

Zoning Ordinance

Township of Ingham
Ingham Township, Michigan

09/19/2011

Ingham Township

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Title

An Ordinance enacted Under Act 110, Public Acts of 2006 (MCL 125.3101 *et seq*), and as same may be amended, governing the unincorporated portions of the Township of Ingham, Ingham County, Michigan, to provide for the establishment of Zoning Districts within which the proper use of land and natural resources may be encouraged and regulated; to provide for the location, the size of, and the type of uses that may be made of the minimum open spaces; to provide for sanitary, safety, light, and other protective measures; to provide for the maximum number of families that may be housed in dwellings, buildings, and structures; to provide for the administration and amendment of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Board of Appeals and to provide for penalties for the violation of said Ordinance.

ENACTING CLAUSE

The Township of Ingham Ordains:

ARTICLE ONE: SHORT TITLE, PURPOSE

Section 101

SHORT TITLE:

Short Title. Pursuant to the authority conferred by Act 110, Public Acts of 2006 (MCL 125.3101 *et seq*), and as same may be amended, and Act 168 of 1959 of the Public Acts of the State of Michigan, this Ordinance shall be known as the "Ingham Township Zoning Ordinance."

PURPOSE: This Ordinance has been established for the purpose of:

- 102.1 Promoting and protecting the public health, safety, and general welfare;
- 102.2 Protecting the character and stability of the agricultural , residential, and commercial areas within the unincorporated portions of Ingham Township and promoting the orderly and beneficial development of such areas;
- 102.3 Providing adequate light, air, privacy and convenience of access to property;
- 102.4 Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures;
- 102.5 Lessening and avoiding congestion in the public highways and streets;
- 102.6 Protecting the public and adjacent used from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
- 102.7 Conserving the taxable value of land, buildings, and structures in the Township;
- 102.8 Enhancing the aesthetic desirability of the environment throughout the Township, and
- 102.9 Conserving the expenditure of funds for public improvements and services to conform with the most advantageous used of land.

ARTICLE TWO: CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 201

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

Section 202

DEFINITIONS: For the purposes of this Ordinance, words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

Accessory Structure: A structure customarily incidental and subordinate to the principal use of the land or building and located on the same zoning lot as the principal use.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same zoning lot as the principal use.

Agriculture: The science, art, and business of cultivating the soil, producing crops, and raising livestock useful to man.

Alterations: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, the consummated act which may be referred to herein as “altered” or “reconstructed”.

Basement: A portion of a building more than one half of which is below the average grade level.

Bed and Breakfast: Transient lodging accommodations located within a single family dwelling unit. It is the intent of this definition to establish reasonable standards to assure that:

1. The property is suitable for transient lodging facilities.
2. The use is compatible with other uses in the residential and agricultural districts.
3. Residential and agricultural lands shall not be subject to increased trespass.
4. The impact of the establishment is no greater than that of a private home with house guests.

Minimum Requirements: The following requirements for Bed and Breakfast establishments together with any other applicable requirements of this Ordinance shall be compiled with:

1. Off-street parking shall be provided (one space per room). Vehicle parking is provided between the front of the building and public right-of-way.
2. One non-illuminated sign, identifying the establishment, not to exceed four (4) square feet in area and not closer to the street line than fifteen (15) feet shall be allowed.
3. Such Bed and Breakfast establishments shall not be located less than fifteen hundred (1500) feet apart.
4. The residence shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
5. The residence shall have at least two (2) exits to the outdoors.
6. Not more than three (3) sleeping rooms in the residence may be used for rental purposes.
7. Not more than eight (8) overnight guests may be accommodated at one time.
8. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
9. The rental sleeping rooms shall have a minimum of one hundred (100) square feet for each two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
10. Proof of evaluation of the well and septic system by the Ingham County Health Department and conformance to the agency’s requirements shall be supplied by the owner/occupant.
11. A floor plan drawn to an architectural scale of not less than 1/8 inch – 1 foot shall be on file with the Ingham Township Fire Department.
12. Each owner/operator of a Bed and Breakfast establishment shall keep a guest registry which shall be available for inspection by the Zoning Officer, police and fire officials during normal business hours.
13. The length of stay for each guest shall not exceed seven (7) days within any thirty (30) day period.
14. In the event that the Township Board determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Township Board may require that fencing and/or a planting buffer be constructed and maintained.
15. Rental of snowmobiles, ATVs or similar vehicles, boats, and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.
16. A Special Use Permit shall not be granted if the essential character of a lot or structure within a residential or agricultural district, in terms of use, traffic generation or appearance will not be changed substantially by the occurrence of the bed and breakfast use.

Board of Appeals: A Board established by the Ingham Township Board for the purpose of conducting hearings and making rulings on matters of administrative review, variance, and expansion of nonconforming buildings and structures.

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, or property of any kind.

Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Lines: A line defining the minimum front, side and rear yard requirements outside of which no building or structure may be located.

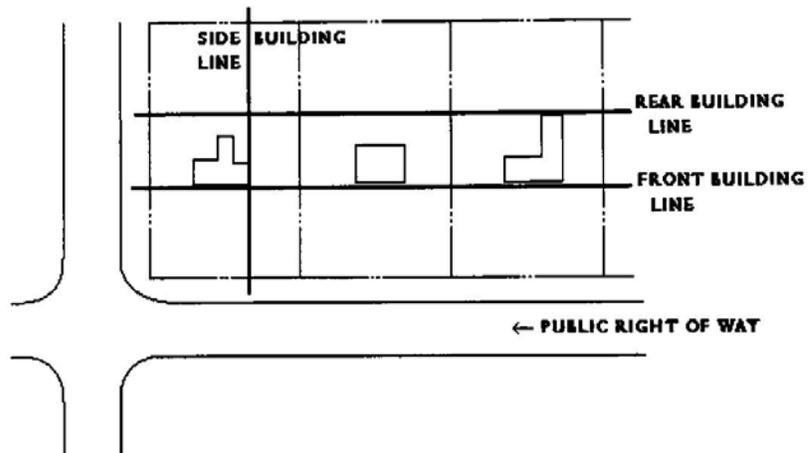


Figure 1

Certificate of Zoning Compliance: A certificate issued by the Township Zoning Officer to a party or parties intending to initiate any work or change any use of property in the Township.

Club: An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, requiring the use of a separate structure to conduct meetings, gatherings or outings, and open only to members and not the general public.

Convalescent, Foster Care or Nursing Home: A building wherein aged, infirm or incapacitated persons are furnished shelter, care, food, lodging and needed attention for a compensation.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.

Dwelling, Single-Family: A Detached dwelling unit designed for or occupied exclusively by one family.

Dwelling, Two-Family: A detached dwelling unit designed for or occupied exclusively by two families living independently of each other.

Dwelling, Multiple-Family: A Dwelling unit used or designed as a residence for three (3) or more families living independently of each other.

Dwelling Unit: Any building or portion thereof which is designed or used exclusively for residential purposes and having cooking facilities.

Easement: A right afforded a person to make limited use of another's real property, as right-of-way.

Erected: The work "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premise required for the building. Excavations, fill, drainage and the like, shall be considered part of erection.

Essential Services: The erection, construction alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings or maintenance depots that may house such utilities or municipal departments.

Family: An individual or two or more persons related by blood, marriage or adoption, or a group not to exceed four (4) persons not related by blood or marriage, occupying a premises and living in a dwelling unit.

Farm: Any parcel of land containing at least ten (10) acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes the necessary farm structures within prescribed boundaries and the storage of farm equipment used. It excludes the raising of fur-bearing animals, commercial dog kennels, and stone, gravel, or sand quarries.

Fence: An artificially-constructed barrier of wood, metal, stone, or any other manufactured materials erected for the enclosure of yard areas.

Filling: The depository or dumping of any matter into or onto the ground except common household gardening and general care.

Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios, whether covered or uncovered shall not be considered as a part of the gross floor area unless used for commercial purposes such as nursery beds or sales of outdoor equipment.

Floor Area, Usable: For purposes of computing parking requirements, that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise; hallways, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation "usable floor area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Free-Standing Sign: A Structure erected for the purpose of advertising a business or activity on the same parcel. Such structures shall not be attached to a building which may also be located on the same parcel. Such a sign may also be known as a pylon sign.

Gasoline Service Station: A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.

Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The grade shall be determined by the level of the

ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

Home Occupation: Any use customarily conducted entirely within a dwelling unit and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and does not involve any alteration of the structure or change the character thereof.

Home occupations shall consist of such things as: hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate, insurance sales, professional office for: not more than one physician, surgeon, dentist, attorney, architect, engineer or similar recognized professional practitioner, the giving of instruction in a craft or fine arts, or similar recognized practitioner, provided such home occupation shall satisfy the following conditions:

- a) The non-residential use shall only be incidental to the primary residential use.
- b) The occupation shall utilize no more than twenty-five percent (25%) of the ground floor of the structure.
- c) Only normal domestic or household equipment and equipment characteristic of a doctor or dentist office shall be used to accommodate the home occupation.
- d) The home occupation shall involve no employees other than members of the immediate family residing on the premises.
- e) All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
- f) There shall be no external evidence of such operations except a small announcement sign not larger than two (2) square feet in area.
- g) The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this ordinance; but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities.
- h) Garage sales, rummage sales, yard sales and similar activities may be conducted only within the limits of "casual or isolated sales" and not as "retail sales" as defined in the Michigan Administrative Code of 1954, General Sales and Use Tax Rules and Regulations, R205.13, as amended.

