

**ARTICLE 13
GENERAL PROVISIONS**

DEFINITIONS

The following words and phrases shall have the meanings set forth in this Section when they are used in this

SECTION 13.01 CONFLICTING REGULATIONS

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

SECTION 13.02 SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

SECTION 13.03 SEWAGE, OS, C, CR, M-1, R3, RM AND MHP DISTRICTS

All sewage shall be disposed of in a manner which will not interfere with the health, welfare and safety of the citizens and residents of Oceola Township. R3, RM, MHP Districts shall be required to install a central sewage treatment system.

Amended 9/6/2007, Effective 9/19/2007

SECTION 13.04 PERMITTED USES

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located, except as otherwise provided herein.

SECTION 13.05 Deleted 8/29/85

SECTION 13.06 PERMITTED HEIGHT.

Height restrictions for all buildings, structures and appurtenances erected beneath established aircraft approach land shall be as established by the Zoning Board of Appeals after consultation with the appropriate aeronautical agency.

Amended 9/6/2007, Effective 9/19/2007

SECTION 13.07 LOT LIMITATIONS

In all residential zoning districts, only one principal building shall be placed on a lot of record with the exception of parcels of record described and designated as "out lots," which may be so arranged or subdivided as to provide for one or more principal buildings when the land area allocated to each building is equal to or greater than the lot area required for the district and the building and land complies with all the other requirements on land subdivided in violation of the Subdivision Control Act of 1967, Act 288, Public Acts of 1967, as amended.

SECTION 13.08 LOTS, YARDS AND OPEN SPACES

No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this Ordinance, may be reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

SECTION 13.09 PORCHES, PATIOS AND TERRACES

An open, unenclosed porch, paved patio, or terrace may project into a required front yard for a distance not to exceed ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

SECTION 13.10 PROJECTIONS INTO YARDS

Architectural features, as defined, not including vertical projections may extend or project into a required side yard not more than two (2) inches for one (1) foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet.

SECTION 13.11 SUBSTANDARD LOTS

Any lot which was of record at time of the adoption of this Ordinance that does not meet the requirements of this Ordinance for lot width and depth and available space for yards, may be utilized for single residence purposes, provided the width and depth and available open space for yards is not less than sixty-six and two thirds (66 2/3) percent of that required by the terms of this Ordinance, excepting that vacant lots having in the aggregate a continuous frontage of one hundred and twenty (120) feet or more, regardless of ownership, shall not be subject to this exception. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

SECTION 13.12 FRONTAGE, AS AMENDED

Every principal building shall front upon a public street, except where otherwise provided by law.

SECTION 13.13 TEMPORARY OCCUPANCY OF TRAILER COACHES

The temporary occupancy of trailer coaches shall be subject to the following conditions, upon application to Zoning Administrator:

- A. During the period of construction of a new building but not to exceed a period of one (1) year, the owner of such dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one trailer situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
- B. Such trailer coach shall not be located between the established set-back line and the public roadway or curb line of such premises.
- C. The trailer coach shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
- D. The sanitary facilities of the trailer coach for the disposal of sewage and waste shall be properly connected to the public sewage system available at such premises, and in case such a system is not then available then properly connected to the existing septic tank sewage disposal system which is approved by the Livingston County Health Department for the dwelling to be constructed thereat.
- E. No occupant of the trailer coach shall cause or permit waste to be discharged upon the ground surface of the premises, nor cause or permit refuse to accumulate or remain thereat.
- F. The water facilities of the trailer coach shall be properly connected to the public water system available at such premises and in case such system is not then available, then properly connected to the existing well stem which is approved by the Livingston County Health Department for the dwelling to be constructed thereat.
- G. A performance bond in the amount of One Thousand Dollars (\$1,000.00) shall be provided to insure the removal of the trailer coach at the termination of the permit.

SECTION 13.14 DWELLING IN NON-RESIDENTIAL DISTRICTS No dwelling shall be erected in the Commercial, or M-1 Industrial District. However, the sleeping quarters of a watchman or a caretaker may be in said districts in conformance with the specific requirements of the particular district.

SECTION 13.15 DWELLINGS OTHER THAN MAIN STRUCTURE Hereafter, every building erected, altered or moved, shall be located on a parcel of record, except in the case of an approved multiple dwelling development (this does not include duplex or two-family structure), there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any AR (Agricultural Residential), or R (Residential District).

SECTION 13.16 ACCESSORY BUILDINGS

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

- A. **Attached Accessory Buildings.** Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations in this Ordinance applicable to main buildings, including but not limited to, setbacks and height.
- B. **Detached Accessory Buildings.**
1. No detached accessory building shall extend in front of the front building line of the principal building except as provided under Section 5.04.I. for lakefront lots in the R-2 District.
 2. No accessory building shall be erected in any required yard other than a rear yard without the approval of the Planning Commission except in the AR (Agricultural Residential District) or on lakefront lots in the R-2 District. Application for approval shall be made to the Planning Commission at least three (3) weeks prior to any regular Commission meeting at which the request is to be formally presented. Notice of the application, including the date, location and time it will be considered shall be given by the Planning Commission, by mail, at least fifteen (15) days prior to the meeting to all owners of record of property immediately adjacent to the proposed accessory building yard.
 3. A detached accessory building may occupy not more than twenty-five percent (25%) of a required rear yard, plus twenty percent (20%) of any non-required rear yard.
 4. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way. A fifteen (15) foot wide clear pathway to the back of the lot for emergency vehicle access must be provided on each lot or parcel.
 5. No detached accessory building in any district except AR or RR shall exceed one (1) story or fourteen (14) feet in height. Accessory buildings in AR or RR Districts may be constructed to equal the permitted height of principal structures in the respective district.
 6. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot to the rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the lot to its rear, said building shall not project beyond the side yard line of the lot in the rear of such corner lot.

- C. **Use of an Accessory Building.** When an accessory building in any residential or commercial district, with the exclusion of the R-1, AR, and RR Districts, is intended for any use other than storage of private motor vehicles, the accessory use shall be subject to the approval of the Planning Commission.
Adopted: 9/6/2007 Effective: 9/19/2007

SECTION 13.17 OCCUPANCY; TEMPORARY GARAGES, ACCESSORY BUILDINGS, BASEMENT APARTMENTS PROHIBITED

Buildings erected after the effective date of this Ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time.

SECTION 13.18 BUILDING GRADES

The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be so designed that surface water shall flow away from the building walls in such a direction and with such a method of collection that inconvenience or damage to adjacent properties previously developed, existing grades shall have priority. Final grades shall be approved by the County Building Inspector.

SECTION 13.19 BUILDING TO BE MOVED

Refer to SECTION 16.03.

SECTION 13.20 EXCAVATIONS OR HOLES

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or walls, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Zoning Administrator and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township or other governmental agency. (See SECTION 13.31.)

SECTION 13.21 RESTORING UNSAFE BUILDINGS

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

SECTION 13.22 CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designed use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance, and upon which building actual construction has been diligently carried on, provided further, that such building shall be completed within one (1) year from the date of passage of this Ordinance.

SECTION 13.23 VOTING PLACE

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

SECTION 13.24 APPROVAL OF PLATS

No proposed plat of a new or redesigned subdivision shall hereafter be approved by either the Township Board or the Township Planning Commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such a plat conforms with the statutes of the State of Michigan and the Subdivision Regulations of the Township, as may be adopted.

SECTION 13.25 ESSENTIAL SERVICES Deleted 10/30/91

SECTION 13.26 SIGNS

SECTION 13.26(1) PURPOSE AND INTENT

Oceola Township has determined that the regulation of the location, size, placement and certain physical features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, safeguard public health and welfare, and facilitate police and fire protection. In addition it is the intent of this Ordinance to assure the continued attractiveness of the total community environment through the adoption of discretionary controls designed to preserve scenic, aesthetic and economic values within the Township. These regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk and area. In general, it is intended that signs of a general commercial or industrial nature be prohibited in districts where commercial or industrial activities are prohibited and that signs in residential districts be limited to those directly related to activities on the premises.

SECTION 13.26(2) DEFINITIONS

Accessory Sign: A sign which pertains to the principal use of the premises upon which such sign is located.

Appendage Sign: A sign that is intended to draw attention to one or more of various services, items for sale, contests, etc., and is attached as an appendage to an accessory sign, sign support or any part of a sign structure.

Banner Sign: A sign on paper, cloth, fabric or other combustible material (excluding wood and/or plastic) of any kind, either with or without frames.

Billboard or off premises advertising sign: A sign which contains a message or advertises an establishment, product, service, space or activity not available on the lot on which the sign is located.

Building Frontage: The length of the portion of a building facing a street abutting to the premises on which a business is located.

Bulletin Board: A sign with temporary or replaceable letters or characters, used to announce dates of functions or activities.

Canopy: A suspended covering, often movable, placed above a door, window, or other entranceway. Canopies can be constructed of cloth, metal, wood, or other materials.

