It is not the purpose of this Ordinance that design control should stifle architectural design or individual initiative as to particular style or architecture selected; rather, it is the intent of this Ordinance that any control of design exercised by the Commission will be necessary to achieve the overall appropriate use of sound materials, the principles of harmony and proportion in the elements of the building, and compatibility with development and architectural patterns of the general planning area.
- 18.1.3**      It is also the purpose of this Ordinance to assure development of subdivided, or unplatted properties, and multiple residences, office or business complexes, commercial complexes, shopping center complexes, manufacturing and industrial park complexes, and all other legal uses permitted by this Ordinance in a manner suitable for the use intended and with proper ingress and egress, sufficient parking facilities, streets, roads and alleys, and screening walls and/or fences and to control the construction of the same to assure whereby they are engineered, planned and installed correctly, to ensure rendition of proper municipal services concerning fire and police protection, surface water and sanitary sewerage drainage, water supply, traffic control and maintenance services as furnished or may be required by the Township, and to assure preservation and protection of property rights to related or adjoining residential properties.

#### **SECTION 18.2      STATEMENT OF PRINCIPLES**

In carrying out the purpose of site plan and development approval, the following principals shall be given primary consideration:

- 18.2.1**      The siting of all structures shall insure that adequate light and air are preserved so as not to be detrimental to the orderly and harmonious development of the Township.
- 18.2.2**      The relationship between the various uses and the associated necessary and ancillary activities (trash pick-up, parking, loading, unloading) of the development of the site and the existing and prospective development of contiguous properties and the general planning area will insure the stability of said adjacent areas and the development will enhance the general public health, safety, and welfare.

- 18.2.3** The vehicular circulation system planned for the proposed development will be in the best interest of the public health, safety and welfare in regards to on-site circulation, on-site parking, the overall circulation of the community, egress/ingress to the site, vehicular turning movements related to parking areas, loading areas, street intersections, street gradient, site distance and potential hazards to the normal flow of traffic both on and off site.
- 18.2.4** Proposed landscaping, screening, buffer areas and signs are appropriate and of such size, location, height and quantity to insure that the proposed development will not be objectionable to nearby developments or properties by reason of noise, fumes or flash of lights from automobiles or other lighting, intrusion of visual clutter, visual intrusion of uses which would be in conflict with the general character of abutting uses, nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise create the potential of endangering the public safety.
- 18.2.5** The pedestrian circulation system planned for the proposed development will be in the best interest of the public health, safety and welfare in regards to on-site circulation and the overall pedestrian circulation of the community.
- 18.2.6** The parking pattern proposed will be in the best interest of the public health, safety and welfare in regards to size, layout and quantity, and the location of such facilities will not be objectionable to nearby developments, properties or public streets.
- 18.2.7** Utility services including sanitary, water and storm runoff shall be developed in the best interest of the public health, safety and welfare of the community.

**SECTION 18.3 BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN**

The Zoning Administrator shall not issue a Zoning Compliance Permit for the construction of the buildings and structures identified in this section unless a detailed site plan has been reviewed and approved by the Planning Commission and such approval is in effect:

- 18.3.1** A multiple-family building containing six (6) or more dwelling units.
- 18.3.2** More than one (1) multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.
- 18.3.3** A manufactured home park
- 18.3.4** Any commercial use
- 18.3.5** Any industrial development.
- 18.3.6** Any conditional use in any district.
- 18.3.7** Television, radio and/or telephone towers used for commercial or governmental purposes that exceed height above ground level allowed in any district (in accordance with Section 15.3.2).
- 18.3.8** Any site condominium development.
- 18.3.9** Any permitted use with Site Plan Requirements.

#### **SECTION 18.4 WHO MAY APPLY**

Any person with a legal interest in a lot may apply for site plan approval. If the applicant is not the fee simple owner of the property, the applicant shall submit a statement signed by all of the owners consenting to the application for site plan approval.

#### **SECTION 18.5 APPLICATION, FEES AND ESCROW FOR SITE PLAN REVIEW**

Any person may file a request for a site plan review by the Planning Commission by filing with the Clerk the completed application upon the forms furnished by the Township, the proposed site plan and payment of a fee and escrow deposits, as established by resolution of the Woodstock Township Board, to the Township Clerk. The applicant shall file at least four (4) copies of the proposed site plan.

#### **SECTION 18.6 REQUIRED DATA FOR DETAILED SITE PLAN**

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:

- 18.6.1** The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret site plan, and shall include more than one drawing where required for clarity.
- 18.6.2** The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
- 18.6.3** The site plan shall show the scale; north point; boundary dimensions: topography (at least two foot contour intervals); and natural features such as, wood lots, streams, rivers, lakes, drains, and similar features.
- 18.6.4** The site plan shall show existing man-made features, such as buildings structures; high tension towers; pipe lines; and existing utilities, such as, water and sewer lines, excavations, bridges, culverts, drains and easements, and shall identify adjacent properties and their existing uses.
- 18.6.5** The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
- 18.6.6** The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
- 18.6.7** The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
- 18.6.8** A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.



**18.6.9** Each site plan shall be prepared by an architect, community planner, engineer, landscape architect, or land surveyor registered or licensed in the State of Michigan and shall bear the professional seal of the preparer.

A The Planning Commission Chair may waive the requirement that the site plan shall be prepared by an architect, community planner, engineer, landscape architect, or land surveyor, where it is determined that the character of the proposed use/alterations to the lot are of a minimal and non-complex nature such as, by example, where no new-additional construction, paved parking or grading is proposed or required.

**18.6.10** Any other information required pursuant to any other provisions of this Ordinance.

#### **SECTION 18.7 APPLICATION SUBMITTAL AND TECHNICAL REVIEW**

Upon receipt of an application and site plan the Township Zoning Administrator, shall forward the site plan and application materials to the Planning Commission, with copies to the Township Consultant and other designated Township Planning Commission officials. The Township Consultant shall, within 30 days of receipt, review the application and site plan to determine whether the application or site plan satisfies the information requirements of Section 18.6 and if they do not, they shall be considered incomplete, and returned to the applicant together with a written statement detailing the deficiencies in the application and/or site plan found by the Township Consultant. If the Township Consultant determines that the application and site plan are complete, the Planning Commission shall be notified in writing. Further, the Township Consultant shall provide the Planning Commission with written comments or observations relevant to the Planning Commission's review of the application and whether the application and site plan conform to the provisions of this Ordinance. At the discretion of the Planning Commission, the Township Consultant may be requested to review site plan.

#### **SECTION 18.8 STANDARDS FOR SITE PLAN REVIEW**

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance.

#### **SECTION 18.9 PLANNING COMMISSION REVIEW OF SITE PLAN**

Within thirty (30) days after receiving notice from the Township Zoning Administrator that the application and site plan is complete, the Planning Commission shall study the same and shall at a public hearing act to postpone, approve, approve subject to conditions, or deny the site plan as follows:

**18.9.1 Postponing.** If the applicant fails to attend the meeting or upon request by the applicant, the Planning Commission may postpone until a certain date for further consideration of the site plan.

**18.9.2 Denial.** Upon determination that the site plan does not comply with the requirements of this Ordinance, or other applicable Township ordinances or state statutes, or would require extensive revisions to comply with such requirements, the site plan shall be denied. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial.

**18.9.3 Approval.** Upon determination that the site plan is in compliance with the standards of this Ordinance, and other applicable Township ordinances or state statutes, the site plan shall be approved.

**18.9.4 Preliminary Approval.** The Planning Commission may give preliminary approval to the site plan, subject to any conditions necessary to address necessary modifications; ensure that the site plan meets the letter, intent and purposes of this Ordinance or to permit the applicant an

opportunity to request any required variances necessary to conform the site plan to this Ordinance. In the event preliminary approval is given subject to conditions, this shall be treated as preliminary site plan approval. When the applicant has addressed the concerns and modifications raised by the Planning Commission, the applicant shall by written statement set forth the changes, modifications or steps taken to address the conditions set forth by the Planning Commission. The Planning Commission shall, within 30 days of receiving this written statement meet to reconsider the application and site plan if it is determined that the applicant has addressed all of the conditions, grant final site plan.

**SECTION 18.10 EXPIRATION OF PRELIMINARY SITE PLAN APPROVAL**

Preliminary site plan approval for any project shall be effective for a period of one (1) year. If after a period of one (1) year from the date of said approval, final site plan approval has not yet been granted by the Township, the preliminary site plan approval shall automatically be revoked. No written notice of such revocation shall be required. The Planning Commission may upon written request of the project owner, prior to the expiration period, grant an extension of up to six (6) months for good cause shown.