Junk: For the purpose of this Ordinance the term “junk” shall mean any motor vehicles, machinery, appliances, products or merchandise with parts missing or scrap metals or other scrap materials that are damaged or deteriorated.

Junk Yard: Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scraps or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running condition, machinery or parts thereof.

Kennel, Commercial: Any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats, or other domestic pets.

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

Lot: Land occupied or to be occupied by a building, structure, land use or group of buildings together with such open spaces or yards as are required under this Ordinance and having its principal frontage upon or parallel to a street.

Lot, Corner: A lot which has at least two (2) contiguous sides abutting upon a street for their full length.

Lot, Depth of: the mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Interior: A lot other than a corner lot.

Lot Line: Any of the lines bounding a lot as defined herein.

Lot of Record: A lot which is part of a subdivisions, the map of which has been recorded in the office of the Register of Deeds in Ingham County, Michigan, or a parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds in Ingham County, Michigan, prior to the adoption of this Ordinance.

Lot, Width Of: The distance measured along the front lot line or street line of the public or private road upon which the lot principally fronts.

Master Plan or Comprehensive Development Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts, and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living condition.

Mobile Home: A movable or portable dwelling unit of thirty-five (35) feet or more in length, and less than twenty (20) feet in width, which is constructed to be towed on its own chassis, is capable of being connected to public utilities, and is designed for year-round living as single family dwelling unit without the necessity for a permanent foundation. The term shall not include travel trailers, converted busses, or tent trailers.

Modular Home: A pre-manufactured housing unit transported to the site in two (2) or more sections. It will meet all applicable Ordinances for dwelling units including.

- a) It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- b) It has a minimum width across all sides of twenty (20) feet and complies in all respects with the township building code, including minimum heights for habitable rooms. Where a swelling unit is required by law to comply with any federal or state standards or regulations for construction and where such standards and those imposed by the township building code are in conflict, such federal or state standards or regulation shall apply.
- c) It is firmly attached to a permanent foundation constructed on the site in accordance with the township building code and shall have a wall of the same perimeter dimensions of the dwelling unit constructed of such materials and type as required in the applicable building code for single family dwelling units.

Non-Conforming Uses: A Building, structure, or use of land lawfully in existence at the time of enactment of this Ordinance, and which does not conform with the regulations of the district or zone in which it is situated.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of excessive or concentrated movement of people or things such as: (1) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of a congregation of people particularly at night, (n) passing traffic, (o) invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

Parking Space: An area of not less than twenty (20) feet in length or ten (10) feet in width, exclusive of drives, aisles, or entrances giving access thereto, which shall be fully accessible for parking of permitted vehicles.

Right-of-Way: A street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Shopping Center: A Business or group of businesses which provides a variety of merchandise and/or services which requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not limit such use to be one or any of these.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein.

- a) Signs not exceeding on (1) square foot in area bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premise not having commercial connotations;
- b) Flags and insignias of any government except when displayed in connection with commercial connotations;
- 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 flashing lights;
- e) Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.

Special Use Permit: A permit issued by the Township Zoning Board to a person or persons intending to undertake the operation of an activity upon land or within a structure which possesses a unique characteristic found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.

Street: A public dedicated right-of-way which affords traffic circulation and principal means access to abutting property.

Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings and free standing signs and not including sidewalks, drives and patios.

Subdivisions: The division of a lot, tract or parcel of land into five (5) or more lots, tracts or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term "subdivision" shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten (10) acres.

Township Board: The Township Board of the Township of Ingham, Ingham County, Michigan.

Variance: A modification of the literal provisions of the non-use provisions of the Ordinance which, due to practical difficulty owing to circumstances unique to the property, stands in the way of carrying out the

strict letter of the Zoning Ordinance and which, if granted, will accommodate the spirit of the Zoning Ordinance.

Yards:

- a) Yard, Front – an open space extending the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.
- b) Yard, Rear – An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
- c) Yard, Side – an open space between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.

Zoning Board: Whenever the term “zoning board” shall appear in this Ordinance, that term shall be construed to mean the “Zoning Commission of Ingham Township,” which Commission shall exercise all of the powers and duties of the Zoning Board as set forth in the Ordinance and as provided for a zoning commission by PA 110 of the Public Acts of 2006 (MCL 125.3101 *et seq*), and as said statute may be amended from time to time.

Zoning Officer: The official of Ingham Township or his authorized representative charged with the responsibility of administering this Ordinance.

ARTICLE THREE: ZONING DISTRICTS AND MAP

Section 301

DISTRICTS ESTABLISHED: For the purposes of this Ordinance, the Township of Ingham is hereby divided into the following districts:

Residential Districts:

- AG Agricultural Enterprise District
- RR Rural Residential District
- R-1 Low Density Residential District

Non-Residential Districts:

- C Commercial District
- I Industrial District

Section 302

DISTRICT BOUNDARIES: The Zoning districts are bounded and defined as shown on a map entitled “Official Zoning Map of the Township of Ingham”, and said map, with all explanatory matter thereon, is hereby made a part of this Ordinance.

The official zoning map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, under the following words: This is to certify that this is the Official Zoning Map referred to in Section 302 of the Zoning Ordinance of the Township of Ingham adopted (include date). If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after amendment has been approved by the Township Board together with an entry on the Official Zoning Map as follows: On (date), by official action of the Township Board, the following change (s) were made: (brief description with reference number to Board proceedings).

One copy of the Official Zoning Map is to be maintained and kept up to date by the Township Clerk, accessible to the public and shall be final authority as to the current zoning status of properties in the Township.

Section 303

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

- 303.1 Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines;
- 303.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 303.3 Boundaries indicated as approximately following Township limits shall be construed as following Township limits;
- 303.4 Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks;
- 303.5 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 303.6 Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 303.7 Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Township Board of Appeals.

Section 304

DISTRICT REQUIREMENTS: All buildings and uses in any district shall be subject to the provisions of Article Four “General Provisions and Exceptions”.

Section 305

USES NOT PERMITTED IN ANY DISTRICT: No use shall be allowed to exist which will constitute a hazard to health, safety or welfare or in any way creates a nuisance or causes physical damage to adjoining property.

Section 306

AG DISTRICTS: AGRICULTURAL ENTERPRISE DISTRICT

- 306.1 **Purpose:** It is the purpose of the Agricultural Enterprise District to preserve prime soils for agricultural use and to protect viable agricultural enterprises. It is to be applied to areas which have soils well suited to agricultural activities. The district is designed to preserve these areas by prohibiting the intrusion of non-agricultural and incompatible uses into the prime agricultural areas. The district is intended to create large contiguous blocks of agricultural land, both by original designation and by future annexation of smaller holdings, at owner’s request, to exiting blocks. It is also the intent of this district to help maintain land values at levels which farm activities can support and to avoid property value increases through speculation for higher density uses, which force prime farm land into non-agricultural uses.
- 306.2 **Uses Permitted by Right:** See Section 312
- 306.3 **Uses Permitted by Special Use Permit:** See Section 312
- 306.4 **Regulations and Standards:** See Section 311

Section 307

RR DISTRICTS: RURAL RESIDENTIAL DISTRICT

- 307.1 **Purpose:** It is the purpose of the Rural Residential District to preserve the rural, countryside atmosphere of Ingham Township; to encourage the continuation of agricultural activities yet permitting residential uses without substantially changing the agricultural character of these areas; and to protect the groundwater supply in those areas of the Township not served by public sewers or having soils not conducive to intensive development.
- 307.2 **Uses Permitted by Right:** See Section 312
- 307.3 **Uses Permitted by Special Use Permit:** See Section 312
- 307.4 **Regulations and Standards:** See Section 311

Section 308

R-1 DISTRICTS: LOW DENSITY RESIDENTIAL DISTRICT

- 308.1 **Purpose:** It is the purpose of the R-1 District to provide a variety of housing types at a moderate density in those portions of the Township generally removed from public services, such as sanitary sewer. When considering the excessive cost of extending public water and sewer service to all areas of the Township, the establishment of a zoning district which respects the possible to insure a continuous supply of safe potable water on the immediate property and to treat sewage by septic fields on the same property.
- 308.2 **Uses Permitted By Right:** See Section 312
- 308.3 **Uses Permitted by Special Use Permit:** See Section 312
- 308.4 **Regulation and Standards:** See Section 311