Construction Sign: A sign advertising a project under development, erected for the period of construction, identifying its developers, contractors, engineers, brokers and architects.

Directional Sign: A sign, the primary purpose of which is to expedite the flow of vehicular and/or pedestrian traffic to, from and within a site.

Electronic Message Board: A sign that uses lights to display messages, such as, but not limited to, the current time, temperature, and/or date of the immediate environment.

Flag: A banner of distinctive design used as a symbol of a nation, state or other governmental entity or a non-profit organization.

Flashing Sign: A sign that is intermittently illuminated or reflects light intermittently from either an artificial source or from the sun. (See Moving Sign)

Freestanding Sign: A sign supported by one or more uprights, poles, pylons or braces placed in or upon the ground and not attached to any building or other structure.

Grade: The average elevation of an area within a radius (of the sign base) equal to two times the height of the sign.

Handicapped Sign: A sign limited to indicate that off-street parking is reserved for the physically handicapped, or a sign which is limited to indicate facilities for the physically handicapped.

Illuminated Sign: A sign which has characters, letters, figures, or designs which are illuminated either internally or with external shielded lights.

Institutional Sign: A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institutions, and the announcement of its services or activities.

Interior Sign: A sign which is visible from any public street, sidewalk, alley, park or public property and located within a building.

Marquee: A suspended covering, typically attached to a permanent structure placed over an entranceway.

Marquee Sign: A sign attached to or hung from a marquee, canopy or other covered structure projection from and supported by the building.

Maximum Sign Height: Shall be measured from grade or sidewalk to the highest edge of the sign surface or its projecting structure, whichever is higher.

Minimum Sign Height: Shall be measured from grade or sidewalk to the lowest edge of the sign surface or its projecting structure, whichever is lower.

Moving Sign: A sign that has motion either constantly or at intervals or that gives the impression of movement through intermittent, flashing, twinkling, or varying intensities of illumination. (See Flashing Sign)

Non-Accessory Sign: A sign which does not pertain to the principal use of the premises on which such sign is located.

Occupational Sign: A sign denoting only the name and profession of an occupant in a commercial building or public institutional building.

Off-Premises Directional Sign: A sign intended to provide directions to a business located within the township, consisting of the business name and a directional arrow. No graphics, pictures (other than a company logo) or other text are permitted.

Portable Sign: A sign, sign board, or banner which is not permanently anchored or secured to either a building, structure or the ground; or any sign attached to a trailer or other vehicle not accessory to the vehicle or its use, but used with the express intent of advertising.

Premises: A lot or group of lots with one or more buildings which functions as a single use, is under the same ownership or control and is not divided by a public street. Multiple tenants of a single premises may share common entranceway and off-street parking. Examples of premises

include a shopping center, a multiple family apartment complex, and educational or medical campus.

Projecting Sign: A sign so constructed and erected as to be attached at one end to a building, metal pole or other structure, and projecting therefrom.

Roof Sign: A sign which is erected, constructed and maintained on or above the roof of a building or any portion thereof. *Roof signs shall be subject to the provisions of Article 17 (Special Use Permits) of the Township of Oceola Zoning Ordinance.*

Sign: Any visual or graphic device designed through use of words, numbers, characters, or symbols to inform or attract attention and which is designated to be visible from outside any building or structure in which, upon which, or attached to which it may be located. Signs may also be attached to vehicles or the ground.

Sign Area: The entire area within a circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material, graphic or color forming an integral part of the display or message, or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed, if no advertising matter is placed thereon.

Sign Erector: Any person engaged in the business of erecting, constructing, altering, or removing signs on a contractual or hourly basis.

Subdivision Development Sign: A sign or entranceway structure, listing the names and addresses only of the establishments occupying a development, subdivision or condominium. The erection of such identification signs is so intended to assist the public in locating establishments within its immediate area and shall be placed upon property within the development or subdivision.

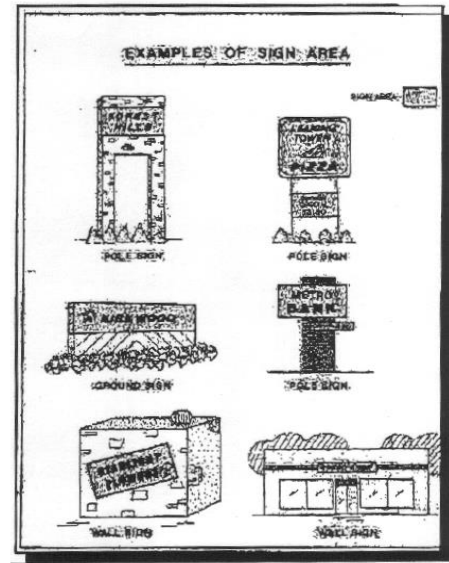
Temporary Sign: A sign intended to be displayed for a limited period of time, including decorative displays for holidays, special events, political signs, real estate signs, or public demonstrations.

Wall Sign: A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building. A mural is considered a wall sign. A sign painted or inscribed on a canopy shall also be considered a wall sign.

SECTION 13.26(3) COMPUTATION OF SIGN AREA

For the purposes of this Ordinance, the total area of a sign shall be expressed in square feet and shall be computed as follows:

- A. Single-Face Sign. The total area of a single face sign shall be computed as the number of square feet within any single or combination of geometric shapes--such as a square, rectangle, triangle or circle--encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.
- B. Double-Face Signs: For double-face signs having two (2) faces of equal size arranged and/or positioned back to back, parallel to each other, with no more than a two (2) foot space between the two faces; the area of the sign shall be computed as one-half (1/2) the total area of the two (2) faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.
- C. Three-Dimensional Signs. For signs which are designed as a three-dimensioned geometric form such as a sphere, cone, cylinder, or cube; the area shall be computed as one-half (1/2) the total surface of the geometric form.



SECTION 13.26(4) PERMIT REQUIRED FOR SIGNS

- A. Sign Erection Permit: It shall be unlawful for any person to construct, erect, re-erect, move, alter, enlarge, or illuminate, any sign unless a permit shall have been first obtained from the Township, except as provided in Section 13.26(8) (Signs Exempt from Permit requirement). Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.
- B. Sign Maintenance or Change of Message: No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed for periodic message change without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.

- C. Planning Commission Approval: All subdivision/development signs, time/date/or temperature signs, or any type of sign not explicitly defined in Section 13.26(2) of this Ordinance must be approved by the Township Planning Commission before a permit shall be issued.
- D. Sign Erector Requirements: Permits for the erection of signs shall only be issued to persons qualified to carry on such work under the provisions of Section 13.26(5). However, a property owner may erect a sign on his/her premises.
- E. Permit Applications: Applications for sign permits shall be made upon forms provided by the Township for this purpose and shall contain the following information:
 - 1. Name, address and phone number of applicant.
 - 2. Location of the building, structure, or lot on which the sign is to be attached or erected.
 - 3. Position of the sign on the building, structure or lot on which the sign is to be attached or erected.
 - 4. Position of the sign in relation to nearby buildings, structures, signs, property lines, and rights-of-way, existing or proposed.
 - 5. Zoning district in which the sign is to be located.
 - 6. Two (2) copies of the sign plans and specification for method of construction and attachment to the building or in the ground. The sign plans shall include all pertinent data including highest point, low point clearance, face outline and total face area with method of calculation. When public safety so requires the specification shall include the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
 - 7. Name and address of the sign erector.
 - 8. Insurance policy as required herein (see Section 13.26(5)(a)).
 - 9. Such other information as the Township may require to show full compliance with this and all other applicable laws of the Township, Livingston County and the State of Michigan.
- F. Sign Erection Permit Expiration. A sign permit shall become null and void if the work for which the permit was issued is not completed within one hundred and eighty (180) days of the date of issue.

SECTION 13.26(5) SIGN ERECTOR REQUIREMENTS

- A. Insurance Certificates: Before a permit for a sign over twenty four (24) square feet is issued, the installing company shall submit for filing with the Township, a valid Certificate of Insurance for public liability in the amount of One Hundred Thousand (\$100,000.00) Dollars for injuries to one (1) person and Three Hundred Thousand (\$300,000.00) Dollars for injury to more than one (1) person, and property damage insurance in the amount of Twenty-Five Thousand (\$25,000.00) Dollars for damage to any property due to the actions of himself or any of his agents or employees. Said certificate shall provide for notification of the Township ten (10) days prior to expiration of insurance.

- B. Lapsing of Insurance: If at any time, the insurance of any sign erector is permitted to lapse, his right to obtain permits shall automatically be revoked.
- C. Notification of Change: A sign erector shall notify the Zoning Administrator of any change in address, and if a firm or corporation, any change in ownership or management if other than that indicated on the insurance Certificates.

SECTION 13.26(6) CERTIFICATE OF COMPLIANCE

- A. Compliance Certification: All signs erected after the adoption of this provision shall be inspected at original installation and if found to be in full compliance with the provisions of this Section, shall be issued a Certificate of Compliance.
- B. Responsibility of Compliance: The owner of any property on which a sign is placed and the person maintaining said sign are declared to be equally responsible for the erection, safety and condition of the sign and the area in the vicinity thereof subject to provisions of Section 13.26(11) of this Section.