**SECTION 18.11 PLANNING COMMISSION APPROVAL OF FINAL SITE PLAN**

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

**SECTION 18.12 EXPIRATION OF FINAL SITE PLAN CERTIFICATE**

Final Site plan approval for any project shall be effective for a period of one (1) year. If after a period of one (1) year from the date of said approval, construction has not commenced in conjunction with the issuance of a valid building permit by the Department of Building and Code Enforcement, Final Site Plan approval shall automatically be revoked. Construction for the purpose of this Section shall mean installation of underground utilities, foundations or buildings. In the case of a Final Site Plan approval being revoked, any permits issued by the Building Department shall be revoked and written notice shall be given to the persons affected by the Building Department revocation. Provided, however, the Planning Commission may upon written request of the project owner, prior to the expiration period, grant an extension up to twelve (12) months when it can be assured that the project will be under construction within the time extension.

**SECTION 18.13 AMENDMENT, REVISION OF SITE PLAN**

A site plan, and site plan certificate, issued thereon, may be amended by the Planning Commission upon the written request of the applicant pursuant to 18.5 and 18.7.

# ARTICLE XIX

## NONCONFORMITIES

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

### **SECTION 19.1      NONCONFORMING USES OF LAND**

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

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

### **SECTION 19.2      NONCONFORMING STRUCTURES**

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

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

### **SECTION 19.3      NONCONFORMING USES OF STRUCTURES**

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

- 19.3.1** No nonconforming use of a structure shall be enlarged, expanded, extended, or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
- 19.3.2** When a nonconforming use of a structure is discontinued or abandoned for more than one hundred and eighty (180) consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- 19.3.3** Any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing (taken out — to an extent not to exceed ten (10) percent of the then current replacement value of the structure) provided that the volume of such structure or the number of families housed therein as it existed on the date of adoption or amendment of this Ordinance shall not be increased.
- 19.3.4** Nothing in this Ordinance shall be deemed to prevent the strengthened or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
- 19.3.5** Should any structure containing a nonconforming use be moved, for any reason of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- 19.3.6** Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means (taken out to an extent not to exceed ten (10) percent of the then current replacement cost at the time of destruction, it) shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.

**SECTION 19.4 CHANGE OF TENANCY OR OWNERSHIP**

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

**SECTION 19.5 NONCONFORMING LOTS**

In any district where single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling may be erected on any single Lot of record at the effective date of adoption or amendment of this Ordinance, regardless of its area or width, provided that the owner of such lot does not own any adjoining property; and further provided, however that no lot shall be less than forty (40) feet wide; the minimum side yard shall be ten (10) percent of the lot width or six (6) feet, whichever is greater; the depth of the rear yard shall not be less than twenty-five (25) feet; the depth of the front yard shall not be less than twenty-five (25) feet; and all requirements of the Lenawee County Health Department shall be met before construction is begun. Any variance of yard requirements from the above provisions shall be obtained only through action of the Zoning Board of Appeals.

**SECTION 19.6 EXTENSION AND SUBSTITUTION**

There shall be a specific exemption from the preceding prohibitions, whether in ARTICLE XIX or any other section, against rebuilding, altering, replacing, improving, enlarging, extending, substituting or modifying a nonconforming use when such use is occupied as a dwelling place. In this case, the owner or tenant of said dwelling place shall make application to the Zoning Board of Appeals requesting an exemption from the aforesaid prohibitions. If the Zoning Board of Appeals, after a hearing upon such application, shall determine that for reasons of health, sanitation, safety, or the well-being of the occupants that the request is proper, then the Zoning Board of Appeals may authorize the tenant to rebuild, alter, replace, improve, enlarge, extend, substitute, or modify said dwelling place. Prior to granting

any such request under this section, the Zoning Board of Appeals specifically shall make the following findings of fact and apply the following standards:

- 19.6.1** That the use was originally constructed as a dwelling place, and has continuously been occupied as a dwelling place.
- 19.6.2** That the use currently is occupied as a dwelling place.
- 19.6.3** That by reason of original construction, current condition, or as part of the proposed changes, the use will have electrical and sanitation facilities meeting the requirements of this Zoning Ordinance and any applicable building codes.
- 19.6.4** That by reason of original construction, current condition, or proposed change, the use will meet the building code requirement set forth by this Zoning Ordinance and any building code applicable to the type of use and type of use district.
- 19.6.5** That the use adequately is serviced by public utilities and private or public highways or roads.
- 19.6.6** That the proposed changes will materially and substantially benefit the use as a dwelling place and/or make the use more in conformity with the provisions of this Zoning Ordinance and any building code.
- 19.6.7** That the proposed changes will not have an adverse effect upon the uses in the general vicinity by creating new or different violations of this Zoning Ordinance.
- 19.6.8** Proceedings under this section shall follow the same procedure and be subject to the same application fee as set forth for applications to the Board of Appeals on an appeal under ARTICLE XXI, Section 21.6 of this Ordinance.

## ARTICLE XX

### ADMINISTRATION OF THE ORDINANCE

#### SECTION 20.1 PURPOSE

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

#### SECTION 20.2 ADMINISTRATION

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

#### SECTION 20.3 DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall have the power to grant Zoning Compliance Permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out their duties in the enforcement of this ordinance. It shall be unlawful for the Zoning Administrator to approve plans or issue any permit or certificates of occupancy for any excavation or construction until they have inspected such plans in detail and found them to conform with this Ordinance, nor shall the Zoning Administrator vary or change any terms of this Ordinance.

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

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

It is the duty of the Zoning Administrator to keep a list of all Conditional use permit and notify the applicant and Township Board in writing when the conditional use permit is up for review and renewal fee is paid. All records are to be maintained at the Township Hall.

#### SECTION 20.4 ZONING COMPLIANCE PERMITS

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

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

- A The actual dimensions and shape of the lot to be built upon;

- B The exact size and location of existing structures on the lot, if any; and,
- C The location and dimensions of the proposed structure or alteration.
- D The front, rear and side measurement of any building to the adjacent lot lines.
- E Proof of a driveway permit from the proper road authority for any new construction or on any driveway which may be questionable.
- F One copy of ownership and legal property description.

One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after such copy has been approved or disapproved and attested to same by the Zoning Administrator's signature on such copy. The Zoning Administrator shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the applicant a zoning compliance permit within five (5) days of the filing thereof. Where action of the Board of Appeals or the Planning Commission is required in any case, as set forth in this Ordinance, the Zoning Administrator shall issue such permit promptly following such action.

- G Copy of Lenawee County Health Department Well and/or Septic Permits, as required by LC Environmental Health Code, chapter 2 section 1(e).

**20.4.3 Voiding of Zoning Compliance Permit.**

- A Any Zoning Compliance Permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use completed within five hundred forty-five (545) days of the date of issuance. A Zoning Compliance Permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all Ordinances in effect at the time of renewal.
- B Any zoning compliance permit granted under this Ordinance shall become null and void if such use, buildings, or structure for which said permit was issued are found by the Zoning Administrator to be in violation of this Ordinance. The Zoning Administrator upon finding such violation shall immediately notify the Township Board of said violation and void the zoning compliance permit.

**SECTION 20.5 FEES, CHARGES AND EXPENSES**

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

**SECTION 20.6 PUBLIC HEARING PROCEDURES**

A reasonable time and place shall be established for any public hearing required by or held under provisions of this Ordinance. A public hearing date, time, and location may be set by the Township Clerk or designated Township staff, or by the body charged with conducting the hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act and in accordance with the following:

- 20.6.1 Minimum Notice Contents.** The **notice** shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with conducting the hearing.
- 20.6.2 Address of the Property.** The notice shall indicate the property that is the subject of the request, and shall include a listing of all existing street addresses for the subject property.
- A Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used.
  - B For any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, individual addresses shall not be required to be listed on the notice.
- 20.6.3 Posting and Publication.** The notice shall be posted at the location where the hearing will be held and published once in a newspaper of general circulation in the Township.
- 20.6.4 Notification of the Applicant and Property Owner.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which approval is being considered.
- 20.6.5 Delivery of Public Notices.** The notice shall be sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to all occupants of structures within 300 feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.
- A If the name of the occupant is not known, the term “occupant” may be used in making notification.
  - B Delivery of public such notices shall not be required for amendments to or interpretations of the text of this Ordinance, appeals of administrative decisions, and any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, subject to the provisions of Section 1.14B (Discretionary Notice).
  - C Such notices need not be given to more than one (1) occupant of a building, except as follows:
    - 1. If a building contains more than one (1) dwelling unit owned or leased by different persons, one (1) occupant of each unit shall be given notice.
    - 2. If a building contains more than four (4) dwelling units owned or leased by different persons, notice may be given to the building owner or manager with a request to post the notice at the primary building entrance.
  - D For any proposed amendment to the zoning map within 300 feet of the boundary of any adjacent municipality, written notice of the public hearing shall be sent by regular U.S. mail to the Clerk or the zoning or planning agency of said municipality.
  - E If the notice is delivered by mail, an affidavit of mailing shall be filed with the body charged with conducting the hearing.
- 20.6.6 Timing of Notice Posting, Publication, and Mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than 15 days before the hearing date when the application will be considered.