Section 309

C DISTRICTS: COMMERCIAL DISTRICT

- 309.1 **Purpose:** It is the purpose of the Commercial District to provide for a variety of commercial land uses. This district is designed to provide a location for businesses within the Township in a manner which serves residential needs while at the same time does not encroach in an undesirable manner on such uses.
- 309.2 **Uses Permitted by Right:** See Section 312
- 309.3 **Uses Permitted by Special Use Permit:** See Section 312
- 309.4 **Regulations and Standards:** See Section 311

Section 310

I DISTRICTS: LIMITED INDUSTRIAL DISTRICT

- 310.1 **Purpose:** It is the purpose of the Limited Industrial District to provide for a variety of industrial land uses. This district is designed to provide for the location of industry in a manner which is compatible with and serves those persons living and working within the township.
- 310.2 **Uses Permitted by Right:** See Section 312
- 310.3 **Regulations and Standards:** See Section 311

Section 311 SCHEDULES OF REGULATIONS:

District	Minimum Lot Size	Minimum Lot Width	Side Yard Setback	Rear Yard Setback	Minimum Living Area Per Unit
AG Agricultural Enterprise	3 acres	300 feet	30 feet	30 feet	720 feet
RR Rural Residential	2 acres	250 feet	15 feet	30 feet	720 feet
R-1 Low Density	SF 1 acre 2F 60,000 square feet 3+F 20,000 square feet	200 feet	15 feet	30 feet	720 feet
C Commercial	20,000 square feet	165 feet	15 feet	30 feet	--
I Limited Industrial	20,000 square feet	165 feet	15 feet	30 feet	--

*Maximum height restriction shall be 35 feet in all districts

Section 312 PERMITTED USES

Key: Y=Permitted by right
 S=permitted by Special Use Permit
 N=Not permitted
 Numbers denote minimum lot size in acres

USE	A G	R R	R 1	C	I
Single family residential dwelling unit	Y	Y	Y	N	N
Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests, and wildlife resources	Y	Y3	N	N	N
General and specialized farming and agricultural activities including the raising or growing of crops, bees, products and foodstuffs and any attendant structures	Y	Y	N	N	N
Raising or keeping of livestock for private use and any attendant structures	Y	Y3 S2	Y3 S2	N	N
Raising or keeping of livestock for commercial purposes and any attendant structures	Y	S1	N	N	N
Roadside stand for incidental sale of agricultural produce raised on the property	Y	Y	Y	N	N
Home occupation	Y	Y	Y	N	N
Accessory structures associated with single family dwelling units, such as garages, shed for yard tools, play house, boat house, etc.	Y	Y	Y	N	N
Garden nurseries and greenhouses	S	S	S	Y	N

USE	A G	R R	R I	C	I
The removal of soil, sand, gravel and other materials	S	N	N	N	N
Public and private parks, camps, golf courses, clubs and commercial stables, <u>excluding</u> miniature golf courses and driving ranges	S	S	S	N	N
Airports	S	N	N	N	N
Public utility structures and substations	S	S	S	Y	Y
Veterinarian's Offices, commercial kennels and animal clinics	S	S	N	S	N
Public or private sanitary land fills or junk yards	S10	N	N	N	S
Bulk feed and fertilizer outlets and distribution centers	S	N	N	S	N
Farm machinery and equipment sales	N	N	N	S	N
ECHO housing units in accordance with the provisions of Article Five	S	S	S	N	N
Duplex or two-family residential dwellings	S	S	S	N	N
Structures containing three (3) or more living units	N	N	S	N	N
Bed and breakfast establishments	S	S	S	N	N
Any retail business whose principal activity is the sale of merchandise in an enclosed building	N	N	N	Y	N
Service establishments which perform services on the premises, such as but not limited to: repair shops, beauty parlors or barber shops, dry cleaning, self-service laundries, and photographic studios	N	N	N	Y	N
	A	R	R	C	I

USE	G	R	I		
Non-resident offices for personal or business services such as but not limited to: medical doctors, dentist, insurance sales, attorneys, and banks	N	N	N	Y	N
Funeral homes	N	N	N	Y	N
Indoor theaters	N	N	N	Y	N
Restaurants, except drive-ins	N	N	N	Y	N
Shopping centers	N	N	N	Y	N
Drive – in restaurants	N	N	N	S	N
Taverns and nightclubs	N	N	N	S	N
Outdoor motor vehicle, boat, mobile home sales, rental, repair and display or storage	N	N	N	S	N
Hotels, motels, motor hotels	N	N	N	S	N
Bowling alleys, pool halls, and mechanical amusement centers	N	N	N	S	N
Outdoor theaters, miniature golf courses and golf driving ranges	N	N	N	S	N
Car washes, automatic and self-serve	N	N	N	S	N
Gasoline service stations	N	N	N	S	N
Transient amusement enterprises such as carnivals, circuses and then shows	N	N	N	S	N
Commercial beaches	N	N	N	S	N
Any production, processing, cleaning, testing, repair, storage and distribution or materials, goods, foodstuffs and products not involving a retail activity on the same site	N	N	N	N	Y
Wholesale warehousing, storage or transfer structures including refrigerated and general storage facilities; excluding the storage of bulk petroleum or related products, or garbage or rubbish	N	N	N	N	Y

USE	A G	R R	R 1	C	I
Storage of bulk petroleum or related products for commercial sale	S	N	N	S	S
Truck terminals including maintenance and service facilities	N	N	N	N	Y
Retail sales typically incidental to contractors establishments which require a workshop and retail outlet or showroom as accessory uses, including: plumbing and electrical, building material suppliers and wholesalers such as lumber yards, carpenter shops including door, sash or trim manufacturing, jobbing and repair machine shops, commercial garage, plastic products forming and conditioning and heating dealers, furniture reupholstering and refinishing establishments	N	N	N	N	Y
Non-manufacturing research and development establishments	N	N	N	Y	Y
Municipal buildings	N	N	N	Y	Y
Accessory uses relating directly to the servicing of the principal use of the site, including: restaurant or cafeteria for employees, office facilities	N	N	N	Y	Y

USE	AG	RR	R1	C	I
Private Roads	S	S	S	N	N

ARTICLE FOUR: GENERAL PROVISIONS AND EXCPTIONS

Section 401

STREET SETBACK REQUIREMENTS

401.1 In accordance with the recommendations of the “Comprehensive Plan, Ingham Township, Ingham County, Michigan,” required setbacks shall depend upon the type of street upon which the lot principally fronts as shown in Table 1. Figure 2, master Street and Highway Plan of Ingham Township, locates each type of street.

TABLE 1 STREET SETBACK REQUIREMENTS

<u>Classification</u>	<u>Function</u>	<u>Desired R-O-W</u>	<u>Setback From R-O-W</u>	<u>Setback From Centerline</u>
Subdivision (Plats Only)		66'	40'	73'
County Local	Provides direct access to individual abutting properties	66'	40'	73'
County Primary	Moves through traffic at moderate speeds and volumes to and from major arterials	100'	50'	100'
State Highways	Moves through traffic at high speeds and high volumes between major traffic generators	150'	50'	125'

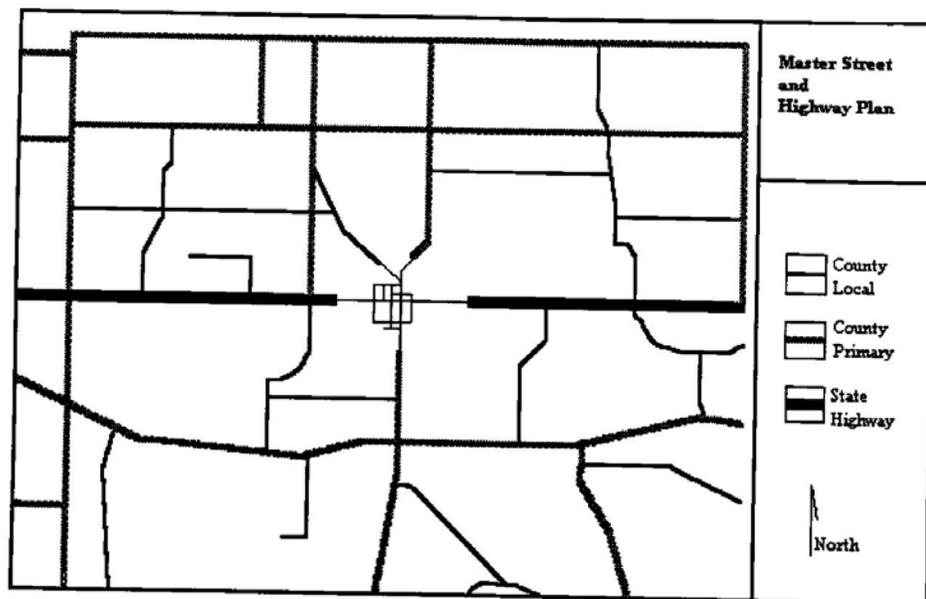


Figure 2

Section 402

SUPPLEMENTARY REGULATIONS

402.1 **Accessory Buildings:** No accessory building which is not attached and made structurally a part of the principal building shall be closer than ten (10) feet to any other structure on the lot. Accessory buildings are subject to all setback requirements.