SECTION 13.26(7) GENERAL SIGN PROVISIONS.

- A. Public Rights-of Way: No sign (or any pole or support cable of any nature) except those established and maintained by the Township, County, State, or Federal Governments, shall be located in, project into, or overhang a public right-of way or dedicated public easement, unless otherwise authorized in this Ordinance.
- B. Sign Heights: The highest point of any sign shall not exceed twenty (20) feet above the ground or grade level in the C Commercial, M-1 Industrial District, six (6) feet in the AR, RR, R-1, and R-3, RM, MHP, and OS zoning districts.
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- C. Traffic Interference. No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.
- D. Clear Corner Vision: No sign above a height of thirty-six (36) inches shall be located within, project into, or overhang the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection, unless visual under clearance can be assured on the plans.
- E. Proximity to Electrical Conductors: No sign shall be erected so that any part including cables, guys, etc. will be within ten (10) feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.

- F. Illumination: No sign shall be illuminated by other approved devices, and in no case shall any open spark or flame be used for display purposes unless specifically approved by the Township Board. All illuminated signs shall be so arranged or shielded so as not to interfere with the vision of persons on adjacent thoroughfares. In no event shall light from an illuminated sign shine on adjacent property which is used for residential purposes.
- G. Fire Escapes: No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.
- H. Wall Signs: No wall sign shall project beyond or overhang the wall or any permanent architectural feature and shall not project above or beyond the highest point of the roof or parapet.
- I. Freestanding signs: Freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
- J. Liability Insurance: If the vertical distance of a sign above the street is greater than the horizontal distance from the sign to the street right-of-way line and is so located as to be able to fall or be pushed onto or impacts public property in any manner, then the owner of such sign shall keep in force a public liability insurance policy in the amount of One Hundred Thousand (\$100,000.00) Dollars for injury to One (1) person and Three Hundred Thousand (\$300,000.00) Dollars for injury to more than One (1) person and Property Damage Insurance in the amount of Twenty-Five Thousand (\$25,000.00) Dollars for damage to property. In lieu of an insurance policy as required herein, an owner may present satisfactory proof to the Township Attorney that said owner is financially capable of self-insurance in the above amounts.

SECTION 13. 26 (8) SIGNS EXEMPT FROM PERMIT REQUIREMENTS

No sign permit is required for signs listed below. Such exemptions, however, shall not be construed to relieve the owner for its proper location, erection, and maintenance.

- A. Government Signs: Signs erected by or on behalf of or pursuant to the authorization of a government body, including legal notices, informational signs, directional, or regulatory signs.
- B. Flags: Flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as a means of advertising.
- C. Address Signs: Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

- D. Street Signs: Signs erected by Private Developers or County, State, or Federal governments for street names, traffic control, or direction and information.
- E. Private Traffic Signs: Signs directing and guiding traffic and parking on property that do not exceed six (6) square feet each and bear no advertising matter.
- F. No Trespassing Signs: Not exceeding two (2) square feet in area with a minimum separation of two hundred (200) feet.
- G. Handicapped Signs: Not exceeding four (4) square feet each and bearing no advertising matter.
- H. Architectural Features/Artwork: Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- I. Small Accessory Signs: Any accessory sign erected on a premise and visible to a public right-of-way which is no more than two (2) square feet in area, such as no trespassing signs, garage sale signs, and signs warning of animals. The total area of all small accessory signs on one premise shall not exceed eight (8) square feet, except in residential districts in which the total area of all small accessory signs on one premise shall not exceed six (6) square feet. (See F. for exception on no trespassing signs).
- J. Temporary Signs, Banners, Flags: Temporary Signs, not specifically regulated in any other section of this Ordinance, including but not limited to: political or campaign signs, real estate signs, signs for special events, activities, or sales, banners, flags, and the like shall be permitted subject to the following conditions:
 - 1. No temporary sign or devices shall be located in the public right-of-way, attached to any utility pole, or located within five (5) feet from any public sidewalk or street right-of-way.
 - 2. All temporary signs must be removed within fourteen (14) days of the conclusion of the event, activity, election, sale, etc. for which the temporary sign is displayed.
 - 3. The total area and height of temporary signage shall not exceed the following standards:
 - a. In residential districts, temporary signage shall be limited to six (6) square feet in area and six (6) feet in height.
 - b. In all commercial and industrial districts, temporary signage shall not exceed one hundred and twenty (120) square feet of total sign area are per side or a height of fifteen (15) feet.

4. Air filled or gas filled balloon figures are considered temporary signs and may be permitted in conjunction with special events or promotions, provided that they comply with the provisions of this ordinance.

K. Political Signs:

1. Political signs are permitted in all districts and do not require a permit.
2. The maximum sign area in residential districts is six (6) square feet for each sign. The maximum number of signs shall be limited to one (1) per contested office or ballot issue and shall be placed in the required front yard.
3. The maximum total sign area shall be one (1) square foot of total sign area for every two (2) lineal feet of parcel frontage but the total sign area shall not exceed sixty-four (64) square feet.
4. Any political campaign sign shall not be erected more than thirty (30) days prior to the election to which it relates and shall be removed within seven (7) days following that election.

L. Interior Business Signs: Signs on the interior of a building but visible to the street less than two (2) square feet in area.

SECTION 13.26(9) SIGNS PROHIBITED THROUGHOUT THE TOWNSHIP

The following signs are prohibited throughout the Township, notwithstanding anything to the contrary in this Section.

- A. Moving Signs: Signs that revolve or are animated or that utilize movement or apparent movement to attract attention. No sign shall have blinking, flashing, or fluttering or other illuminated devices such as a changing light intensity, brightness or color. No sign shall utilize moving patterns of light so as to convey an illusion of motion or animation. Electronic message boards or changeable copy signs in which the copy consists of an array of light, are permitted, provided that the frequency of message change is not less than five (5) seconds. All lights in a display shall activate simultaneously, remain activated for not less than five (5) seconds, and deactivate simultaneously. Beacon lights and search lights are not permitted.
- B. Flashing Signs: Including signs which are illuminated by or in any manner incorporates lights that flash, twinkle, move, or give the appearance of movements.
- C. Banners, Streamers: Exterior banners, pennants, spinners, other than a banner or pennant used as a permitted sign under provisions of this Section.

- D. String Lights: Exterior String lights used in connection with a commercial premises, other than holiday decorations, which shall be removed within 15 days after the holiday.
- E. Unsafe Signs: Any sign which is structurally or electrically unsafe.
- F. Utility Poles and Landscaping: Any sign erected on a utility pole, directional sign post, or landscaping including trees. Prohibited signs shall not include street signs erected by the township, county, state, or federal government or a public transit agency.
- G. Business No Longer Existing (Abandoned Signs): Any business sign or sign structure now or hereafter existing which advertises a business conducted or a product sold, which no longer exists or is no longer in business on the premises on which the sign is located. Such sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- H. Non-anchored Signs: Portable Signs and freestanding signs not permanently anchored or secured to either a building or the ground, except real estate “open house” signs.
- I. Sign Structure without Sign: Any sign structure or frame no longer supporting or containing a sign. The owner of the property where the sign is located shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.
- J. Portable Signs (See Definition under Section 13.26(2))
- K. Billboards
- L. Signs on Vehicles: Signs attached to or painted on trucks and/or trailers which are not on or associated with an active construction site or as part of normal delivery of goods and services.
- M. Other Signs Prohibited: Other signs not expressly permitted by or does not conform to the provisions of this article shall be prohibited.

SECTION 13.26(10) DISTRICT REGULATIONS

- A. Signs Permitted in the Commercial District:
 - 1. The total wall sign area for an occupied parcel of property in the Commercial District shall not exceed one (1) square foot per two (2) feet of building frontage with the total sign area for any parcel not to exceed forty-five (45) square feet. If multiple

commercial uses are on a parcel, each business is permitted a maximum total of twelve (12) square feet.

2. One (1) freestanding sign may be allowed per premises. Such sign shall not exceed twenty (20) feet in height and sixty-four (64) square feet in area or one (1) square foot per two (2) lineal feet of lot frontage whichever is less. Freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be located closer than ten (10) feet to the existing or planned ROW. No portion of any such sign shall be located within a required side yard or within twenty (20) feet of a side lot line. If a parcel is served by a service road, no portion of a freestanding sign shall be closer than five (5) feet to the edge of the road.
3. In addition to the signs allowed in paragraphs 1 and 2 above, wall sign(s) may be erected on the rear or parking lot side of a premises not exceeding one-half (1/2) square foot for each linear foot of the rear length of the principle building(s), provided that the total sign area shall not exceed thirty (32) square feet.
4. Interior signs: For each premises, an additional area of interior signs not to exceed twenty-five (25) percent of the area of any window shall be permitted, provided that no one sign shall exceed twenty (20) square feet in area.
5. Gasoline service stations shall be permitted signs on each pump island indicating the prices and types of gasoline and the type of service. The aggregate area of such signs shall not exceed ten (10) square feet per Pump Island. In no event shall the total area of all such signs exceed one-hundred twenty (120) square feet.
6. Time, temperature, and electronic message signs shall be permitted provided that the message shall not change more than once every five (5) seconds. The area of such sign shall be included as part of the area of a freestanding sign.
7. Appendage signs: For each premises, one (1) appendage sign not to exceed ten (10) square feet in sign area may be permitted.