- 20.6.7 Discretionary Notice.** In accordance with Section 202(1) of the Michigan Zoning Enabling Act, it shall be the policy of the Township to send notice of a public hearing by mail or personal delivery to the applicant and owner(s) of any lots or parcels in the Township proposed for rezoning, and to all persons to whom real property is assessed within 300 feet of the boundary of the subject property not less than 15 days before the hearing date when the proposed rezoning will be considered.
- A The Township may, at its discretion, also post notice of a public hearing at other public-accessible locations, such as community bulletin boards or the Internet.
- B The Township Board may also establish a policy to consistently send notice of a public hearing by mail to persons located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.
- 20.6.8 Pre-Hearing Examination.** Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making
- 20.6.9 Right to Submit Written Statements.** Any person may submit written comments about the subject and purpose of the hearing prior to a hearing, or following such hearing within such time as the hearing body may allow. Such statements shall be made a part of the public record of the hearing.
- 20.6.10 Timeframe for Hearings.** The public hearing shall be scheduled for a date not more than 180 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a shorter time period is required by a provision of this Ordinance or a further time is agreed upon by the parties concerned.
- 20.6.11 Rights of All Persons.** Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.
- 20.6.12 Adjournment.** The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of accumulating further evidence or information, or for such other reasons that the body finds to be sufficient. No additional public notice is required beyond that already given for the original hearing.
- 20.6.13 Governance.** All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.

# ARTICLE XXI

## ZONING BOARD OF APPEALS

### SECTION 21.1 ZONING BOARD OF APPEALS ESTABLISHED

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, Act No. 110 of the 2006 Public Acts of Michigan, in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured, general welfare assured, and substantial justice done.

### SECTION 21.2 MEMBERSHIP AND TERMS

Board of Appeals membership shall be subject to the following:

#### 21.2.1 Membership.

- A The Board of Appeals shall consist of three (3) members appointed by the Township Board. One (1) member shall be a member of the Township Planning Commission, and one member may be a member of the Township Board.
- B The remaining members shall be selected from the electors of the Township residing in the unincorporated area of the Township. The members selected shall be representative of the population distribution, and of the various interests present in the Township.
- C An employee or contractor of the Township Board shall not serve as a member of the Board of Appeals.
- D In the event a member is elected to the Township Board and such election increases the number of Township Board members serving on the Board of Appeals to more than one (1), then such member's seat on the Board of Appeals shall be deemed vacant. Such vacancy shall be filled for the remainder of the un-expired term by Township Board appointment.

**21.2.2 Alternates.** The Township Board may appoint up to two (2) alternate members for the same term as regular members of the Board of Appeals. An alternate member may be called to serve as a regular member for the Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings of the Board of Appeals. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons described in Section 21.2.4 (Abstaining). 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 Board of Appeals.

**21.2.3 Terms.** The term of office of each member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those bodies. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies shall be filled for the remainder of the unexpired term by Township Board appointment.

#### 21.2.4 Abstaining.

- A A member shall abstain from participating in a public hearing or voting on any

question in which he or she has a conflict of interest.

- B A member of the Board of Appeals who is also a member of the Township Board or Planning Commission shall abstain from participating in a public hearing or voting on the same matter that the member previously voted on as a member of the Board or Commission. The member may consider and vote on other unrelated matters involving the same property. Failure of a member to abstain in such cases shall constitute malfeasance of office.

**21.2.5 Removal from Office.** A member may be removed from office by the Township Board for misfeasance, malfeasance, or nonfeasance in office, upon written charges and following a public hearing held in accordance with Section 20.6 (Public Hearing Procedures). Minutes of the meeting at which the hearing is held shall record the reasons for the hearing, the motion or resolution, if any, regarding removal from office, and the roll call vote of the Township Board.

### **SECTION 21.3 GENERAL REGULATIONS**

Board of Appeals membership shall be subject to the following:

**21.3.1 Rules and Officers.** The Board of Appeals may adopt rules and regulations to govern its procedures. The Board of Appeals shall elect annually a Chair, Vice-Chair, and Secretary from its membership. An elected officer of the Township shall not serve as Chair of the Board of Appeals.

- A The Chair shall preside at and conduct Board of Appeals meetings; and shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before the Board of Appeals.
- B In the absence of the Chair, the Vice-Chair shall exercise all powers and authority of the Chair.
- C The Secretary shall be responsible for ensuring that complete and accurate written records are kept of all Board of Appeals proceedings.

**21.3.2 Votes and Quorum.** A concurring vote of a majority of the members of the Board of Appeals shall be necessary for any decision. The Board of Appeals shall not conduct business unless a majority of its members is present.

**21.3.3 Representation.** Any person may appear on his or her own behalf at a hearing or may be represented by an agent or an attorney authorized to appear on his or her behalf.

**21.3.4 Hearings.** The Board of Appeals shall hold a public hearing on each question submitted to it for decision. The Chair shall fix a reasonable time and date for the hearing, which shall be held within 90 calendar days after receipt of a complete and accurate application. Notice shall be given and the hearing shall be held in accordance with Section 20.6 (Public Hearing Procedures). All hearings shall be open to the public.

**21.3.5 Time Limit for Decision.** The Board of Appeals shall decide upon all matters within 180 calendar days after receipt of a complete and accurate application. The decision of the Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case. The time limit may be extended by written agreement between the applicant or appellant and the Board of Appeals.

**21.3.6 Meetings.** Meetings of the Board of Appeals shall be held at the call of the Chair and at such

other times as the Board of Appeals in its rules might specify.

- A Minutes shall be kept of each meeting and the Board shall record into the minutes all findings of fact, conditions of approval, facts, and other relevant factors, and all its official actions.
- B The vote of each member upon a question, or absence or abstention, shall be recorded into the minutes of the meeting.
- C All meetings and records shall be open to the public. All minutes shall be filed in the offices of the Township Clerk.

**21.3.7 Testimony.** The Chair of the Board of Appeals or, in the Chair's absence the acting Chair, may administer testimonial oaths and compel the attendance of witnesses.

#### **SECTION 21.4 POWERS AND DUTIES**

The Board of Appeals shall hear and decide and rule on the following as provided herein:

**21.4.1 Administration and Interpretation.** The Board of Appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the text and the Official Zoning Map.

**21.4.2 Appeals.** The Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.

**21.4.3 Variances.** The Board of Appeals shall hear and decide requests for variances for relief from the strict application of one (1) or more non-use provisions of this Ordinance.

**21.4.4 Other Matters.** The Board of Appeals shall also hear and decide on any other matters referred to the Board of Appeals shall or upon which the Board of Appeals shall is required to pass under this Ordinance.

**21.4.5 Restrictions on Authority.**

- A The Board of Appeals shall not change the zoning district classification of any property, or make any change in the terms of this Ordinance, and shall not take any action which would have as a result the making of legislative changes in this Ordinance.
- B The Board of Appeals shall not grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- C The Board of Appeals shall not hear matters relating or pertaining to conditional uses, use variances or Special District developments.

#### **SECTION 21.5 REQUIRED FEES AND ESCROW DEPOSITS**

The Township Board shall establish, by resolution or ordinance, fees and escrow deposits for review of petitions or appeals to the Board of Appeals. Required fees and escrow deposits shall be paid to the Township Treasurer at the time of the filing of the application. No fee or escrow deposit shall be required for amendments proposed or requested by the Township. No action shall be taken on any petition or appeal for which required fees have not been paid in full.