402.2 **Fences, Walls, Screens:** The following regulations shall apply to all fences, walls, screens or similar devices of structural or plant materials.

- a) No fence, wall or screen of any material other than plant materials shall be erected height than six (6) feet from the average grade elevation of the property.
- b) No fence, wall, or screen or any planting shall obstruct visibility of motorists at driveway entrances to streets, or at intersections.

402.3 **Variance of Requirements for Lots of Record:** any residential lot created and recorded prior to the effective date of this ordinance may be developed for residential purposes even though the lot area and/or dimensions are less than those required for the district in which the lot is located, provided that setback requirements for the district are met.

402.4 **Lot Area Can be Allocated Once:** No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

402.5

Yard Encroachments Permitted: The following elements of structures are not considered in determining yard requirements.

- a) Uncovered paved terraces, patios and porches.
- b) Special structural elements such as cornices, chimneys, gutters, eaves and similar structural features.
- c) Fire escapes or open stairways which may project into the yard five (5) feet.

402.6 Height Requirements Exceptions: The following are exempted from height limit requirements, provided that no portion of the excepted structure may be use for human occupancy:

- a) Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flag poles, monuments.
- b) Those necessary appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouses, elevator legs, storage bins, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers.
- c) Those structural extensions deemed necessary for appropriate building design such as cornices for parapet walls which may extend a maximum of five (5) feet above height limitations and shall have no window openings.
- d) Public utility structures.
- e) Fencing in Commercial or Industrial districts or for wild game farms or preserves.

- 402.7 Access to a Street:** Any lot of record created after *September 19, 2011* shall have frontage on a public street or approved private road of at least the Minimum Lot Width provided for in Section 311 of this Ordinance. Any one (1) lot of record created before *September 19, 2011* without frontage on a public street shall not be occupied without access to a street provided by an easement or right-of-way no less than twenty (20) feet wide which shall not serve more than one (1) lot.
- 402.8 One Building on a Lot:** No more than one principal building may be permitted on a lot or parcel, unless specifically provided for elsewhere in the Ordinance.
- 402.9 Unsafe Buildings:** Nothing in this Ordinance shall prevent compliance with an order by an appropriate authority to correct, improve, strengthen, or restore to a safe condition any building or any part of a building declared to be unsafe.
- 402.10 Building Grades:** The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.
- 402.11 Required Water Supply and Sanitary Sewerage Facilities:** any structure erected for human occupancy after the effective date of this Ordinance and used for dwelling, business industrial, or recreational purposes shall be provided with a safe and effective means of collection, treatment, and disposal of human, commercial, or industrial wastes. All such installations shall comply with the requirements of the State of Michigan and the Ingham County Health Department. No outdoor sanitary facilities (privies) shall be allowed.
- 402.12 Moving Buildings:** No existing building or other structure within or outside of Ingham Township shall be relocated upon any parcel or lot within the Township unless the building design and construction are compatible with the general architectural character, design and construction of other structures located in the immediate area of the proposed site; the building and all materials therein are in conformity with the Building Code of Ingham Township; and the building or structure can be located upon the parcel and conform to other requirements of the respective zoning district. A moving permit shall be issued by the Building Inspector upon evidence of compliance with the requirements herein.

Section 403

NON-CONFORMING USES

- 403.1 **Purpose:** It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform with the provisions of this Ordinance. Further, it is the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same districts. The continuance of all non-conforming uses and structures within Ingham Township shall be subject to the conditions and requirements set forth in this section.
- 403.2 **Reconstruction of Damaged Nonconforming Structure:** Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God or acts of vandalism, subsequent to the effective date of this Ordinance, wherein the non-conforming user has first obtained the approval of the Board of Appeals, wherein the Board of Appeals has first determined that the continued use will be substantially the same as the previous nonconforming use and that such continued use will not be detrimental to the health, safety and welfare of surrounding property owners.
- 403.3 **Repair and Alteration of Nonconforming Structure:** Nothing in this Ordinance shall prevent the repair, alteration, reinforcement improvement or rehabilitation of a nonconforming building or structure or part thereof existing on the effective date of this Ordinance that may be necessary to secure or insure the continued advantageous use of the building or structure during its normal life:

provided, however, that such repair, alteration, reinforcement, improvement or rehabilitation proposes no change in the use of said building or structure or any part thereof.

- 403.4 **Extension of Nonconforming Use or Structure:** The extension of any nonconforming use or addition to any nonconforming structure for the purpose of extending such nonconforming use or structure through all or a portion of a given lot or parcel of land shall be granted by the Board of Appeals if it shall first be determined that such extension shall not be detrimental to public health, safety or welfare, particularly with regard to surrounding property owners.
- 403.5 **Prior Construction Approval:** Nothing in this Ordinance shall prohibit the completion of construction and use of a non-conforming building for which a building permit has been issued prior to the effective date of this Ordinance, PROVIDED that construction is commenced within ninety (90) days after the date of the issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of without interruption for a continuous period in excess of thirty (30) days; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.
- 403.6 **Discontinuance or Abandonment:** Whenever a non-conforming use has been discontinued for one (1) year such discontinuance shall be considered conclusive evidence of an intention to abandon legally the non-conforming use. At the end of this period of abandonment, the non-conforming use shall not be re-established and any future use shall be in conformity with the provisions of this ordinance.
- 403.7 **Reversion to a Non-Conforming Use:** If a non-conforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a non-conforming use.
- 403.8 **Displacement of a Conforming Use:** No non-conforming use shall be extended to displace a conforming use.
- 403.9 **Non-Conforming to Non-Conforming Use:** The Township Board of Appeals may authorize a change from one non-conforming use to another non-conforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located than the non-conforming use which is being placed.
- 403.10 **Illegal Non-Conforming Uses:** Those alleged non-conforming uses which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance shall be declared illegal non-conforming uses and shall be discontinued following the effective date of this Ordinance.
- 403.11 **District Changed:** When the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provisions shall also apply to any existing uses that become non-conforming as a result of the boundary changes.
- 403.12 **Elimination of Non-Conforming Uses:** The Township Board may acquire properties on which non-conforming building or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public purpose. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

Section 404

PARKING REQUIREMENTS

- 404.1 **Purpose:** It is the purpose of these requirements that parking space shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles used by the occupants, employees, or patrons of each building constructed or altered under the provisions of this Ordinance.

- 404.2 **Location:** Parking shall be located on the same parcel as the structure which it is intended to serve, except commercial parking may be on adjacent property not further than five hundred (500) feet from the entrance to the business served.
- 404.3 **Use of Parking Areas:** No commercial repair work, servicing or selling of any kind shall be conducted on any parking area except that which is specifically permitted by this Ordinance.
- 404.4 **Schedule of Requirements for Public Parking Space:** Parking space shall be provided in accordance with the following schedule:

<u>Use</u>	<u>Number of Spaces</u>
Housing for Elderly	1/each 2 living units
Institutional, Churches, Hospitals, Auditoriums, Theaters, Clubs (Public and Private)	1/every 4 persons permitted by State Law to occupy the building.
Schools or Colleges	1/each full time Teacher Or Administrator and 1/each 4 students
Retail Businesses	1/500 square feet or usable Floor area
Restaurants, Taverns	1/every 4 patron seats
Bowling Alleys	5/each alley
Motels, Hotels	1/each occupancy unit
Barber, Beauty Shop	2/each customer service Station
Car Washes, Automatic	15 standing spaces/each bay
Car Washes, Self-Service	3 standing spaces/each bay
Offices, Banks	1/200 square feet of usable floor area
Gasoline Service Stations	2/each service bay plus 1/each employee
Industrial	1/each 2 employees in the largest working shift

404.5 **Design and Construction Requirements:**

- a) Minimum area per space shall be 200 square feet.
- b) Each space shall be clearly accessible to a public street.
- c) Parking areas shall be accessible by drives at least twenty (20) feet wide.
- d) Parking areas shall be maintained in a smooth, dust-free condition, and provided with adequate drainage.
- e) Parking areas for more than ten (10) vehicles shall be lighted, if used after dark, to insure safety of users and in a manner which minimizes the glare of lights visible to adjacent properties.
- f) Parking adjoining a residential district shall not be closer than ten (10) feet to the property line and a screen shall be provided to buffer adjacent residential properties.
- g) Parking areas shall not be located closer than then (10) feet to the street right-of-way line.
- h) Parking areas shall be landscaped in an attractive manner, and shall be maintained in a litter-free condition.

Section 405

SIGN REGULATIONS

405.1 **Purpose:** It is the purpose of this section to regulate the size, placement, and general appearance of all privately-owned signs in order to promote the public health, safety, morals, convenience, and general welfare, and the stated purposes of this Ordinance. These purposes include the enhancement of he aesthetic desirability of the environment, and the reduction of hazards to life and property in Ingham Township.