B. Signs Permitted in the M-1 Industrial District:

1. One (1) wall sign may be erected per building face up to sixty (60) square feet in area or ten (10) percent of the total facade area of the building whichever is less.
2. One (1) freestanding (ground or pole mounted) sign may be erected provided said sign does not exceed sixty-four (64) square feet of display area per side. Such sign shall have a height of no more than twenty (20) feet above the established grade and be erected no closer than ten (10) feet from any existing or proposed ROW and no closer than twenty (20) feet from any side lot line.

3. In addition to signs permitted in paragraph 1 above, one (1) wall sign shall be permitted for each tenant having an individual means of entranceway into the side or rear of a building. Such sign shall not exceed six (6) square feet in area, and shall be erected not less than four (4) feet nor more than twelve (12) feet above the established grade.
4. Directional signs, up to six (6) square feet in area, designating entrances, exits, parking and unloading areas, shipping docks, and similar internal traffic control signs shall be permitted and located no closer than to within five (5) feet of any property line.
5. Appendage signs: For each premises, one (1) appendage sign not to exceed ten (10) square feet in sign area may be permitted.
6. Roof signs: For each premises, one (1) roof sign not extending more than six (6) feet above the roof line of the building upon which it is located and not exceeding one hundred (100) square feet in total area shall be permitted. Roof signs are subject to the provisions of Article 17 (Special Use Permits) of the Township of Ocala Zoning Ordinance.

C. Signs Permitted in the AR and RR Districts:

In the RR District, in addition to an identification sign not exceeding two (2) square feet in area, two (2) signs, each of which shall not exceed ten (10) square feet, may be permitted which advertise the sale of agriculture produce raised on the premises. In the AR District, two (2) signs, each of which may not exceed twenty-four (24) square feet may be permitted. No permit is required for these signs.

D. Signs for Non-Residential Uses in Residential Districts:

Non-residential uses (e.g., churches and schools) permitted in residential districts may be permitted one (1) ground sign, or one (1) base mounted ground sign, or one (1) double inside post ground sign not to exceed forty-eight (48) square feet in area. The sign shall be set back a minimum of ten (10) feet from any property line ROW.

E. Subdivision and Development Signs:

In all residential districts, one (1) subdivision or development entrance sign per vehicular entrance may be permitted on private property in compliance with corner clearance provisions and shall not exceed thirty-six (36) square feet in area and a height of six (6) feet above grade. All subdivision and development signs shall be located no closer than ten (10) feet to any property line ROW. The Planning Commission shall review and approve or deny the placement and size of the sign as part of the site plan review process.

SECTION 13.26(11) CONSTRUCTION AND MAINTENANCE REQUIREMENTS.

- A. **Materials and Design:** All signs shall be designed, constructed and maintained in conformity with the provisions for materials, loads, and stresses of the latest adopted edition of the Livingston County Building Code and requirements of this Section.
- B. **Erector's Imprint:** Signs which require a permit under this Section must carry the identification and address of the sign erector, electrical voltage (when applicable), and date of installation in clearly legible letters whether for the initial erection or re-hanging of a sign. In case of re-hanging or re-erection of any sign, the new erector must place his identification, address and the date on the sign.
- C. **Fastenings:** All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.
- D. **Freestanding Signs:** Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces and cause injury to persons or property.
- E. **Sanitation/Landscaping:** Property surrounding any freestanding sign shall be kept clean, sanitary and free from obnoxious and offensive substances, weeds, debris, rubbish, and flammable material. All plant materials and other landscaping surrounding a freestanding sign shall be maintained on a regular basis, including pruning, mowing, watering, fertilizing and replacement of dead and diseased materials.
- F. **Maintenance:** All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. Peeling or missing paint, holes, broken, cracked, bent, wrapped, rotted, discolored, sagging, out-of-plumb, worn, rusted or missing material parts shall be repaired within thirty (30) days of written notification from the Township.

SECTION 13.26(12) NON-CONFORMING SIGNS

- A. **Intent:** It is the intent of this Section to encourage eventual elimination of signs that as a result of the adoption of this Section become non-conforming, to administer this Section to realize the removal of illegal non-conforming signs, and to avoid any unreasonable invasion of established private property rights.
- B. **Lawful Existing Signs:** Any sign lawfully existing at the time of the adoption of these provisions which does not fully comply with all provisions prescribed herein shall be considered a legal non-conforming sign and may be permitted to remain as long as the sign is properly maintained and determined to not be detrimental to the health, safety and welfare of the community except as hereafter provided.

C. Continuance: A non-conforming sign shall not:

1. Be expanded or changed to another nonconforming sign.
2. Be relocated.
3. Be structurally reconstructed so as to prolong the life of the sign; or so as to change the shape, size, type, placement, or design of the sign's structural parts; or so as to add illumination.
4. Be repaired or re-erected after being damaged if the repair or re-erection of the sign, within any 12 month period, would cost more than fifty percent (50%) of the cost of an identical new sign. If deemed necessary by the Township, the cost of an identical new sign shall be provided by the Owner of the sign and/or the owner of the property. It shall be determined as the average of no less than three (3) cost estimates obtained from three (3) contractors.
5. Be altered unless the alteration or reconstruction is in compliance with the provisions of this Section. For the purpose of this Section only, the term "altered" or "reconstructed" shall not include normal maintenance; changing of surface sign space to a lesser or equal area; landscaping below the baseline or changing electrical wiring or devices, backgrounds, letters, figures, or characters.

D. Change of Property: If the owner of a sign or the premises on which a sign is located changes the location of a building so that any sign on the premises is rendered nonconforming, such sign must be moved or made to conform to this Section.

Adopted: 6/19/2003 – Effective 6/25/2003

SECTION 13.27 WIRELESS COMMUNICATION SUPPORT STRUCTURES

A. Purpose and Intent

It is the intent of Ocoola Township to comply with the requirements of the Federal Telecommunications Act of 1996, as amended from time to time, by authorizing wireless communication support structures as needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and quality of the Township. It is the further purpose and intent of this Section to:

1. Facilitate adequate and efficient provision of sites for wireless communication facilities.

2. Ensure that wireless communication facilities (support structures, antennas and accessory ground equipment) are situated in appropriate locations and relationships to other land uses, structures and buildings.
3. Encourage the use of public land for wireless communication facilities.
4. Minimize the adverse effects of such facilities through careful design, siting and screening criteria.
5. Require adequate information about plans for wireless communication facilities in order to permit the Township to effectively plan for the location of such facilities.
6. Minimize adverse impacts of the technological obsolescence of such facilities.
7. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, the natural beauty of the Township, and public rights-of-way by minimizing the numbers of wireless communication support structures through co-location where feasible.

B. Standards and Conditions

Wireless communication support structures may be permitted in Oceola Township by Special Use Permit in the AR Agriculture Residential District and the MI Industrial District, subject to the following conditions:

1. Location and Site

- a. The wireless communication support structure shall be located in AR or MI zoning districts only. No structures shall be permitted in other zoning districts. However, notwithstanding, in districts where wireless communication support structures are prohibited, antennas may be co-located on other tall structures whose primary function is not for wireless communications. For the purposes of this section 13.27, co-location shall mean the use or attachment of two or more wireless communication antennas to a wireless communication support structure or the use or attachment of one or more wireless communication antennas to a tall structure whose primary function is not for wireless communication. Location of wireless communication support structures on appropriate public land is encouraged.

In pursuit of the above purposes, wireless communication support structures and antenna shall be permitted in the following zoning districts according to the review and approval procedures indicated. The proposed uses and locations are listed in order of preference from greatest to least.

Type of Wireless Communication Support Structure or Antenna			
Proposed Use in Order of Preference	Located On	Zoning Districts	Type of Approval(s) Needed
1. Co-Location of Antenna(s)	On existing approved wireless communication support structures or tall structures whose primary function is not for communications	AR and MI	Site Plan Approval and Special Use Permit if it has not previously been granted.
2. Co-Location of Antenna(s)	On existing tall structures whose primary function is not for communications	RR, R-1, R-2, R-3, MPH, RM, RPUD, CPUD, CR I, CR II or C	Site Plan Approval and Special Use Permit if it has not previously been granted.
3. New wireless communication support structures	On appropriate public-owned land	AR and MI	Special Use Permit and Site Plan Approval
4. New wireless communication support structures	On appropriate privately-owned land	AR and MI	Special Use Permit and Site Plan Approval
5. Replacement wireless communication support structures	On appropriate public or privately-owned land	AR and MI	Special Use Permit and Site Plan Approval if existing structure does not have one, otherwise only Site Plan Approval required.