## SECTION 21.6 ADMINISTRATIVE APPEALS

Consideration of administrative appeals shall be subject to the following:

- 21.6.1 Who May Appeal.** Appeals may be taken to the Board of Appeals by a person, firm or corporation aggrieved by the order, requirement, decision or determination; or by an officer, department, board, commission or bureau of the Township, county, state, or federal governments. Such appeals shall be filed within 60 calendar days of the order, requirement, decision or determination in question.
- 21.6.2 Where to File.** The appeal shall be filed with the official from whom the appeal is taken or such other person as the Board of Appeals may from time to time designate.
- 21.6.3 Required Submission.** The appellant shall submit a clear description of the order, requirement, decision, or determination from which the appeal is made and the grounds of the appeal. The appellant may be required by the Board of Appeals to submit additional information to clarify the appeal.
- 21.6.4** The Township Clerk or such other person as the Board of Appeals may from time to time designate shall transmit to the Board of Appeals copies of all relevant papers constituting the record upon which the action appealed from was taken.
- 21.6.5** An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals after the notice is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of record upon application, upon notice to the Zoning Administrator from whom the appeal is taken, and upon due cause shown.
- 21.6.6** The Board of Appeals shall reverse an administrative decision only upon determining that the order, requirement, decision or determination constituted an abuse of discretion; was arbitrary or capricious; or was based upon an erroneous finding of a material fact or an erroneous interpretation of the Zoning Ordinance.
- A After making such a determination, the Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance:
1. Reverse or affirm wholly or in part;
  2. Modify the order, requirement, decision, or determination appealed from; or
  3. Make such order, requirement, decision, or determination as ought to be made, and may issue or direct the issuance of a permit.
- B To that end, the Board of Appeals shall have all of the powers of the official(s) from whom the appeal is taken.

## SECTION 21.7 INTERPRETATIONS

The Board of Appeals shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and to carry out the intent and purposes of this Ordinance and the Master Plan. The Board of Appeals shall also have the power to interpret the Official Zoning Map in such a way as to carry out the intents and purposes of this Ordinance and the Master Plan, subject to the standards of Section 2.2 (Rules of Construction).

## SECTION 21.8 VARIANCES

The Board of Appeals shall have the authority to grant variances where, owing to special conditions, strict enforcement of this Ordinance would result in unnecessary hardship or practical difficulty, subject to the requirements of the Michigan Zoning Enabling Act and the following:

**21.8.1 Variance Petition.** Application for a variance shall be filed with the Zoning Administrator or such other person as the Board of Appeals may from time to time designate by the record owner of the property in question or by a person authorized to act on the record owner's behalf. The Zoning Administrator shall transmit the application to the Board of Appeals.

- A The petition shall consist of a completed application form, fee, and the following required information:
1. Legal description, address, tax parcel number, and zoning classification of the subject property, and zoning classifications of adjacent parcels.
  2. An accurate recent (withing 18 months) survey of the property lines showing all property lines, dimensions, and bearing or angles correlated with the legal description; all existing and proposed structures and uses on the property; and dimensions of structures and their dimensioned locations; and lot areas and all calculations necessary to show compliance with the regulations of this Ordinance. Such drawings shall include all septic systems, wells, and easements and all significant trees and natural features.
  3. A statement of the specific reasons for the request for a variance.
  4. Name and address of the applicant and the property owner, and the interest of the applicant in the property.

**21.8.2 Standards for Review.** A variance shall not be granted unless all of the following standards are met:

- A Special conditions and circumstances exist that are unique to the land, structures, or buildings involved, and are not applicable to other lands, structures, or buildings in the same district, subject to the following:
1. The existence of nonconforming dwellings, lots of record, structures, uses, or sites on neighboring lands in the same zoning district or other zoning districts shall not be considered grounds for a variance.
  2. The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.
- B Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance.
- C Granting the variance requested would not confer upon the applicant any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same district.
- D A variance granted shall be the minimum that will make possible a reasonable use of the land, building, or structure. The Board of Appeals may consider lesser variances than that requested by an applicant.

- E The variance granted shall be in harmony with the intent of this Ordinance and will not be injurious to the environment, neighborhood, or otherwise detrimental to the public interest.

**21.8.3 Motions.** Any motion for action on a variance application shall include specific findings of fact and conclusions made by the Board of Appeals on the request, which shall be incorporated into the written record of the meeting.

**21.8.4 Expiration.** Each variance approved shall become null and void unless a building permit has been issued for the construction authorized by the variance within 180 calendar days after the date of approval and construction has been pursued diligently to completion; or the occupancy of land or buildings authorized by the variance has commenced within 180 calendar days after the date of approval.

- A Where a building permit has been issued for construction authorized by a variance, the variance shall become null and void upon expiration of the building permit.
- B Where a variance has been approved for a project subject to site plan approval per Article 18.0 (Site Plan Review), the variance shall become null and void only upon expiration of an approved final site plan for the project.
- C The Board of Appeals Chairperson may, upon written request by the petitioner with a showing of good cause, grant one (1) extension of variance approval for up to an additional 180 calendar days.

**21.8.5 Reapplication.** An application for a variance that has been denied wholly or in part by the Board of Appeals shall not be resubmitted for a period of 365 calendar days from the date of denial, except on grounds of new evidence of changed conditions found by the Board of Appeals to be valid.

## **SECTION 21.9 SITE PLAN REQUIREMENTS**

If an application or appeal to the Board of Appeals involves a land use or a development that requires site plan approval by the Planning Commission, the applicant or appellant shall first apply for preliminary site plan approval as set forth in Article 18.0 (Site Plan Review).

**21.9.1** The Planning Commission shall review the site plan and shall determine the layout and other features required to obtain approval of the preliminary site plan.

**21.9.2** The Planning Commission shall then transmit a copy of the site plan and the Commission's findings thereon to the Board of Appeals. The Board of Appeals shall, upon deciding on the application or appeal, return the plan and its decision to the Planning Commission for Commission action on the preliminary site plan.

## **SECTION 21.10 CONDITIONS OF APPROVAL**

The Board of Appeals may impose conditions or limitations upon any affirmative decision, as it may deem reasonable and necessary in accordance with the purposes of this Ordinance and the Michigan Zoning Enabling Act. Such conditions shall be consistent with procedures, requirements, standards, and policies of the Township, where applicable. Violation of any condition imposed shall be deemed a violation of this Ordinance and punishable under Article XXIII (Violations, Penalties and Remedies).

## **SECTION 21.11 APPEALS TO CIRCUIT COURT**

Any person aggrieved by a decision of the Board of Appeals in a particular case shall have the right to appeal to the Circuit Court on question of law and fact. The appeal shall be filed within 30 calendar days

after the Board of Appeals issues its written decision, signed by the Chair or acting Chair; or within 21 calendar days after the Board of Appeals approves the minutes of its decision, whichever is later.

## ARTICLE XXII AMENDMENTS

### SECTION 22.1 INITIATION OF AMENDMENT

The Township Board may from time to time at its own initiative or upon recommendation from the Planning Commission or on petition, amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in the Michigan Zoning Enabling Act (P.A. 110 of 2006, MCL1253101 et seq.), as amended. Text amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries may be proposed by any governmental body, any person having a freehold interest in the subject property, or by the designated agent of a person having a freehold interest in the property.

### SECTION 22.2 PETITION FOR AMENDMENT

**22.2.1 Filing of Petition.** A petition for an amendment to the text of this ordinance or an amendment to change the zoning classification (i.e. rezoning) of a particular property shall be commenced by filing a petition with the township zoning official on the forms and accompanied by the fees specified. The petition shall explicitly describe the proposed amendment and shall be signed by the applicant.

**22.2.2 Petition Contents.** Petitions for rezoning of a specific site shall be accompanied by a plot plan and/or survey, which shall contain the following information:

- A Applicant's name, address, and telephone number.
- B Scale, north point, and dates of submission and revisions.
- C Zoning classification of petitioner's parcel and all abutting parcels.
- D Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 100 feet of the site.
- E Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.
- F Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
- G Location of existing drainage courses, floodplains, lakes and streams, and woodlots.
- H All existing and proposed easements.
- I Location of sanitary sewer or septic systems, existing and proposed.
- J Location and size of water mains, well sites, and building service, existing and proposed.

### SECTION 22.3 REVIEW PROCEDURES

After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures:



**22.3.1 A Planning Commission Review.**

“The petition shall be placed on the agenda of the next regular or special meeting to be held by the Planning Commission. The Planning Commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in this zoning ordinance and sections 103 and 202 sections of the Michigan Zoning Enabling Act (P.A. 110 of 2006, MCL 125.3103. and .125.3202) as amended.”