405.2 **Signs in Residential Districts:** Signs in accordance with the definition set forth in Section 202 (Definitions of this Ordinance shall be permitted subject to the following restrictions:

- a) Signs no larger than ten (10) square feet in area shall be permitted for any one of the following purposes:
 - 1) Sale or lease of property (real or personal)
 - 2) Advertising home occupation
 - 3) Political advertising
- b) Signs advertising new subdivision or major development may be permitted by the Zoning Board for no more than one (1) year, provided they do not exceed twenty-five (25) square feet in area.
- c) Public institutions and churches permitted in residential districts shall comply with regulations for commercial uses.

405.3 **Signs in Commercial or Industrial Districts:** Signs shall be permitted subject to the following restrictions:

- a) Signs shall pertain exclusively to the business carried on within the building.
- b) Signs shall be placed flat against the main building or parallel to the building on a canopy and may face only the public street or parking areas which are a part of the development. Signs shall not project above the roof line or cornice.
- c) Signs painted or affixed to a building shall not exceed ten (10) percent of the surface area of the building face to which attached.
- d) Signs may be illuminated, but no flashing or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties and

shall not be visible beyond the property line of the parcel on which the sign is located.

e) Free Standing Signs, shall:

- 1) Not obstruct a clear view of traffic.
- 2) Not exceed twenty-five (25) feet in height.
- 3) Not exceed one per property, regardless of number of businesses.
- 4) Set back at least ten (10) feet, measured from the right-of-way line to the leading edge of the sign.
- 5) Not exceed twenty-five (25) square feet in area.

405.4 **Outdoor Advertising:** Outdoor advertising structures and billboards other than those signs which exclusively advertise businesses on the premises on which they are located shall be permitted by Special Use Permit in the Commercial and Limited Industrial Districts in accordance with the following limitations:

- a) Setback: Outdoor advertising structures and billboards shall be located in accordance with the setback requirements of Section 401.1.
- b) Outdoor advertising structures and billboards may be illuminated, providing the source of such illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the sign is located.

Section 406

SITE PLAN REVIEW

406.1 **Purpose:** It is the purpose of this section to require site plan review approval for certain building, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development. The regulations contained in this section are intended to promote: (1) safe and convenient traffic movement, both within a site and in relation to access streets; (2) harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and (3) conservation of natural features and resources.

406.2 **Procedures for Site Plan Review:**

- a) Application: Application for Site Plan Review shall be submitted through the Township Clerk to the Township Zoning Board on a special form for that purpose; each application shall be accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover the costs of processing the application. No part of any fee shall be refundable.
- b) Data Required in Application: Every application shall be accompanied by the following information and data:
 - 1) Special form supplied by the Township Clerk filled out in full by the applicant.
 - 2) Site plan, plot plan, or development plan, drawn to readable scale showing:
 - a) Property dimensions
 - b) Size, shape and location of existing and proposed buildings and structures.
 - c) The location of parking areas, all parking spaces and driveways.
 - d) Existing public right-of-way, and/or private easements.
 - e) Water courses and water bodies, including surface drainage way.

- f) Existing significant vegetation
 - g) A landscape plan indicating locations of proposed planting and screening, fencing, sign and advertising features.
- c) The Zoning Board shall review the site plan to determine compliance with permitted land use, density of development, general circulation, and other provisions of this Ordinance. The Zoning Board shall respond to the applicant within forty-five (45) days of filing, and if denied, shall cite reasons for denial. If approved, a Certificate of Site Plan Approval shall be issued to the applicant by the Township Clerk.

406.3 **Standards for Site Plan Approval:**

- a) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement so surrounding property for uses permitted in this Ordinance.
- b) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- c) Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
- d) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares shall be screened.
- e) Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.

406.4 **Appeals and Questions of Interpretation of Ordinance:** Any person considering himself aggrieved by the decision of the Zoning Board in granting or denial of Site Plan Approval shall have the right to appeal said decision to the Township Board. The appeal shall be exclusive and must be filed with the Township Clerk within ten (10) days of the decision of the Zoning Board. Appeals of a Township Board decision shall be taken to a court of competent jurisdiction.

ARTICLE FIVE: SPECIAL USE PERMITS

Section 501

APPLICATIONS AND DETERMINATIONS

501.1 **Purpose:** Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with conclusive experience regarding some of the older, familiar kinds of uses call for a more flexible and equitable procedure for property accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practical latitude for the investor, but that, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitant.

In order to accomplish such a dual objective, provision is made in this Ordinance for a more detailed consideration of certain specified activities as they may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land structure uses possessing these particularly unique characteristics are designated as SPECIAL USES and may be authorized by the issuance of SPECIAL USE PERMIT with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following sections, together with previous references in other Articles, designate what uses require a Special Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all special uses indicated.

501.2 **Procedures for Making Application:**

- a) Application: Application shall be submitted through the Township Clerk to the Township Zoning Board on a special form for that purpose; each application shall be accompanied by the payment of a fee in accordance with the duly adopted "schedule of fees" to cover cost of processing the application. No part of any fee shall be refundable.
- b) Data required in Application: Every application shall be accompanied by the following information and data:
 - 1) Special form supplied by the Township Clerk filled out in full by the applicant.
 - 2) Site Plan, if required by the Zoning Board, otherwise a sketch map, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
 - 3) Preliminary plans and outline specifications of the proposed project.
 - 4) A statement with supporting evidence regarding the reason for applying for a Special Use Permit.
- c) The Zoning Board shall review the proposed project, prior to submitting its recommendations for action to the Township Board, in terms of the standards set forth in this Ordinance.
- d) Prior to submitting recommendations, the Zoning Board/Zoning Commission shall hold a public hearing on each application for special land use and shall provide notice by publishing a notice in a newspaper of general circulation within the Township and shall, by mail or personal delivery, provide such notice to all persons to whom real property is assessed and to all persons occupying structures within three hundred (300) feet of the subject property, regardless of whether said property or occupant is located within the Township. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may

be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. All such notice shall be provided not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is unknown, the term "occupant" may be used. Said Notice shall:

- (1) Describe the nature of the request;
 - (2) Indicate the property that is the subject of the request, and shall include a listing of all existing street addresses within the property and, 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 request;
 - (5) State the place and time where the proposed text and any maps of the Zoning Ordinance may be examined.
- e) Upon conclusion of hearing procedure, the Zoning Board shall recommend action to the Township Board including any time limit or specific requirements desired. Following favorable action by the Township Board, the Clerk shall issue a Special Use Permit with all conditions clearly specified in writing.

501.3 **General Standards for Making Determinations:** The Zoning Board in making recommendation to the Township Board shall establish the facts and shall find adequate evidence showing that the proposed use:

- a) Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Township Comprehensive Plan of current adoption;
- b) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
- c) Will not be hazardous or disturbing to existing or future neighboring uses;
- d) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- e) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- f) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors;
- g) Will be consistent with the intent and purposes of this Ordinance.

- 501.4 **Time Periods:** Special Use Permits may be issued for time periods as determined by the Township Board, are granted to the original applicant only, and will not transfer to subsequent owners. Special Use Permits requiring renewal must be renewed in the same manner as the original application.
- 501.5 **Financial Guarantee:** In authorizing a Special Use Permit, the Township Board may require that a bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drivers, walks, utilities, parking, landscaping and any other requirements set forth by the Township Board.
- 501.6 **Specific Requirements:** The foregoing general standards are basic to all special uses. The specific requirements accompanying the following sections relating to particular uses are in addition and shall be required in all applicable situations.

Section 502

NON-RESIDENTIAL STRUCTURES AND USES IN RESIDENTIAL DISTRICTS

- 502.1 **General Standards:** In as much as the non-residential uses permitted in residential districts may have an adverse effect on residential properties if not properly located and designed, the following general standards must be met prior to development of such uses:
- a) Hazardous areas must be adequately fenced to avoid accidents, such areas including:
 - 1) Sand or gravel operations
 - 2) Airports
 - 3) Public utility substation
 - 4) Land fills and junk yards
 - b) Structures shall be no closer than one hundred (100) feet to adjacent property lines.
- 502.2 **General Requirements:** The following recommendations will further serve to limit the effect of non-residential uses permitted in residential districts:
- a) Any permitted non-residential structure should be located at the edge of a Residential District, abutting a Commercial/Industrial District, or a public open space.
 - b) Motor vehicle entrance and exit should be made on a major street (county local or state highway) to avoid the impact of traffic generated by the non-residential use upon the residential area.
 - c) Site locations should be chosen which offer natural or man-made barriers that would lessen the effect of the intrusion of a non-residential use into a residential area.
 - d) Non-residential uses should not be located so as to cause costly public improvements.
- 502.3 **Removal of Soil, Sand, Gravel and Other materials:**
- a) The soil erosion control standards of Ingham County shall be followed.
 - b) All areas shall be rehabilitated as work progresses to a condition reasonably safe, and to blend in with the surrounding area. A bond for compliance may be required in an amount to be determined by the Township Board.
 - c) All installations shall be maintained in a neat orderly condition so as to prevent injury to any property, individual or the community in general.
 - d) Traffic: The Township shall establish routes for truck movement in and out of the development in order to minimize the wear on public streets, to prevent hazards and damage to properties and to avoid densely-populated residential areas.
- 502.4 **Public Utility Structures and Substations:** Adequate evergreens to screen exposed facilities from view shall be required.