- b. The wireless communication support structure shall be located on a lease area of not less than 6,000 (six thousand) square feet in area, and the lease area must be of sufficient dimensions to contain the tower if it falls. Sufficient lease area must be provided to allow for the ground equipment needs of all anticipated future antenna co-locators.
- c. The site plan for the wireless communication support structure shall be accompanied by a signed certification by a registered civil engineer regarding the design integrity of a structure and the manner and distance in which the structure may fall. This will enable the Township Board to

determine appropriate setbacks as part of the site plan approval process.

At a minimum, the wireless communication support structure shall meet the setback requirements of the zoning district in which it is located; however, greater setbacks may be required based on the structural certification, character of the area, and other factors related to this ordinance and the public health, safety and general welfare.

- d. Minimum spacing between wireless communication support structure locations shall be two (2) miles, measured by a straight line, unless compelling evidence can be provided by the applicant demonstrating that a wireless communication support structure must be located closer.
- e. There shall be no interference with the reception of any kind on any adjacent uses. In the event such interference occurs, the provider shall take all steps necessary to eliminate such interference, in the determination of the Township's designated expert.

2. Structure

- a. All new and modified wireless communication support structures shall be designed and constructed to accommodate not less than three (3) wireless communication antennas. A written commitment and other necessary provisions to permit co-location by other providers shall be included in the documentation with the application.
- b. The maximum height of the structure shall be limited to the minimum height demonstrated to be necessary by the applicant or a height deemed necessary by the Township Board to fulfill this Section's purpose and intent.
- c. The color of the structure shall be reviewed with consideration for aviation safety and the character of the surroundings. The Township Board may require the application of stealth technology to enable the support structure to blend in with its surroundings as much as possible. The application for a special use permit for a wireless communication support facility shall include the color of the proposed structure.
- d. There shall be no advertising of any kind visible from the ground or other structures, other than required for emergency purposes.
- e. All lighting on a support structure shall be prohibited, unless required by the Federal Aviation Administration (FAA). If the FAA requires lighting, it shall be of the flip-over type and shall be directed away from residential property so as to cause the least disturbance to surrounding properties.

Flip-over type lights shine white during the day and red during the night. No light shall be installed unless the applicant submits a letter from the FAA stating the necessity for lighting on the proposed wireless communication support structure.

- f. All signals and remote control conductors of low energy extending horizontally above the ground between structures shall be at least eight (8) feet above the ground, unless buried underground.
- g. Support structures shall comply with the provisions of Article 17, Special Use Permits and Article 19, Site Plan Review as well as with all other local regulations, including all applicable construction codes.
- h. Wireless communication facilities shall comply with applicable federal and state regulations, including but not limited to requirements promulgated by the Federal Aviation Administration (FAA), Federal Communication Commission (FCC), and the Michigan Aeronautics Commission.

3. Co-Location

It is the policy of the Township that wireless communication providers shall co-locate on existing structures capable of accommodating antennas to minimize the overall number of newly established support structures within the Township and to encourage the use of existing structures for new antennas. Examples include locating a new antenna on an existing wireless communication support structure, or on an existing tall building or water tank.

a. Requirements for Co-location.

- i. A special use permit for the construction and use of a new wireless communication support structure shall not be granted unless and until the applicant demonstrates to the satisfaction of the Township that a feasible co-location is not available for the coverage area and capacity needs.
- ii. The policy of the Township is for co-location. Thus, if a party who owns or otherwise controls a wireless communication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such support structure shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- iii. Approval of co-located antenna. An application for co-location on an existing support structure or other tall building or structure shall

not require a new Special Use Permit. Only Site Plan Review, in accordance with Article 19, Site Plan Review, shall be required in order to obtain approval.

- b. **Feasibility of Co-location.** Co-location shall be deemed to be "feasible" for purposes of this section where all of the following are met:
 - i. The structure on which co-location is being considered, taking into consideration reasonable modification or replacement of a support structure, is able to provide structural support.
 - ii. The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - iii. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the standards specified herein.

4. Accessory Structures

Accessory buildings and structures (ground equipment) shall not exceed six hundred (600) square feet in area. One (1) accessory building may be permitted for each company that leases space on the wireless communication support structure. The layout of all ground equipment shall be in such a manner as to facilitate the ground equipment needs of future co-locators.

5. Fencing and Screening

- a. A fence with a height of six (6) to eight (8) feet shall enclose all wireless communication facilities. If deemed necessary for security purposes, a barbed wire cradle may be mounted on top of the fence.
- b. Where a property line of a site containing a wireless communication support structure abuts a residentially zoned or used area, the applicant shall provide an evergreen planting screen of sufficient density and height as to have an immediate buffering impact on the adjacent site.

6. Maintenance.

A plan for the long term, continuous maintenance of the facility shall be submitted. The plan shall identify who will be responsible for maintenance, and shall include a method of notifying the Township if maintenance responsibilities change.

7. Removal.

When a wireless communication support structure has not been used for a period of one hundred and twenty (120) days, all parts of the structure shall be removed within ninety (90) days. The removal of antenna or other equipment from the structure or the cessation of reception or transmission of signals shall be considered the beginning of non-use. Oceola Township may secure the removal of the structure if it is still standing thirty (30) days after the Township has sent notice to the operator stating the need to remove the structure. In securing the removal of the structure, the Township may charge up to 125% (one hundred twenty-five percent) of the removal cost to the operator and or the landowner.

C. Application Requirements

New support structures or existing structures to be newly used for antennas, shall require a Special Use Permit and Site Plan Review approval. If a Special Use Permit has previously been granted, the co-location of antennas shall only require Site Plan Review approval. Applications for Special Use Permits and Site Plan Review approvals shall be made in accordance with Article 17, Special Use Permits and Article 19, Site Plan Review as well as with all other local regulations, including all applicable construction codes. In addition, the following information is also required for all new support structures and antenna co-locations (except Structural Specifications for co-locations):

1. Structural Specifications.

Structural specifications for the support structure and foundation shall be submitted for review. The structural specifications shall state the number of various types of antennas capable of being supported on the structure. A soils report prepared by a geotechnical engineer licensed in the State of Michigan shall also be submitted confirming that the soils on the site will support the structure. Structural plans shall be subject to review and approval by the Township Engineer and County Building Department. Before the support structure is used or a certificate of occupancy is issued, the applicant shall have the structure inspected and certified by a structural engineer. A copy of the structural engineer's certification shall be submitted to the Township and the County Building Department.

2. Service Area Documentation.

The application shall include a map of the Township and surrounding communities showing existing and proposed tall structures and wireless communication support structures to illustrate potential co-location sites or the need for a proposed wireless communication support structure. If such information is on file with the Township, the applicant shall be required only to update as needed. Any such information which is a trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for

confidentiality in connection with the development of governmental policy {MCL 15.243(l)(g)}. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

3. Contact Person.

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

4. Technical Experts.

The Township may hire independent experts to review and comment on technical aspects of support structures and facilities, including but not limited to service area coverage, structural integrity, and feasibility of co-location. The cost of hiring such experts shall be borne by the applicant.

5. Performance Guarantee.

The Township Board may require the deposit of a performance guarantee at the time of issuance of the land use permit for the facility to ensure construction consistent with the conditions of the facility's approval and removal of the facility when it has been abandoned or is no longer needed.

Adopted 5/4/2006 Effective 5/14/2006

SECTION 13.28 SWIMMING POOLS.

All swimming pools erected in the Township shall comply with the following requirements:

- A. Application: The application for a Land Use Permit to erect a swimming pool shall include the name of the owner, the manner of supervising of the pool, a plat and location of adjacent buildings, fencing, gates, public utilities, specifications, and plants to scale of pool walls, slope, bottom, walkway, and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information effecting construction and safety features deemed necessary by the Zoning Administrator.
- B. Pool Location: Minimum side yard setback shall comply with the requirements of the district in which the pool is to be located. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setbacks shall be not less than four (4) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than four (4) feet between pool wall and any building on the lot.

- C. Fence: For the protection of the general public, all swimming pools shall be completely enclosed by a fence, of a type described in SECTION 13.29, not less than four (4) feet and not more than fifteen (15) feet from the outside perimeter of the pool wall, provided, that if a building not having any means of access thereto is located on the lot not more than fifteen (15) feet from any side of the pool, a fence shall not be required on any such side. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked with a tamper-proof lock when the pool is not in use.

- D. Electrical Installations: All electrical installations or wiring in connection with swimming pools, shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before permit shall be issued for the construction of a swimming pool.

SECTION 13.29 FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS.

All fences of any nature, type or description located in the Township shall conform to the following regulations:

- A. The erection, construction, or alteration of any fence, wall or other protective barrier in other than AR or RR Districts shall be approved by the Zoning Administrator as to its conforming to the requirements of the zoning district wherein they are required because of land use development and to the requirements of this section.