B “If an individual property or several adjacent properties are proposed for rezoning, the Planning Commission shall give notice of the proposed rezoning to the owner of the property in question, to all persons to whom any real property within 300 feet of the premises in question is assessed , and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the township, Said notice shall be delivered personally or by mail not less than 15 days before the hearing.”

Section 202(3) of the Michigan Zoning Enabling Act (MZEA) [MCL 3202(3)] states that:” For any group of adjacent properties numbering 11 or more that is proposed for rezoning, the requirements of section 103(2) {MCL 3103(2)} and the requirements of section 103(4)(b) {MCL 3103(4)(b)} that street addresses be listed do not apply to that group of adjacent properties.” Section 103(2) of the MZEA [MCL 3103(2)] outlines the requirements for mailing or delivering notices to the owners/occupants or structures within 300 feet of the subject property.

C “In addition, any petition for amendment shall require a public hearing, notice which shall be given by publication in a newspaper of general circulation in the township not less than 15 days before the application will be considered for approval.”

D Section 103(4) of the MZEA [MCL 3103(4)] states that “a notice under this section shall do all of the following:

1. Describe the nature of the request.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the 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 used.
3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the requests.”

**22.3.2 Submission to County Planning Commission.** Following the hearing, the petition shall be submitted to the county Planning Commission for review and recommendation, as required by section 307 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, MCL 128.3703). If a recommendation from the county Planning Commission has not been received within 30 days, it shall be presumed that the county has waived its right for review and recommendation. Section 307(3) of the MZEA {[MCL 125.3703(3)] does place a 30-day clock on the review of township zoning amendments. However, it should be pointed out that this timeframe may need to be extended given monthly meeting schedule of the Lenawee County Planning Commission.

### 22.3.3 Action by Planning Commission and Township Board.

- A Following the hearing on the proposed amendment, the Planning Commission shall make written findings of fact which it shall transmit together with the comments made at the public hearing, the comments from the county Planning Commission, and its recommendations to the Township Board within 60 days of receipt of the completed petition.
- B The Township Board may hold additional hearings if the board considers it necessary. The Township Board shall grant a hearing on a proposed ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the clerk of the legislative body, per the requirements of section 401(4) of the Michigan Zoning Enabling Act (P.A. 110 of 2006, MCL 3401(4)). Pursuant to section 401 (5) of the Michigan Zoning Enabling Act (P.A.110 of 2006, MCL 125.3401 (4)), as amended, the Township Board may by majority vote of its membership.
1. Adopt the proposed amendment,
  2. Reject the proposed amendment,
  3. Refer the proposed amendment back to the Planning Commission for further recommendation within a specified time period. Thereafter, the Township Board may either adopt the amendment with or without the recommended revisions or reject it.
- C The Planning Commission and Township Board shall, at minimum, consider the following before acting on any proposed amendment:
1. Will the proposed amendment be in accordance with the basic intent and purpose of the zoning ordinance?
  2. Is the proposed amendment consistent with the comprehensive plan of the township?
  3. Have conditions changed since the zoning ordinance was adopted, or was there a mistake in the zoning ordinance that justifies the amendment?
  4. Will the amendment correct an inequitable situation created by the zoning ordinance, rather than merely grant special privileges?
  5. Will the amendment result in unlawful exclusionary zoning?
  6. Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
  7. If a rezoning is requested, is the proposed zoning consistent with the existing land uses of surrounding property?
  8. If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?
  9. If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?
  10. If a rezoning is requested, what is the impact on the township infrastructure? The Planning Commission and the Township Board shall make a

determination of whether public facilities are readily available and whether the potential impact of the rezoning would adversely impact the level of service standards of any public facility.

**22.3.4 Notice and Record of Amendment Adoption.** Following adoption of an amendment by the Township Board, one notice of adoption shall be filed with the township clerk and one notice shall be published in a newspaper of general circulation in the township within 15 days after adoption, in accordance with section 401(7) of the Michigan Zoning Enabling Act (P.A. 110 of 2006, MCL 125.3401(7)), as amended. A record of all amendments shall be maintained by the township clerk and the township zoning official. A master zoning map shall be maintained by the township zoning official, which shall identify all map amendments by number and date.

**22.3.5 Referendum.** Within 30 days following the passage of the zoning ordinance, a petition signed by a number of qualified and registered voters may be filed with the township clerk requesting submission of an ordinance or part of an ordinance to the electors for their approval, in accordance with section 402 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, MCL 125.3402), as amended.

## **SECTION 22.4 CONFORMANCE TO COURT DECREE**

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

## **SECTION 22.5 CONDITIONAL REZONING**

**22.5.1 Intent.** It is recognized that there are certain instances where it would be in the best interests of the township, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the township must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering items such as, but not limited to, the surrounding land uses, the township land use plan, available infrastructure, and natural features. It is the intent of this section to provide a process consistent with the provisions of section 405 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

**22.5.2 Application and Offer of Conditions.** An owner of land may voluntarily offer in writing 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 the application for conditional rezoning is filed, or additional conditions may be offered later during the conditional rezoning process as set forth below.

A **General Procedure.** A request for a conditional rezoning shall be commenced by filing a petition with the township zoning official, on the required forms, accompanied by the specified fees. The petition shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Petitions for conditional rezoning of a specific site shall be accompanied by a plot plan or survey, which contains all the information required in section 22.2.2 of this ordinance. The applicant shall also present a conceptual plan showing the specific proposed use of the property and containing all the information outlined in section 22.2.2 of this ordinance.

**B Pre-application Conference.**

1. Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant must informally meet with the township zoning official, and other representatives as deemed necessary by the township, to discuss the proposed development. The pre-application conference is intended to be informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the Township of Woodstock.
2. The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the pre-application conference. Any and all statements made by the Township of Woodstock Board of Trustees, zoning officials, Planning Commissioners, township employees, attorneys, agents or representatives at the pre-application conference have no legal force and are not legal and binding promises, commitments or contracts.

**22.5.3 Review Procedures.** The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new 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. Further, the Planning Commission and Township Board shall, at a minimum, consider all the review considerations contained in section 22.3.3B. of this ordinance in rendering a decision on a request for conditional rezoning.

**22.5.4 Other Required Approvals.**

- A Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this ordinance.
- B 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 this ordinance.
- C Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this ordinance.

**22.5.5 Amendment of Conditions.** The offer of conditions may be amended during the process of conditional rezoning consideration, provided that 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 that, if 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.

**22.5.6 Planning Commission Review.** The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in section 22.3.3B of this ordinance, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner in writing. In the event that any recommended changes to the offer of conditions are not subsequently offered by the owner in writing, the recommendation of the Planning Commission shall be considered by the Township Board to

be a recommendation of denial of the proposed conditional rezoning.

**22.5.7 Township Board Review.** After receipt of the Township Planning Commission's recommendation, the Township Board shall, consistent with section 22.3.3A, review the Planning Commission's recommendation and the County Planning Commission recommendations deliberate upon the requested conditional rezoning, and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the Planning Commission after the recommendation of the Planning Commission, then the Township Board shall refer such proposed additional or different conditions to the Planning Commission for report thereon within a time specified by the Township Board, and the Township Board shall thereafter proceed to deny or approve the conditional rezoning.

**22.5.8 Approval.** If the Township Board finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested conditional rezoning. The statement of conditions shall:

- A Be prepared in a form recordable with the Lenawee County Register of Deeds;
- B Contain a legal description of the land to which it pertains;
- C Contain a statement acknowledging that the statement of conditions runs with the land, and is binding upon successor owners of the land;
- D Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning;
- E Contain the notarized signatures of all the owners of the property proceeded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the statement of conditions;
- F The statement of conditions may be reviewed and approved by the township attorney, with the applicant to pay all costs associated with such review and approval;
- G The approved statement of conditions shall be filed by the owner with the Lenawee County Register of Deeds within 30 days after approval of the conditional rezoning. The owner shall provide the township with a recorded copy of the statement of conditions within 30 days of receipt. The Township Board shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of the statement of conditions would be of no material benefit to the township or to any subsequent owner of the land; and
- H Upon the conditional rezoning taking effect, and after the required recording of the statement of conditions, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

**22.5.9 Compliance with Conditions.** Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the statement of conditions. Any failure to comply fully with the conditions contained within the statement of

conditions shall constitute a violation of this ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

**22.5.10 Time Period for Establishing Development or Use.** The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within one year after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if:

- A It is demonstrated to the Township Board's sole satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and
- B The Township Board finds that there has not been a change in circumstances that would render the conditional rezoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

**22.5.11 Reversion of Zoning.** If approved development and/or use of the rezoned land does not occur within the time frame specified under section 22.5.10 above, then the land shall revert to its former zoning classification as set forth in section 405(2) of the Michigan Zoning Enabling Act (P.A. 110 of 2006, MCL 125.3405), as amended. The reversion process shall be initiated by the Township Board and proceed pursuant to section 22.1.2.