502.5 **Commercial Kennels and Stables:**

- a) Shall be located and constructed so as to minimize the potentially adverse effects of noise on adjacent properties;
- b) Shall be located and constructed so as to minimize the potentially adverse effects of odors on adjacent properties.

502.6 **Public or Private Sanitary Land Fills or Junk Yards:**

- a) Such uses shall be established and maintained in accordance with all applicable State of Michigan statutes.
- b) Shall be fenced around the entire periphery of the property in use with a solid screen of sound construction, painted or otherwise finished neatly and inconspicuously.
- c) All activities shall be confined within the fenced area. No equipment, material, sign, or lighting shall be used or stored outside the fenced area.
- d) Fences shall be set back one hundred (100) feet from any public street.
- e) No burning beyond the limited amount normally associated with a dwelling until shall be permitted.
- f) Junk, automobiles or other debris may not be stacked in any manner such that it could be visible outside the site. Junk yards or land fills shall not be located in areas which are impossible to screen from view from adjacent properties or public streets.

502.7 **Livestock:**

- a) Shall not be raised on property having a lot area of less than two (2) acres;
- b) Shall be located so as to minimize the potentially adverse effects of noise on adjacent properties;
- c) Shall be located so as to minimize the potentially adverse effects of odors on adjacent properties.
- d) All pens or shelters for livestock shall be maintained in a sanitary condition.
- e) Livestock shall be fenced in or otherwise prevented from straying off the premises.

Section 503

MISCELLANEOUS SPECIAL USES

503.1 **General Standards:** In as much as certain commercial/industrial uses may have a substantial impact on land use, traffic patterns, aesthetics, the environment and the general welfare of the Township, the following standards must be met by such uses:

- a) Whenever possible, entrance and exit shall be made on a major street (county local or state highway).
- b) Whenever possible, existing trees on the site shall be preserved. In addition, new landscaping shall be added to enhance the beauty of the development.
- c) Screening shall be provided for uses which exhibit a cluttered appearance due to outdoor operations which generate unusual noises or require lighting which may shine onto adjacent properties. Such uses shall include, but not necessarily be limited to the following:
 - 1) Outdoor motor vehicle, boat, mobile home sales, display or storage.
 - 2) Car washes.

- 3) Truck terminals and certain warehouses.
- 4) Contractors' storage yard.
- 5) Outdoor theaters, miniature golf courses and gold driving ranges.

503.2 **Industrial Use Standards:**

- a) Activities shall be carried on in completely enclosed buildings. Storage may be permitted outdoors but shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates.
- b) Industries which emit odorous gases, smoke, dust, heat, vibrations or radiation which are humanly perceptible at the property boundaries shall be required to submit a plan for the control of dangerous or objectionable emissions to the Township Board as a condition of approval.
- c) Industries may not engage in the production or storage of material designed for use as an explosive.

Section 504

Elderly Cottage Housing Opportunities (ECHO)

It is the intent of this section to provide standards that will allow extended family living in what have traditionally been single-family only zoning districts and neighborhoods. Such provisions will permit the placement of detached, removable, self-contained residential units designed for installation on the same lot as the principal dwelling, usually in the rear yard. It is intended that by providing housing opportunities for the elderly a vital need can be met without diminishing the quality of the affected neighborhood, permitting independent living in close contact with younger family members.

504.1 **Elderly Cottage Housing Opportunities (ECHO) Requirements:** The following provisions shall be met:

- (a) Only owner-occupiers of the principal dwelling are permitted to install ECHO housing units.
- (b) ECHO housing units shall be temporary in nature and are to be removed upon cessation of the occupancy for which they are intended. Special Use Permits for ECHO housing units may be issued or renewed for time periods as determined by the Township Board, and must be removed upon expiration of the permit. In the event of damage to a dwelling as a result of fire or disaster sufficient to render the dwelling inhabitable, installation and use of a temporary dwelling may be approved by the Township Board for a maximum term of six (6) months.
- (c) Special Use Permits for ECHO units may be approved only in the AG, RR or R-1 zoning districts.

- (d) The front and side yard requirements applicable to the principal dwelling shall also apply to and be complied with in placement of the ECHO housing unit. The Township Board shall determine rear yard requirements upon consideration of lot size and placement of surrounding structures and uses.
- (e) The ECHO housing unit shall meet all applicable codes, and the requirements of this Ordinance, for manufactured housing or mobile home dwellings as appropriate.
- (f) Additional parking need by the occupant, or required by this Ordinance, shall be provided in off-street spaces.
- (g) The Township Board may impose any other reasonable conditions including lot coverage, landscaping, concrete support pad, security anchoring and skirting of mobile homes, and other similar requirements it deems necessary to protect adjoining properties and public welfare.
- (h) A Special Use Permit for an ECHO housing unit shall only be approved upon a showing of need based on physical practical difficulty or medical disability supported by medical documentation, and will not be approved if it is apparent that the request is primarily for economic advantage.
- (i) ECHO housing units may be occupied by no more than two (2) persons.
- (j) Bonding to insure removal of the ECHO housing unit shall be required in an amount specified by the Township Board, not less than two thousand dollars (\$2,000.00).

504.2 Review Procedure The application shall be reviewed in accordance with Article Five: Special Use Permits.

504.3

Permit Revocation: After a Special Use Permit has been issued, if the Township Board determines that there has been a misrepresentation in the application for the permit, that there has been a breach of any of the conditions of the Special Use Permit, that the standards set forth in this Article have not been complied with, or that the applicant for, or occupant of, the ECHO housing unit no longer meets the requirements of this section, the Township Board may revoke the Special Use Permit and require vacation of the ECHO housing unit within a reasonable time, and the unit shall subsequently be removed from the property within thirty (30) days.

Section 505. Private roads.

505.1 Intent It is the intent of this section to establish provisions for the construction of limited single family housing developments served by private roads, rather than public roadways. Special use permits for private roads are not intended, and shall not be approved, in platted subdivisions.

505.2 General requirements No private road shall be created, installed, constructed, extended or utilized unless first reviewed by the Zoning Commission and approved by the Board of Trustees as a special use pursuant to the procedures contained in this Article 5. No special use shall be recommended for approval by the Zoning Commission to the Board of Trustees until and unless it determines that the standards of this section are met, as well as those contained in this Article 5.

505.3 Minimum standards for all private roads

- a. A private road shall be located within a private road easement. Such easement shall not be less than sixty-six (66) feet in width at any point. At any dead end of such easement, the easement shall widen such that there is a minimum radius of sixty (60) feet.
- b. A lot on a private road shall have the minimum lot width required by Section 311 of this Ordinance measured on the private road.
- c. A private road shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name of the private road meeting County Road Commission standards as to design, location and maintenance shall be erected and maintained where such private road adjoins any other road, public or private.
- d. The area in which the private road is to be located shall be cleared and kept clear of vegetation for a minimum width specified in the special use permit based on the road design, service area, and the requirements of the fire protection authority. The private road may be located anywhere within the private road easement, allowing for any required shoulder, provided that the balance of the right-of-way shall

remain unencumbered to allow for future expansion.

- e. All private roads shall be constructed on a base of at least six (6) inches of gravel, with a minimum of a twelve (12) inch sand sub-base, with specific design standards equivalent to the Ingham County Road Commission standards for a minimum service local road.
- f. A private road shall have a minimum shoulder width of three (3) feet on each side. For private roads serving more than four (4) lots, the surface of the roadway shall be asphalt or concrete with a minimum thickness of one and three-quarters (1¾) inches and six (6) inches for concrete. The shoulder may be asphalt, concrete, gravel or a similar dustless surface. These requirements may be waived by the Zoning Commission only if it can be determined that a significant aesthetic benefit may be gained and that public safety will not be compromised.
- g. A private road or interconnected private road system shall not serve more than twenty (20) lots, unless a secondary means of ingress and egress is provided for the entire property served. The secondary access shall meet the minimum standards of this section.
- h. All private roads shall widen at any dead end so that there is a turnaround approved by the fire protection authority and any other public safety entity serving the area.
- i. A private road shall not exceed a grade of ten percent (10%), provided that within thirty (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 four percent (4%).
- j. A private road shall be constructed in a manner to provide effective stormwater drainage and to prevent runoff 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 must be certified by a registered professional engineer, that it complies with design standards of the County Road Commission, and requirements of

the state. Such bridge, culvert or other structure must be able to safely support a weight of 40,000 pounds to ensure fire truck access.

- k. 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. The house number shall be a minimum of three (3) inches in height.