Amended 10/29/86

- B. Fences in other than AR and RR Districts, which are not specifically required under regulations for the individual zoning districts, shall conform to the following requirements:
 - 1. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet, or less than three (3) feet in height above the grade of the surrounding land.
 - 2. No fence shall hereafter be located in the front yard of the lots or parcels in question more than three (3) feet in height.
 - 3. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences is prohibited, except as permitted in Section 13.29 C. Barbed wire cradles may be placed on top of fences enclosing a public utility installation or wherever deemed necessary in the interest of public safety.

Amended 10/29/86

- C. Fences in AR Districts and fences for agricultural uses in other districts, may be located

on all property or road right-of-way lines or a parcel of land, providing such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who might come near them.

D. Walls, Fences, or Planting Strips: For those districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall, fence or planting strip as required below:

<u>USES</u>	<u>HEIGHT REQUIREMENTS</u>
1. Off-street parking area	4'6"
2. OS, C, PUD, MHP, RM, CR Districts	4'6"
3. MI Districts – Open storage areas, loading or unloading areas, service areas.	6'0" to 8'0"
4. Hospital-Ambulance and delivery areas	6'0"
5. Utility buildings, stations and/or substations; except that in cases where all equipment is contained within a building or structure constructed so as to be similar in appearance to the residential building in the surrounding area, the Planning Commission may waive the wall requirements.	6'0"

E. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Required walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a non-residential zone that abuts a residential zone when mutually agreed to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Planning Commission in reviewing such requests.

F. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Planning Commission to be durable, weather resistant, rust proof, and easily maintained.

G. The Township Board may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4' 6") in height, except in instances where SECTION 13.34 applies.

1. In consideration of requests to waive wall requirements between non-residential and residential districts, the Township Board shall refer the request to the Planning Commission for a determination.
2. In such cases as the Planning Commission determines the residential district to be a future non- residential area, the Township Board may temporarily waive requirements

for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver by the Board.

Amended 9/6/2007, Effective 9/19/2007

SECTION 13.30 GREENBELTS

Where district requirements specify a greenbelt such greenbelt will be a strip of land not less than twenty-five (25) feet in width which is planted and maintained with trees and shrubs so as to create a permanent dense buffer. Plant materials shall be in accordance with SECTION 13.36.

The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn or other materials acceptable to the Planning Commission. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.

All planting plans shall be first submitted to the Planning Commission for approval as to the suitability of planting materials and arrangements thereof in accordance with the provisions of the preceding paragraph.

Greenbelt requirements may be modified by the Planning Commission if landscaped areas are provided as part of the site plan. In no case shall the total area of the modified greenbelts and landscaped areas be less than the area required for unmodified greenbelts.

SECTION 13.31 QUARRY EXCAVATION AND REMOVAL OPERATIONS; SOIL, SAND, CLAY, GRAVEL OR SIMILAR MATERIAL REMOVAL.

- A. Purpose: The purpose of this section is to provide for the proper development and utilization of mineral resources existing within the Township. The conduct of the extractive operations and the reclamation of the affected lands at the termination of such operations is herein regulated.
- B. General Regulations: It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to engage in stripping any topsoil, sand, clay, gravel, or similar material, or quarry excavation within the unincorporated area of the Township without first procuring a special use permit for the conduct of such operation and furnishing a financial guarantee to assure the rehabilitation of mined acreage. The minimum amount of the guarantee shall be Ten Thousand Dollars (\$10,000) for the first twenty (20) acres and a minimum of Five Hundred Dollars (\$500) for each acre over twenty (20) acres. The guarantee shall be provided in one of the following forms:
1. Cash;
 2. Certified check;
 3. Irrevocable bank letter of credit, or
 4. Surety bond acceptable to the Township Board; upon rehabilitation of the mined acreage and reduction of the net operational area the bond or surety shall be released in accordance with the amount of security required per acre.

No special use permit shall be required for the following:

- (1) Excavation for building construction purposes, pursuant to a duly issued building permit under the County Building Code.
- (2) Where the moving, grading or leveling of the aforesaid materials is carried on by the land owner for the immediate use or development of the land upon which these substances are removed from the site where found to another site of different ownership, a permit as above mentioned will be required.

C. Application: A separate special use permit shall be required for each separate excavation site. The application shall be made in accordance with Article 17, and shall contain the following additional information:

1. Names and addresses of parties of interest in said premises, setting forth their legal interest in said premises.
2. Full legal description of the premises wherein operations are proposed.
3. Operational plan setting forth the area to be mined, the location of permanent structures; the points of access along public highways; the net operational area; i.e., the areas used for structures and storage piles, and worked out areas which have not been reclaimed. Performance bonds shall be calculated on the basis of net operational area.
4. Description of equipment and machinery which will be used.
5. Detailed statement as to exactly what type of deposit is proposed to be extracted.
6. Plan for the redevelopment or rehabilitation of the property upon completion of the mining operation.
7. Topographical survey map showing existing grades and final grades after, to be prepared by a registered civil engineer.
8. Such other information as may be reasonably required by the Planning Commission to base an opinion under this section.

D. Operational Requirements:

1. Regulations for quarry excavation operations:
 - a. Where an excavation with a depth in excess of five (5) feet is proposed, the applicant shall erect a fence with warning signs completely surrounding the portion of the site of the excavation, said fence will be of wire mesh or other suitable material and to be not less than five (5) feet in height complete with gates, which gates shall be locked when operations are not being carried on.
 - b. When operations cease at any quarry, or reach the limitations set forth in paragraph (f) below, the entire quarry excavation shall be fenced with a suitable eight (8) foot high chain link or comparable fence, as required in above paragraph (a), approved by the Planning Commission, upon which there shall be placed and maintained appropriate signs warning the public of danger, until redevelopment or rehabilitation of the property.
 - c. Where quarrying operations result in a body of water, the owner, operator and/or permittee shall place appropriate "KEEP OUT-DANGER" signs around said

premises, not more than two hundred (200) feet apart.

- d. Any roads used for the purpose of ingress and egress to the excavation site, which are located within three hundred (300) feet of an occupied residence shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
 - e. Greenbelts shall be provided along the property perimeter where natural vegetation does not provide a sight barrier.
 - f. No cut or excavation shall be made closer than one hundred (100) feet from the nearest street or highway right-of-way line nor nearer than five hundred (500) feet to the nearest residence nor closer than one hundred (100) feet to the nearest property line; provided however, that the Planning Commission or the Township Board may prescribe more strict requirements in order to give sub lateral support to surrounding property where soil or geographic conditions warrant it.
 - g. Performance standards in accordance with Section 13.35 of this Ordinance shall be observed.
 - h. No operation shall interfere with naturally established flow of surface waters from adjoining lands. In particular, no operation shall result in the diversion of waters from one watershed to another without express permission from the Michigan Department of Natural Resources.
 - i. No operation shall take place within one hundred (100) feet of the margin of any stream or waterway without express permission of the Michigan Department of Natural Resources.
 - j. The recommended slope of the banks within the second one hundred (100) feet measuring from the near edge of a public highway, or within the second one hundred (100) feet measuring from the near edge of a public highway, or within the second one hundred (100) feet measuring from the property line of an adjoining landowner shall not exceed a minimum of one (1) foot vertical drop to each seven (7) feet horizontal. Where permanent ponded water results from the quarry operation, the slope of all banks adjoining the pond must be maintained at the specified one (1) to seven (7) ratio and must be extended into the water of such permanent pond to a water depth of at least five (5) feet.
 - k. The Planning Commission or Township Board may require other performance standards where, because of the peculiar conditions, they deem it necessary for the protection of health, safety, morals and general welfare of the citizens of the Township.
2. Regulations for Stripping or Removal Operations:
- a. Any road used for the purpose of ingress or egress to the excavation site, which is located within three hundred (300) feet of an occupied residence, shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
 - b. No soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health or safety. The premises shall at all times be graded so that surface water drainage is not interfered with.
 - c. Whatever topsoil suitable for growing turf or for other land use exists at the time the operations begin, a sufficient quantity of topsoil shall be stockpiled on said site so

that the entire site, when stripping or removal operations are completed, may be recovered with a minimum of four (4) inches of topsoil. The replacement of such topsoil shall be made immediately following the termination of the stripping or removal operations. If the operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses. Such replacement shall be in a manner suitable for growing turf or for other land uses.

- d. The Planning Commission or the Township Board may require such other and further requirements as are deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of the Township.
- E. Reclamation of Mine Areas: Rehabilitation shall be in accordance with the following standards:
1. All excavation shall be either to a water producing depth, such depth to be not less than ten (10) feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable, and non-combustible solids to insure:
 - a. That the excavated area shall not collect nor contain stagnant water; or
 - b. That the surface of such area is not permanently submerged, is graded or back filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 2. The banks of all excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than one (1) foot vertical to four (4) feet horizontal.
 3. Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas where streets, beaches, or other planned improvements are desired. Where used, topsoil shall be applied to a depth of four (4) inches.
 4. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetation cover on the land surface, and to minimize erosion.
 5. Upon cessation of mining operations by abandonment or otherwise, the operating entity, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment; provided, that buildings and structures which have a function under the reclamation plan, and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan, may be retained.