**22.5.12 Subsequent Rezoning of Land.** When land that is conditionally rezoned with the statement of conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to section 22.5.11 above, or upon application of the landowner, or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the township clerk shall record with the Lenawee County Register of Deeds a notice that the statement of conditions is no longer in effect.

**22.5.13 Amendment of Conditions.**

- A During the time frame for commencement of an approved development or use specified pursuant to subsection 22.5.10 above, or during any extension thereof granted by the Township Board, the township shall not add to or alter the conditions in the statement of conditions.
- B The statement of conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and statement of conditions.

**22.5.14 Township Right to Rezone.** Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the township from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Michigan Zoning Enabling Act. (P.A. 110 of 2006, MCL 125.3101 et. seq.), as amended.

**22.5.15 Failure to Offer Conditions.** The township shall not require an owner to offer conditions as a requirement for rezoning, per the requirement of section 405(5) of the Michigan Enabling Act (P.A. 110 of 2006, MCL 125.2405(5)), as amended. The lack of an offer of conditions shall not affect an owner's rights under this ordinance

## ARTICLE XXIII

### VIOLATIONS, PENALTIES AND REMEDIES

#### SECTION 23.1 VIOLATIONS

Any person violating any provision of this ordinance shall be deemed:

**23.1.1 Guilty of a misdemeanor.** Penalties may be imposed up to ninety (90) days incarceration in the County Jail and or fines up to five hundred (\$500.00) dollars plus the costs of prosecution; and/or

**23.1.2 Responsible for a civil infraction.** Penalties may be imposed in fines up to one hundred (\$100.00) dollars plus the costs of prosecution.

**23.1.3** The decision to charge the alleged violator with a misdemeanor and/or civil infraction because of a violation of this Ordinance shall be at the sole discretion of the Township.

#### SECTION 23.2 NUISANCE PER SE

In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

#### SECTION 23.3 RIGHTS AND REMEDIES

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

## ARTICLE XXIV

### LEGAL STATUS

#### **SECTION 24.1 CONFLICT WITH OTHER LAWS**

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

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

#### **SECTION 24.2 VALIDITY AND SEVERABILITY CLAUSE**

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

#### **SECTION 24.3 PERIOD OF EFFECTIVENESS**

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

#### **SECTION 24.4 REPEAL OF ORDINANCE**

The 'Zoning Ordinance of the Township of Woodstock, Lenawee County, Michigan adopted on April 1, 1974, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

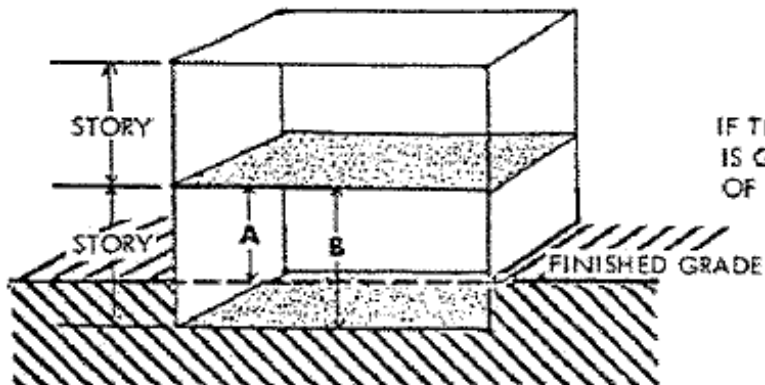
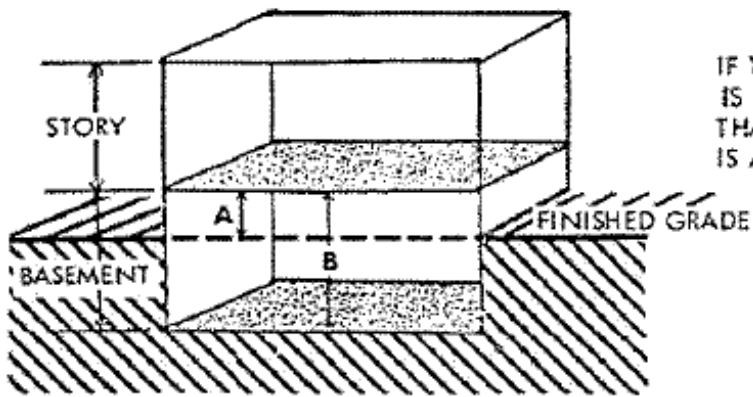
#### **SECTION 24.5 EFFECTIVE DATE**

This Ordinance shall be published in the manner provided by law and shall take effect (7) days after the date of publication.