505.4 Road maintenance agreement

- a. Prior to the approval of the proposed private road, the applicant shall submit to the Township a set of deed restrictions in a form acceptable to the Township, which shall provide for the creation of the private road easement and the creation of a homeowners association whose members shall only be those property owners to be served by said road. The association shall be responsible for the upkeep and maintenance of said private road. No more than one (1) association shall be responsible for any one private road. The documents shall provide a notification that no public funds of the Township will be used to build, repair or maintain the private road, for easements to the public for purposes of emergency and other public vehicle for whatever public services are necessary, shall provide that each of the owners of property utilizing the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with the normal ingress and egress use by any of the other owners, and ensure that the property owners shall have a mechanism provided to enforce these rights. Normal ingress and egress and use shall include use by families, guests, invitees, trades people, and others bound to or returning from any of the properties having the right to use the road. Said restrictions shall be recorded prior to the completion of the road. Future inclusions of other or non-adjacent properties shall require modification of the special use permit, deed restrictions and homeowners association.
- b. The applicant shall also submit to the Township a document in a form sufficient for recording with the Ingham County Register of Deeds stating that in no event shall the association or the individual homeowners, the applicant or their heirs or

assigns hold the Township or the Ingham County Road Commission liable for the costs of road signs, traffic control signs, maintenance, lighting or snow removal.

- c. For any parcel of land fronting on a private road, an easement for the construction and maintenance of various utilities, including natural gas, electric, telephone, sewer, water, storm sewer or similar improvements shall be provided. No building permit shall be granted for any parcel fronting on the private road until such easement has been provided by the applicant.
- d. A permit must be obtained from the Ingham County Road Commission for any construction within the right-of-way of County roads.
- e. No building permit shall be issued until such time that all roadway, ditching and drainage improvements are installed, except if 1) the required sub-base is installed; and 2) the applicant supplies a cash deposit, certified check, bond or other financial guarantee acceptable to the Township guaranteeing completion of the private road according to the standards provided herein. In fixing the amount of such financial guarantee, the Township shall take into account the size of the proposed private road, the current prevailing cost of completing the road upon default of the applicant, the estimated expense to compel the applicant to comply with the terms of this Ordinance by Court order, or other such conditions and facts as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application.

505.5 Procedure for permitting of private roads

- a. Application and fee. An application for a special use approval to establish, construct, extend, improve or relocate a private road shall be filed with the Zoning Administrator along with a fee as set by the Board of Trustees. The application shall contain or be accompanied by the following information:
 - 1. The name of the owner and any other parties having a legal interest in the private road.

2. The permanent parcel number or legal description of the property over which the private road is constructed.
3. The site location map (not required to be to scale) which shows the location of the parcel containing the road to surrounding properties and roadways within one-half mile of the site.
4. A scaled drawing which illustrates all of the lots which will be served by the private road.
5. A scaled drawing prepared by a registered professional engineer showing the precise location, route, elevations, dimensions, specifications and design of the private road, and any proposed extensions of the road, existing or proposed curb cuts, and the location and distance to any public or private street which the private road is to intersect. This drawing shall also include a profile of the proposed road.
6. A road maintenance agreement, access easement agreement and deed restrictions as required by this section shall also accompany the application.
7. A driveway permit from the County Road Commission if the proposed road will connect to a public road, or an agreement to connect if the proposed road connects to an existing private road.
8. An application for a special use permit pursuant to the requirements of this Article 5.

b. Review by the Zoning Administrator.

1. The Zoning Administrator shall review this information in conjunction with the Fire Chief of the fire protection authority serving the area to determine compliance with the standards and requirements for private roads as contained in this article, and may consult with the Township attorney, engineer and planning consultant.

2. The Zoning Administrator shall make a recommendation to the Zoning Commission regarding whether or not the application meets the requirements of this section.
3. If the Board of Trustees approves the private road and development request after the required hearing and action by the Zoning Commission, the Zoning Administrator may issue a zoning permit for the private road. No construction shall commence upon the private road until the zoning permit has been issued. Further, no zoning permit shall be issued until and unless the applicant has submitted a road maintenance agreement, private road easement, and a deed restriction document to the Township and the Township has approved the documents. The zoning permit for the private road construction does not authorize the construction of any buildings on the private road, nor the issuance of any building permits for any buildings. The zoning permit is valid for a period of one (1) year from the date of approval. If substantial construction on the private road is not commenced before the one year time period extends, the permit shall expire. A new zoning permit shall be required before construction can begin.
4. Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator all of the following:
 - i. A letter from a registered professional engineer that the road has been constructed in compliance with the approved private road plans.
 - ii. Documentation that the road maintenance agreement, access easement and deed restrictions have been recorded with the County Register of Deeds.
5. The Zoning Administrator shall conduct an inspection of the private road to ensure

that all other requirements of this section have been met.

- i. Upon approval of the items required for final compliance, the Zoning Administrator shall issue a private road permit which shall also serve as a certificate of zoning compliance.
- ii. A zoning permit shall not be issued for any building, dwelling or structure which derives its primary access from the private road, unless the private road has been completed in accordance with an approved zoning permit and a private road permit has been issued.

Section 506

OTHER SPECIAL USES

506 Purpose and Scope: Land and structure uses that are not specified in any other section of this Ordinance may be considered for Special Use Permit providing that they will not seriously injure surrounding properties by depreciative quality and value of such property and will not generally injurious to the community as a whole.

506.1 Standards: All standards expressed elsewhere in this Ordinance are applicable to uses permitted in this section as well as any specific, reasonable standard which the Township wishes to apply to consideration of the proposed use.

ARTICLE SIX: ADMINISTRATION AND ENFORCEMENT

Section 601

ENFORCEMENT

601.1 **Responsibility:** The administration and enforcement of this Ordinance shall be the responsibility of the Township Supervisor. The Supervisor shall have the right to delegate said responsibility to appropriate Township officers or employees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Officer.

601.2 **Zoning Officer:** If the Zoning Officer shall find that any provision of this Ordinance is being violated, he shall notify the person responsible for such violations in writing, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of, its provisions.

- 601.3 **Correction Period:** All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or as such longer period of time, not to exceed six (6) months, as the Zoning Board of Appeals shall permit. A violation not corrected within this period shall be reported to the Township Attorney who shall initiate prosecution procedures.
- 601.4 **Certificates of Zoning Compliance:** A building permit for erection, alteration, moving or repair of any building shall not be issued until a preliminary certificate of zoning compliance has been issued. Issuance of such certificate shall indicate that the plans for which the building permit is requested complies with the Zoning Ordinance.

It shall be unlawful to use or occupy any new structure until a final certificate of zoning compliance has been issued by the Zoning Officer. The certificate shall state that the structure and lot, and use thereof, conform to the requirements of this Ordinance.

The Zoning Officer shall maintain a record of all certificated of zoning compliance and said record shall be open for public inspection. Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under the section entitled "Penalties" herein.

It shall not be necessary for a legal nonconformity existing on the effective date of this Ordinance to obtain certificates of zoning compliance in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended until a preliminary certificate of zoning compliance shall have been issued by the Zoning Officer. The certificate shall state specifically wherein the nonconforming building, structure or use differs from the provisions of this Ordinance.

The applicant for a final certificate of zoning compliance shall notify the Zoning Officer when final inspection is desired. The final certificate of zoning compliance shall be issued upon final inspection or written notice shall be given to the applicant stating the reasons why said certificate cannot be issued. Such notice shall be sent to the applicant not later than fifteen (15) days after the Zoning Officer is notified that the building, structure or premise is ready for inspection.

- 601.5 **Fees:** The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be posted on public display in the office of the Zoning Officer, and may be changed only by the Township Board. No certificate shall be issued unless such fees have been paid in full.

Section 602

BOARD OF APPEALS

602.1

Established; Membership: A Board of Appeals is hereby established in accordance with Act 110 of the Public Acts of 2006 (MCL 125.3101 *et seq*), and as same may be amended. The Board shall consist of five (5) members: The Chairman of the Zoning Commission, a member of the Township Board appointed by the Township Board, and three members appointed by the Township Board from the electors residing in the unincorporated area of the Township, none of which shall be employed by Ingham Township or be members of a Board of Ingham Township. The term of office of the member from the Township Board shall not exceed his

term of office on the Township Board. The term of office for the three members appointed from the electors shall be three years. When members are first appointed, the appointments may be for less than three years, to provide for staggered terms. A vacancy on the Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

The Township Board may appoint not more than two alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member, if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office, upon written charges and after public hearing.

A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. A member of the Zoning Board of Appeals who is also a member of the Zoning Commission or Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Zoning Commission or Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

602.2 **Procedures of the Board:**

The Board of Appeals shall adopt rules and regulations to govern its procedures. The Board of Appeals shall appoint one of its members as Chairman. The Chairman of the Zoning Commission and the Township Board Member shall not act as Chairman of the Board of Appeals. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to revise any order, requirement, decision or interpretation of the Zoning Officer, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance. The Zoning Board of Appeals

shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors including the vote of each member upon each question, or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.

The Board shall return a decision upon each case within sixty (60) days after a request or appeal has been filed, unless an extended time is agreed upon in writing with the parties concerned.

602.3 **Hearings:**

: Upon the receipt of a written request for a variance, the Zoning Board of Appeals shall fix a reasonable time for a hearing and give notice as provided in Section 501.2d. of this Ordinance.