SECTION 13.32 FILLING OPERATIONS

- A. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling within the unincorporated area of the Township without first procuring a special use permit for the conduct of such operations. No special use permit will be required for the moving, grading or leveling of soil or similar material for the immediate use or development of the land.
- B. **Application.** Shall be in conformance with Article 17 and Section 13.31 (c) of this Ordinance.
- C. **Filing Fee.** A fee shall be paid upon application per Township Fee Schedule.
- D. **Regulations for Filing Operations:**
 - 1. The filling of the land with rubbish or garbage or any other waste material is hereby prohibited in all unincorporated areas of the Township, except, pursuant to the terms and conditions of a special use permit specifically authorizing such filling.
 - 2. No rubbish or garbage shall be burned or permitted to burn or smolder.
 - 3. The Planning Commission or the Township Board may require a temporary fence to be erected to prevent the scattering of rubbish, garbage, and other waste material.
 - 4. No vehicles for conveyance of rubbish or garbage shall have open lids and all vehicles in transit shall be closed or covered so as to reduce odor and the scattering of the material being carried. Any rubbish or garbage dropped in transit shall be recovered by the carrier operator and the affected area restored to its prior condition. Further, any undue collection of soil matter deposited on the street or public highway by the tracking of the vehicles shall be removed by the carrier operator and the affected area restored to its prior condition.
 - 5. Any roads used for the purpose of ingress or egress to said excavation site, which are located within three hundred (300) feet of occupied residences shall be kept dust free by hard-topping with cement, bituminous substance or chemical treatment.
 - 6. Filling of the property shall be complete when the area becomes level with adjoining roadways. No gradient of disturbed earth shall be steeper than a slope of three (3) feet horizontal to one (1) foot vertical. A layer of arable topsoil shall be spread over the filled area to a minimum depth of four (4) inches. The area shall be seeded with a perennial rye grass and maintained until ground cover is established.
 - 7. No construction of a permanent building shall begin on filled area until the Planning Commission or Township Board receives and approves a registered engineering report indicating that the area is stable or otherwise suitable for the proposed construction.
- E. **Surety Bond Requirements.** A financial guarantee in accordance with Section 13.31 shall be required.

SECTION 13.33 AIRPORTS

Airports, landing fields and platforms, hangars, masts, and other facilities for the operation of aircraft shall be subject to the following conditions.

- A. The plans for such facility shall be given approval by the Federal Aviation Agency prior to submittal to the Planning Commission for their review of a special use permit.

- B. The standards for determining obstructions to air navigation, as announced in the FAA Technical Order N-18, April 26, 1950 (as amended by July 30, 1954), and any other amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by the FAA.
 - C. The area of the "clear zone" (see FAA definition) shall be provided for within the land area under airport ownership.
 - D. No such use may be conducted within the Township without a valid special use permit.
- Adopted 2/18/82

SECTION 13.34 VISIBILITY

No structure, wall, fence, shrubbery or trees shall be erected, maintained, or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shade trees will be permitted where all branches are not less than eight (8) feet above the street level. In the case of residential corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street property lines and line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded corner, from the intersection of the street property lines extended.

SECTION 13.35 PERFORMANCE STANDARDS

No use otherwise allowed shall be permitted within any Use District which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

- A. **Smoke:** It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart; provided, that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period or periods, aggregating four (4) minutes in any thirty (30) minutes.
Method of Measurement: For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, shall be the standard. However, the umbra scope readings of smoke densities may be used when correlated with Ringlemann's Chart.
- B. **Dust, Dirt and Fly Ash:** No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, of furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas borne or airborne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas borne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at the temperature of 500 degrees Fahrenheit.

Method of Measurement: For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

- C. **Odor:** The emission of odors which are generally agreed to be obnoxious to any considerable number of persons shall be prohibited.
- D. **Gases:** So₂ gas, as measured at the property line shall not exceed an average of .3 parts per million (p.p.m.) over a twenty-four (24) hour period; HeS shall not exceed .1 p.p.m., fluorine shall not exceed .1 p.p.m.; nitrous fumes shall not exceed 5 p.p.m.; CO shall not exceed 15 p.p.m.
- E. **Airborne Matter, General:** In addition to paragraphs A through D of this Section, there shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, or nuisance to the public or which endanger the comfort, repose, health or safety of persons or which cause injury or damage to business or property.
- F. **Glare and Radioactive Materials.** Glare from any process (such as or similar to arc welding, acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and waste including electro-magnetic radiation such as x-ray machine operation shall not be emitted to exceed quantities established at the property line.
- G. **Fire and Explosive Hazards.**
 - 1. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Zoning Administrator is permitted subject to compliance with all other performance standards above mentioned. The following shall define the range of burning: Intense burning materials are materials which by virtue of low ignition temperature, high rate of burning, and large heat evolution, burn with great intensity. An example would be Manganese. Free and Active burning Material are materials constituting an active fuel. Free burning and active burning is the rate of combustion described by a material which burns actively, and easily supports combustion. An example would be fuel oil. Moderate burning implies a rate of combustion described by material which supports combustion and is consumed slowly as it burns. An example would be coal.
 - 2. The storage, utilization, or manufacture of materials, goods or products ranging from free and active burning to intense burning, is permitted subject to compliance with all yard requirements and performance standards previously mentioned, and providing that the

following conditions are met: Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls. All such buildings or structures shall be set back at least forty (40) feet from lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 as amended.

- H. **Noise.** Within MI Districts sound levels not exceeding seventy (70) decibels, measured at property line, may be permitted. In addition, in any district objectionable sounds of an intermittent nature, or characterized by high frequencies even if falling below the aforementioned decibel readings shall be controlled so as not to become a nuisance to adjacent uses.
- I. **Vibration.** Machines or operations which cause vibration shall be permitted in MI Districts, but no operation shall cause a displacement exceeding .003 of one (1) inch as measured at the property line.

SECTION 13.36 PLANT MATERIALS

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

A. Plant material spacing.

1. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
2. Where plant materials are planted in two or more rows, plantings shall be staggered in rows.
3. Evergreen trees shall be planted not more than thirty (30) feet on centers.
4. Narrow evergreens shall be planted not more than three (3) feet on centers.
5. Deciduous trees shall be planted not more than thirty (30) feet on centers.
6. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
7. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

B. Suggested Plant Materials Minimum Size

1. Evergreen trees Five (5) feet in height
 - Juniper
 - Hemlock
 - Fir
 - Pine
 - Spruce
 - Douglas-fir

2. Narrow evergreens Three (3) feet in height
 - Column Hinoki Cypress
 - Blue Columnar Juniper
 - Pyramidal Red-Cedar
 - Swiss Stone Pine
 - Pyramidal White Pine
 - Irish Yew
 - Douglas Arbor-Vitae

3. Tree-like Shrubs Four (4) feet in height
 - Flowering Crabs
 - Russian Olives
 - Mountain Ash
 - Dogwood
 - Rose of Sharon
 - Hornbeam
 - Redbud
 - Hawthorn
 - Magnolia

4. Large Deciduous Shrubs Six (6) feet in height
 - Honeysuckle
 - Viburnum
 - Mock Orange
 - Forsythia
 - Lilac
 - Ninebark
 - Cotoneaster
 - Hazelnuts
 - Evonymus
 - Privet
 - Buckthorn
 - Sumac

5. Large Deciduous Trees Eight (8) feet in height
 - Oaks
 - Hard Maples
 - Hackberry
 - Planetree (Sycamore)
 - Birch
 - Beech
 - Ginkgo
 - Honeylocust

Sweet-gum
Hop Hornbean
Linden

C. Trees Not Permitted.

1. Box Elder
2. Soft Maples (Red-Silver)
3. Elms
4. Poplars
5. Willows
6. Horse Chestnut (nut bearing)
7. Tree of Heaven
8. Catalpa
9. Cottonwood

Adopted 2/18/82

SECTION 13.37 STORAGE STRUCTURE

A. In all zoning districts, storage structures which are the primary structure on the lot, whether temporary or permanent, require a special use permit issued by the Township Planning Commission. The procedures for obtaining such a permit are stated in Article 17 of this Ordinance. A site plan review shall also be conducted pursuant to Article 19.

Permits for temporary structures shall be issued for a stated period of time and a performance bond in the amount of \$5,000.00 shall be posted by the permit holder prior to the issuance of the permit to insure compliance with all ordinances and conditions or requirements contained within the permit.

B. Wheeled vehicles, trailers, and mobile homes with wheels on or off, autos, trucks, buses, or parts of, will not be accepted as storage structures.