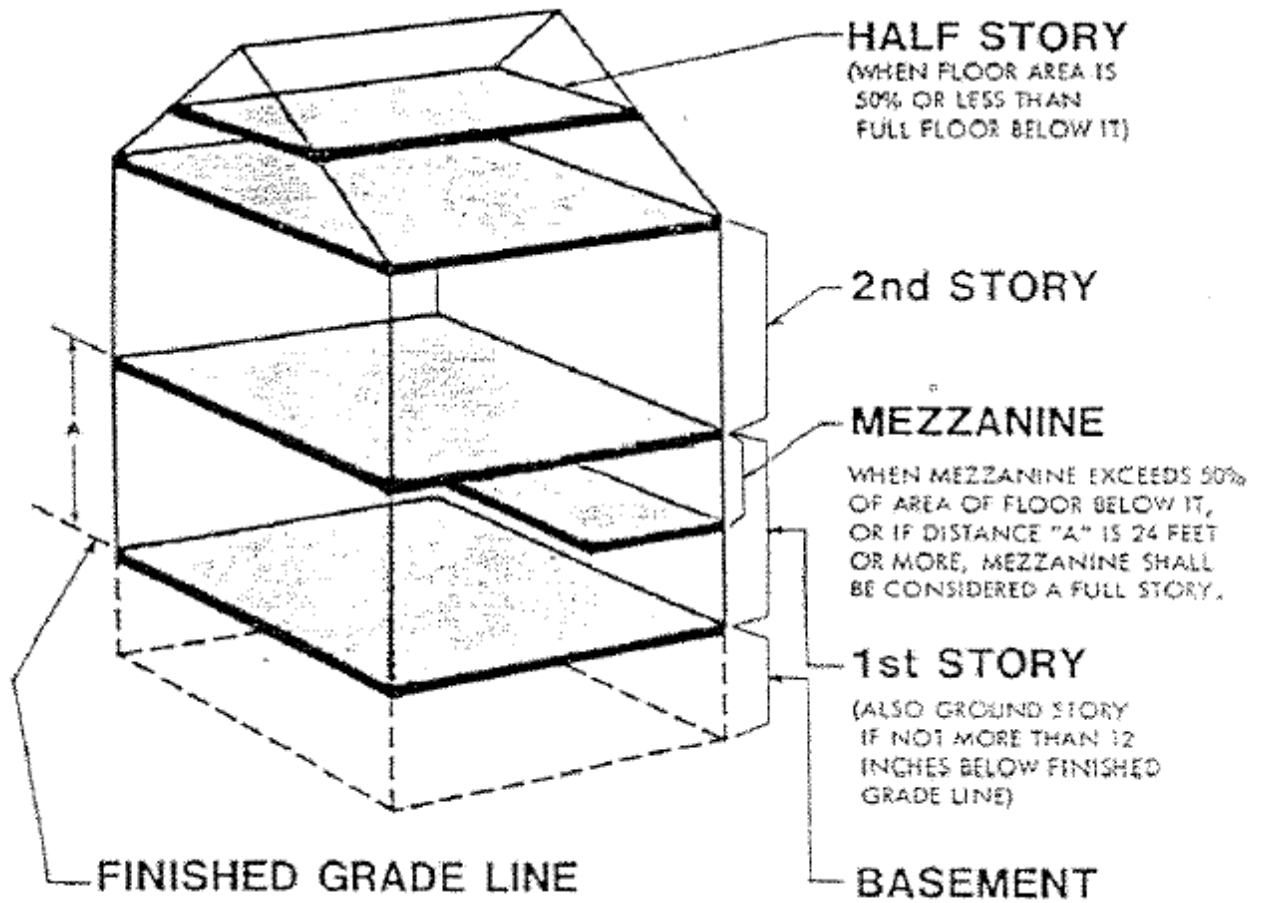
## APPENDIX

# BASEMENT & STORY DEFINITION



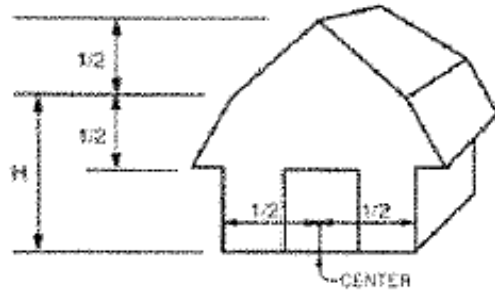
## APPENDIX

### BASIC STRUCTURAL TERMS



# APPENDIX

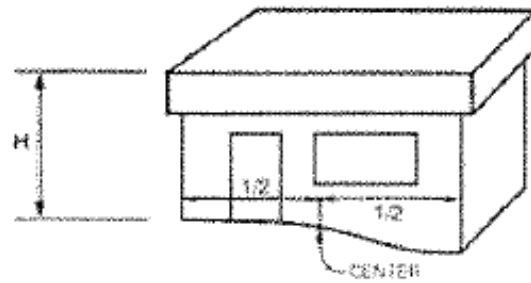
## BUILDING HEIGHT REQUIREMENTS



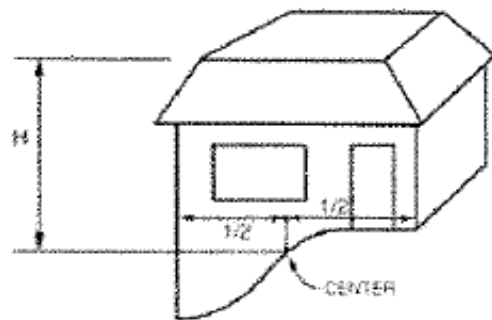
GAMBEL ROOF



HIP ROOF



FLAT ROOF



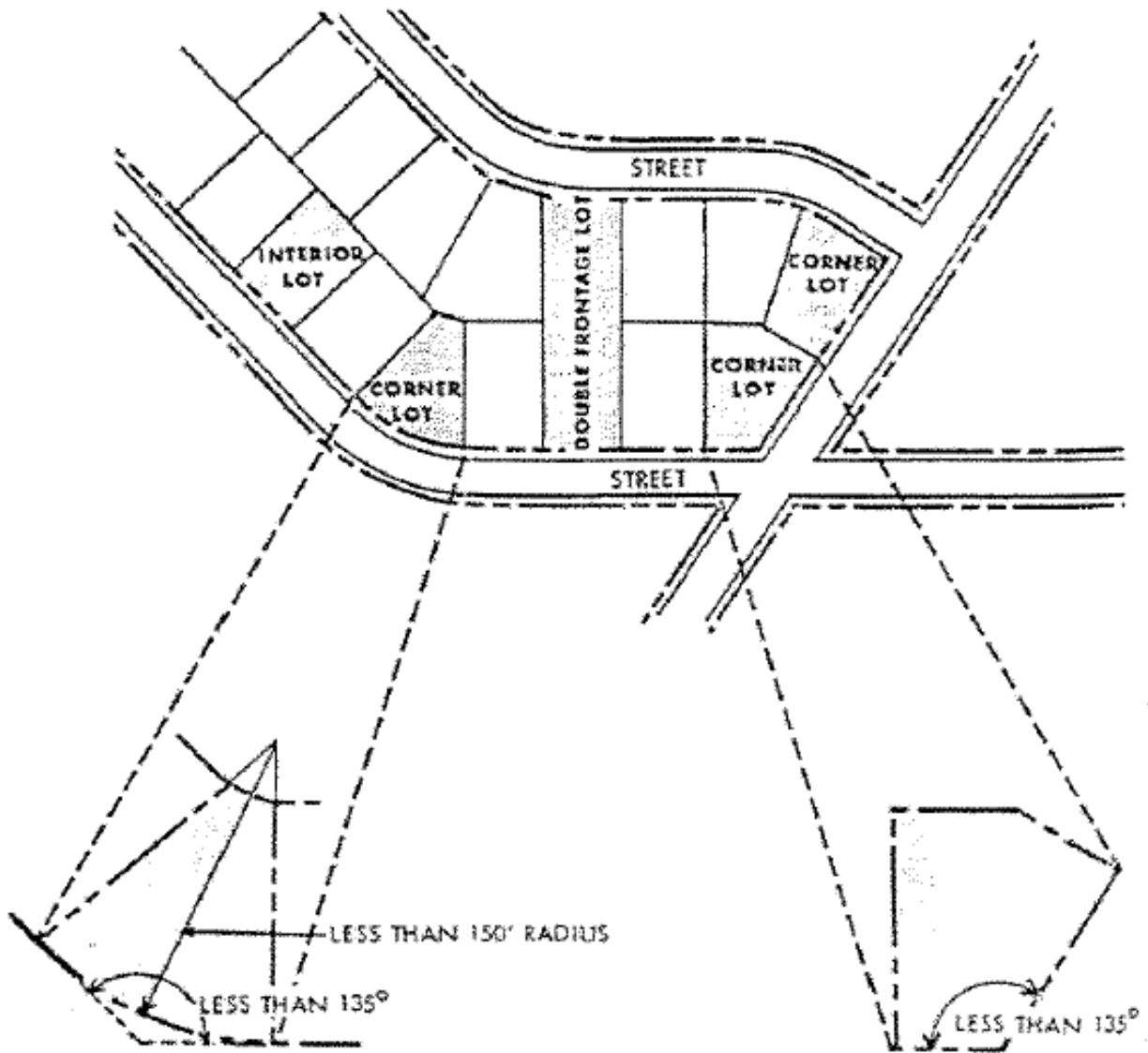
MANSARD ROOF



GABLE ROOF

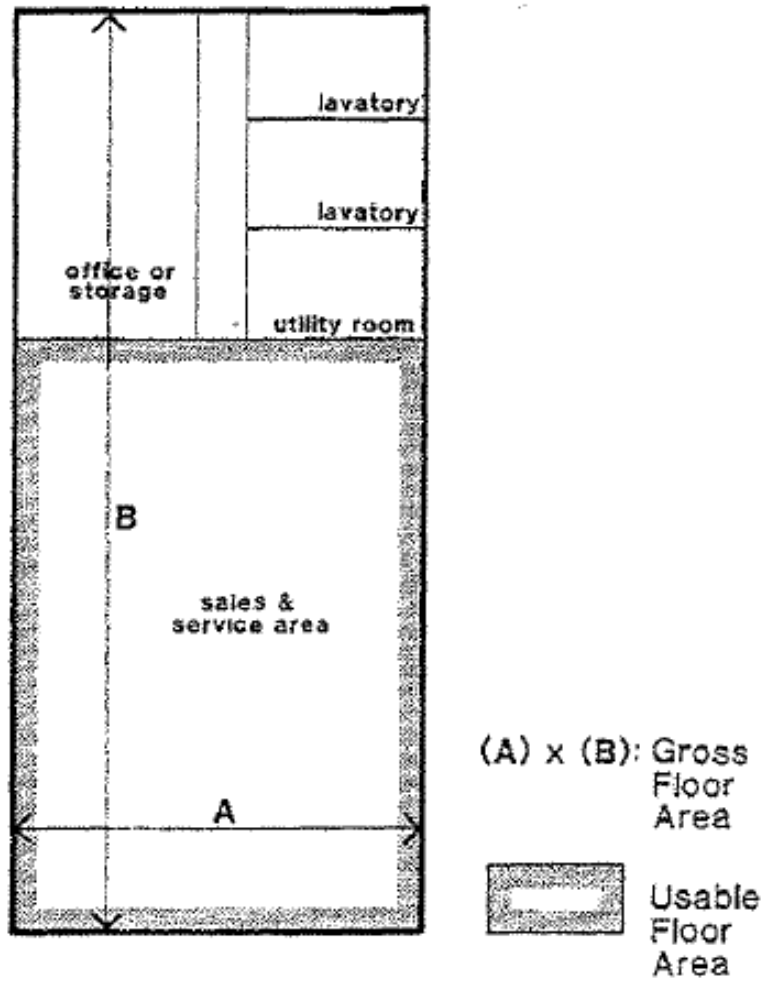
# APPENDIX

## CORNER, INTERIOR AND DOUBLE FRONTAGE LOTS



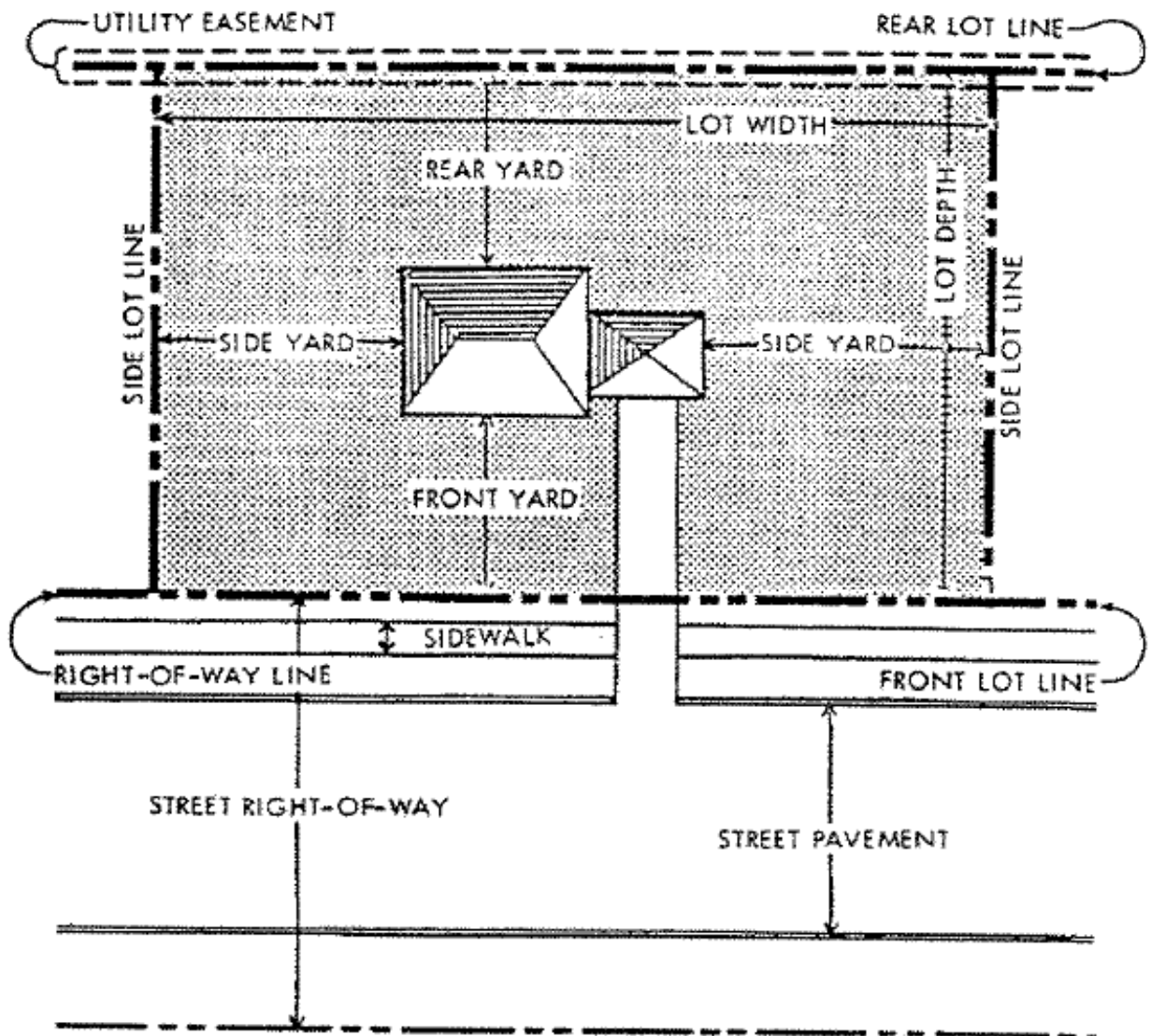