Upon receipt of a written request for interpretation or an appeal of an administrative decision, a notice stating the time, date and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery 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 300 feet of the boundary of the property in question. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. If the occupant's name is not known, the term "occupant" may be used.

At the hearing, a party may appear in person or by agent or attorney.

602.4 **Duties and Powers:**

Duties and Powers: The Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety and welfare secured, and substantial justice done. The Board of Appeals shall hear and decide ONLY those matters which it is specifically authorized to hear and decide as provided therein; administrative review, variance, and expansion of non-conforming buildings and structures.

The Board of Appeals shall not have the power to alter or change the Zoning District classification of any property, nor make any change in the terms or intent of this Ordinance. The Zoning Board of Appeals shall not hear or decide appeals relating to decisions relating to special use permits, planned developments or decisions of the Township Board. The Board of Appeals does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance or exception.

- a. **Review:** The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination of the Zoning Officer.
- b. **Interpretation:** The Board of Appeals shall have the power to:
 - (1) Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
 - (2) Determine the precise location of the boundary lines between Zoning Districts when there is a dissatisfaction with a decision made by the Zoning Officer;
 - (3) Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.

602.5 Variance:

: The Board of Appeals shall have the power and duty to authorize, upon an appeal, only specific variances from requirements pertaining to lot area and width regulations, building and height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements. The Board of Appeals shall find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance, and may specify a bond or other financial guarantee acceptable to the Township of ample sum to insure compliance. Any decision of the Board of Appeals shall supersede the decision of the public official from whom the appeal is taken for the property of the applicant upon which the ruling is made. No variance shall be granted unless there are practical difficulties in the way of carrying out the strict letter of the Zoning Ordinance and the granting of a variance is necessary so that the spirit of the Ordinance is observed. In addition, ALL of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter must be satisfied.

a. Basic Conditions: that any variance granted from this Ordinance:

(1) Will not be contrary to the public interest or to the intent and purpose of this Ordinance.

(2) Shall not permit the establishment within a district of any use which is not permitted by right or special use permit within that district.

(3) Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.

(4) Is not where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.

(5) Will relate only to the property that is under control of the applicant.

(6) Shall not use for grounds for the issuance of a variance any non-conforming use of neighboring lands, structures or buildings.

b. Special Conditions: that any variance granted from this Ordinance will address:

(1) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.

(2) Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

c. In exercising the above-mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end.

602.6 **Voiding of and Reapplication for Variance:** The following provisions shall apply:

Each variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance or permit complies with the constraints of the Building Permit issued.

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

602.7 **Appeals; How Taken:**

a. Appeals to the Board of Appeals concerning interpretation and administration of this Ordinance may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Officer. Appeals shall be taken within a reasonable time not to exceed ten (10) days following action by the Zoning Officer, by filing with the Zoning Officer and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken.

602.7 **Duties on Matters of Appeal:**

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Officer. Such questions shall be presented to the Zoning Board of

Appeals only on appeal from the decision of the Zoning Officer.

An appeal from a decision of the Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of any circuit court to the court of appeals.

Section 603

CHANGES AND AMENDMENTS

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Zoning Board, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

603.1 Procedures:

The procedure for making amendments to this Ordinance shall be in accordance with Act 110 of the Public Acts of 2006, and as amended from time to time.

A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk. The Clerk shall review the application as to form and, when it is approved, transmit same to the Township Zoning Board for review and report. The Clerk shall, at the same time, establish a date for a public hearing on the petition for the Zoning Board and shall give proper notice of the hearing as provided in Act 110 of 2006, as amended. The procedure for making amendments to this Ordinance or to any zoning district map shall be as provided by PA No. 110 of 2006 (MCL 125.3101 *et seq*) and as said statute may be amended.

If an individual property or ten or fewer adjacent properties are proposed for rezoning, notice of the public hearing shall be given as provided in Section 501.2d.

If eleven or more adjacent properties are proposed for rezoning, notice shall be given as provided in Section 501.2d of this Ordinance, except notice shall not be required for persons to whom property is assessed and to occupants of structures within three hundred (300) feet, and a list of street addresses shall not be required.

In addition to the notice set forth above, notice of the time and place of the public hearing shall also be given by mail to each electric, gas and pipeline utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name and mailing address with the Clerk of the Township for the purpose of receiving the notice of public hearing.

603.2

Information Required: The Petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the zoning map, the petitioner shall submit the following information:

- a. A legal description of the property,
- b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location,
- c. The name and address of the petitioner,
- d. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner,
- e. Date of filing with the Township Clerk,
- f. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information, and
- g. The desired change and reason for such change.

603.3

Steps in Making a Change.

- a. Petitioner submits application and fee.
- b. Clerk transmits application to Zoning Board, sets hearing date, and publishes notices of hearing prescribed in Sections above entitled "Procedures" and "Notice of Hearing."
- c. Zoning Board/Zoning Commission holds a hearing, makes a decision, and transmits the decision to the Ingham County Zoning Coordinating Committee, unless the County has waived its right for such review. Following the hearing, the Zoning Board/Zoning Commission shall transmit a

summary of comments received at the hearing and its proposed Zoning Ordinance, including any zoning maps and recommendations, to the Township Board.

d. The Township Board considers the Zoning Board/Zoning Commission recommendation. The Township Board may refer any proposed amendment to the Zoning Board/Zoning Commission for consideration and comment within a specified time, and may itself hold a public hearing if it considers such a public hearing to be necessary, and shall hold a public hearing if a written request is submitted by a property owner by certified mail prior to Township Board action. Notice of the public hearing before the Township Board will be given as specified above for re-zonings (map amendments) or zoning text amendments. A zoning ordinance and any amendments shall be approved by a majority vote of the Township Board members.

603.4

Findings of Fact Required: In reviewing any petition for a zoning amendment, the Zoning Board shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition and a summary of comments received at the public hearing to the Township Board.

The facts to be considered by the Zoning Board shall include, but not be limited to, the following:

- a. Whether the requested zoning change is justified by a change in condition since the original Ordinance was adopted or by an error in the original Ordinance;
- b. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
- c. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved;
- d. Effect of approval of the petition on adopted development policies of Ingham Township and other government units;
- e. All findings of fact shall be made a part of the public records of the meetings of the Zoning Board and the Township Board.

PENALTIES; Civil Remedies

Violations of the provisions of the Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than ninety (90) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

The imposition of any fine, or jail sentence, or both shall not exempt the violator from compliance with the provisions of this Ordinance.

In addition to the criminal sanctions provided above, the violation of any of the provisions of this Ordinance shall be deemed to be a nuisance *per se*, and may subject the violator and persons involved to equitable remedies, such as injunctive relief to abate said nuisance and to achieve compliance with the terms of this Ordinance.

Section 605

VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

Section 606

SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable, and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

Section 607

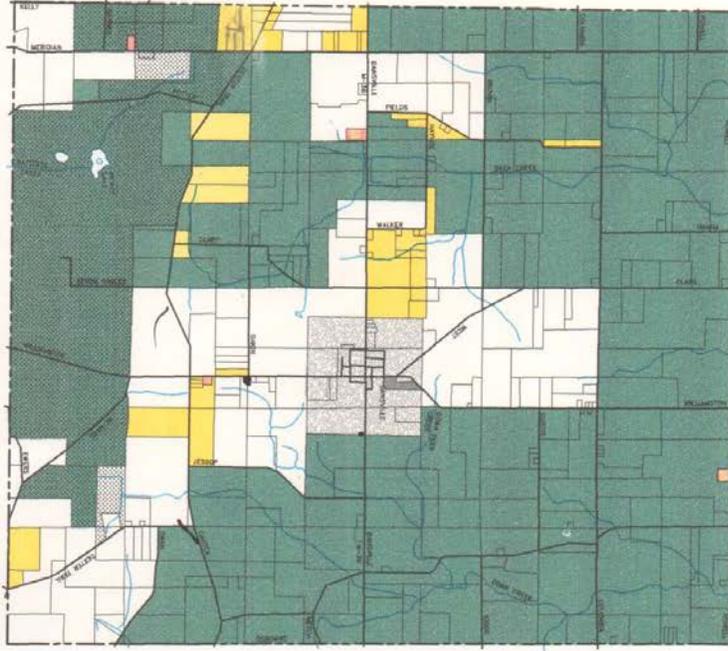
EFFECTIVE DATE

This Ordinance shall become effective when a true copy of the same is first published in its entirety following passage by the Township Board of the Township of Ingham.

Made and passed by the Township Board of the Township of Ingham, Ingham County, Michigan on this 19th day of September, 2011

ZONING MAP OF INGHAM TOWNSHIP
INGHAM COUNTY, MICHIGAN
 REVISED JULY 1997

SCALE: 1" = 2000'



LEGEND

- "AG" AGRICULTURAL ENTERPRISE
- "RR" RURAL RESIDENTIAL
- "R-1" LOW DENSITY RESIDENTIAL
- "C" COMMERCIAL
- "I" INDUSTRIAL
- STATE OWNED LAND