# APPENDIX

## FLOOR AREA TERMINOLOGY



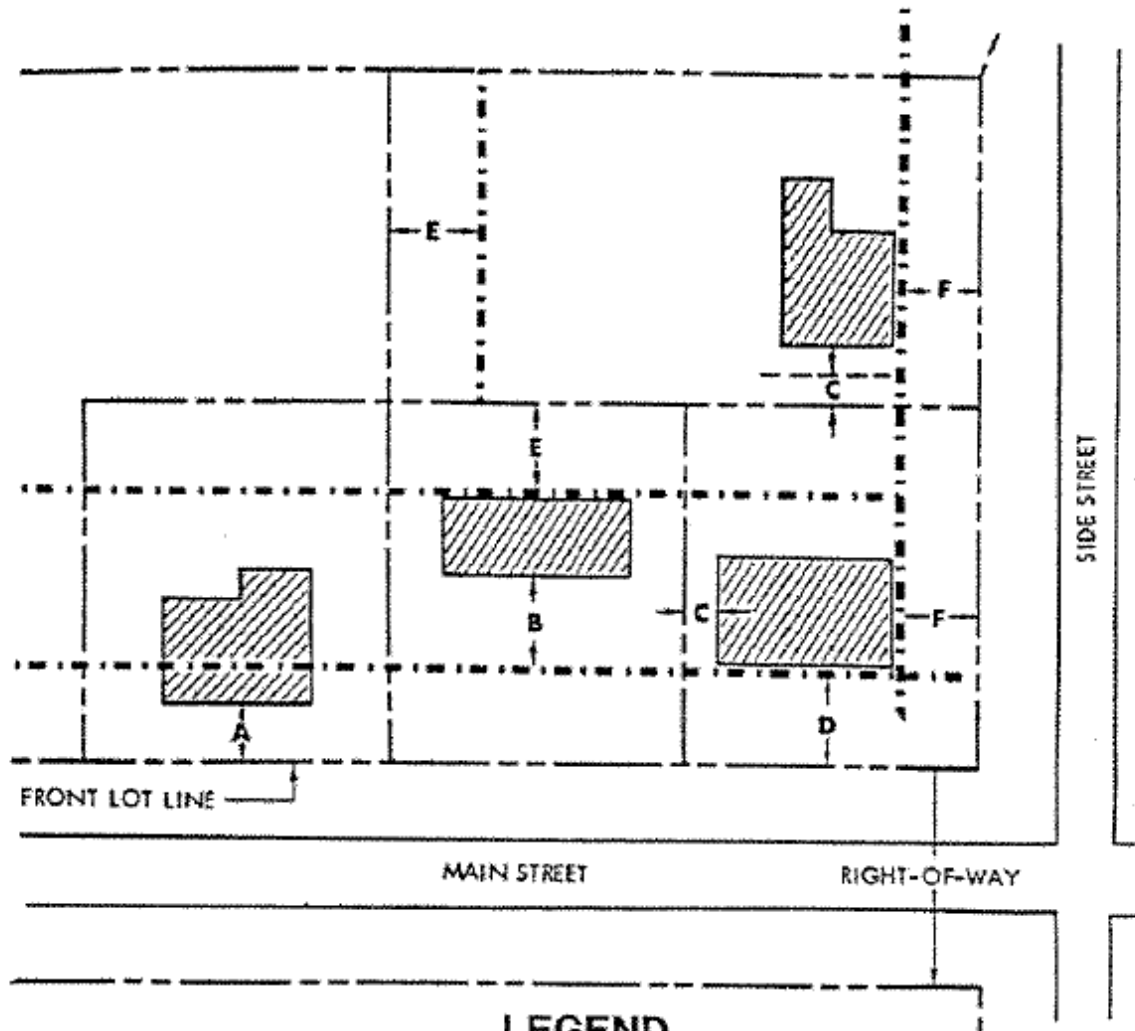
# APPENDIX

## LOT TERMS



# APPENDIX

## YARD REQUIREMENTS



### LEGEND

- |  |   |
|--|---|
| <b>A</b> ——— DEFICIENT FRONT YARD                                | <b>D</b> ——— MINIMUM FRONT YARD REQUIRED ALSO BUILDING SETBACK LINE   |
| <b>B</b> ——— FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQUIRED | <b>E</b> ——— MINIMUM REAR YARD REQUIRED                               |
| <b>C</b> ——— MINIMUM SIDE YARD REQUIRED                          | <b>F</b> ——— MINIMUM YARD REQUIRED ON SIDE STREET WHEREON HOMES FRONT |