Adopted 07/15/87

SECTION 13.38 GROUP DAY CARE HOMES. Group day care homes shall meet the following requirements:

1. The group day-care home shall not be located closer than 1,500 feet to any of the following:
 - a. Another licensed group day-care home.
 - b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code.

- d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 - 2. Appropriate fencing shall be provided for the safety of children in the group day-care home, as determined by Oceola Township.
 - 3. The property shall be maintained consistent with the visible characteristics of the neighborhood.
 - 4. A group day-care home shall not exceed 16 hours of operation during a 24-hour period.
 - 5. Off-street parking shall be provided for employees and shall meet the requirements of Article 15 of this Ordinance.
 - 6. A State licensed or registered family or group day-care home that operated before March 30, 1989 is not required to comply with the above requirements.
- Amended 9/6/2007, Effective 9/19/2007

SECTION 13.39 MOBILE HOMES

A. Intent - The purpose of this section is to control and regulate the construction, size, and placement of mobile homes on parcels of land outside a mobile home park or trailer park. The governing board of the Township of Oceola recognizes a need for the adoption of this particular ordinance, due to the refusal of the Livingston County Building Department to inspect mobile homes. Further, Oceola Township does not have a building department of its own and as consequence, the hereinafter provisions are adopted as part of this ordinance to alleviate a lack of inspection and review, arising out of the refusal of the Livingston County Building Department to inspect such mobile homes as it relates to their installation, tie down, weatherization zone construction, and of being in the best interest for the public health, safety and welfare of the residents and to be residents of Oceola Township, that this ordinance be adopted.

*No person shall allow, or cause to be placed, a mobile home upon any parcel of land within Oceola Township, which is not within a designated mobile home park or trailer park; and no person shall use, occupy, or permit the use or occupancy of a mobile home as a dwelling within Oceola Township, which is not within a designated mobile home park or trailer park, unless the following standards are followed and applied, and a Land Use Permit is issued for placement of said mobile home.

No additions, alterations, or moving of mobile home shall be undertaken, and no new land use shall be commenced until a land use permit has been obtained from the Zoning Administrator and a building permit has been obtained from the Livingston County Building and Safety Department.

B. Application- Any applicant for approval of a mobile home shall complete a site plan review application form, available from the Zoning Administrator, who shall submit the form to the Township Clerk.

- C. Pre-Application Conference - The applicant is encouraged to confer informally with the Supervisor and the Planning Commission Chairperson, or a Chair-appointed Planning Commission member, prior to preparing and submitting a formal application for site plan approval.
- D. Public Hearing - No approval may be granted pursuant to this section until after the Planning Commission has held a public hearing on said application, and made a recommendation to the Township Board for review and approval thereon.
- E. Notice – Notice of a public hearing concerning an application submitted pursuant to this section shall be published in a newspaper of general circulation within the Township and shall be mailed or personally delivered not less than fifteen (15) days prior to the hearing to the owners of property for which approval is being considered, to all persons whom real property is assessed within three hundred (300) feet of the boundary of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term “occupant” may be used in making notification. The notice shall do all of the following:
1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
- Amended 9/6/2007, Effective 9/19/2007
- F. Standards of Approval - No site plan shall be approved pursuant to this section unless each of the following standards is satisfied, and there has been approval and compliance with Article 19 of the Ocoola Township Ordinances:
1. A land use permit for placement thereof has been obtained from the Township Zoning Administrator. All applications for said permit shall be accompanied by a non-refundable fee as specified in the Township schedule of fees, which shall be used to defray the costs of inspection as provided in this Ordinance.
 2. Said mobile home, the placement thereof, and the premises upon which it shall be located shall meet all requirements of the Township Zoning Ordinance relating to uses, size of premises, floor area, setback, side lot, and rear lot requirements specified for residential dwelling units for the particular zoning district in which said premises is situated.
 3. Said mobile home shall be connected to potable water and sanitary sewage disposal facilities approved by the local health department.
 4. If any exterior structural changes or modifications are required to an approved mobile home, or are to be completed upon a mobile home prior to the issuance of a land use permit for

placement, said modifications and structural changes shall first be approved and constructions completed and thereafter approved pursuant to all Michigan BOCA standards by the Livingston County Building Inspector. A mobile home shall be installed pursuant to the manufacturers set-up instructions. In addition thereto, it shall be firmly and permanently affixed to a 42-inch (forty two inch) masonry foundation, meeting the Livingston County Building Department's specifications with the undercarriage removed there from. Said mobile home shall be also installed on the site in accordance with the Michigan State Construction Codes promulgated by the Michigan State Construction Code Commission, under the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.

5. Construction of and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards 24 CFR 3280, and as from time-to-time amended.
 6. Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the said United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards, and shall include a HUD sticker for the Oceola Township Zones.
 7. Said mobile home shall not have exposed wheels, towing mechanism undercarriage or chassis.
 8. The mobile home shall be aesthetically compatible in design and appearance with other residences in the vicinity with a roof overhang on eaves side of not less than four (4) inches each and a minimum roof pitch of not less than two (2) on twelve (12).
- G. Planning Commission Recommendation - The Planning Commission, after review of the application for site plan approval, shall make a recommendation to the Township Board concerning compliance with the standards of approval pursuant to this section.
- H. Township Board Determination - Upon receipt of the Planning Commission's recommendation, the Township Board shall make a determination whether the standards of approval will be satisfied.
- I. Appeals – Any person aggrieved by a decision of the Township Board under this section may appeal such decision to the Zoning Board of Appeals, in the manner provided by Section 18.05 of this Zoning Ordinance.
Amended 9/6/2007, Effective 9/19/2007
- J. Validity - This Ordinance and the various sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

*As used herein, the term "Mobile Home" shall mean a movable or portable dwelling constructed to be towed on its own basis and designed for permanent year-round living, as a residential dwelling.

Provided, however, that the term "mobile home" shall not include motor homes, campers, recreational vehicles, or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power, and potable water utilities.

Amended 08/20/87 Effective 08/26/87

SECTION 13.40 PRIVATE ROAD DEVELOPMENT

- A. **INTENT.** The purpose of this section is to provide for a general location, character, and extent of private roads, and other development issues associated with private roads. This section is hereby established to provide for the proper development and utilization of private roads in order to further and protect the future health, safety, and welfare of the residents of the Township.
- B. **USE REGULATED.** The design, construction and maintenance of private roads in the Township are hereby regulated by this Section.
- C. **APPLICATION AND PLAN REQUIREMENTS.** All private road applications shall include the following plans and documents and shall comply with the following information requirements:
1. Parcel identification number of the property or properties where the road is proposed for construction.
 2. Proof of ownership and written consent of such owner.
 3. The exact location of the proposed private road easement, the location of intersecting streets, the location of adjacent properties, and the location of any existing driveways on those properties.
 4. The location of existing structures within one hundred (100) feet of the edge of the proposed road right-of-way.
 5. Topography of the road and within one hundred (100) feet of the road at two (2) foot contour levels, referenced to a USGS benchmark.
 6. Proposed method of road drainage, and if necessary, proposed storm water detention or retention systems.
 7. Location of existing and anticipated utility lines, including electric, telephone, gas, cable television, water, and sewer lines, if applicable.
 8. A private road maintenance agreement shall be submitted in a recordable form which meets the minimum standards of this Ordinance and which meets the approval of the Township and its attorney. The agreement shall be recorded by the applicant at the Office of the Livingston County Register of Deeds and proof of the recording shall be submitted to the Township prior to any construction work on the private road. A special assessment district may be required in accordance with the procedures of Ocala Township.

D. DESIGN STANDARDS.

1. All private roads shall have a minimum right-of-way width of sixty six (66) feet and shall meet all standards and specifications required by the Township. A hard surface of private roads shall be optional, except whenever the proposed private road will intersect with a public or private paved road, a hard surface of the private road is required. In addition, the Township may require a hard surface on a private road whenever the build-out of the proposed development will result in 50 (fifty) or more dwelling units.
2. The private road shall be planned and constructed in relation to land contours and obstructions so as to provide safe, adequate ingress and egress by a private driveway for each abutting parcel.
3. The road right-of-way shall be of uniform width; elbows, eyebrows and similar design features are not permitted.
4. All road intersections shall have a minimum radius of twenty (20) feet in the right-of-way line.
5. The minimum sight distance at all existing county road intersections with proposed private roads shall be subject to the review and approval of the Livingston County Road Commission (LCRC).
6. The private road shall serve the proposed housing sites and extend to a minimum of one hundred and twenty (120) feet frontage on each housing site with an easement extending to the property line. The easement may be waived by the Township Board.
7. Unless the proposed private road is designed to serve parcels on both sides of the road, the private road easement shall abut the side property line, thus making the private road available for use by adjoining property owners upon payment of a proportionate share of construction and maintenance costs. To insure the efficient use of any private road and to promote a safe and efficient road system, the Township shall maintain the right to allow the extension of the private road easement.
8. Where a private road exists on an adjoining parcel, the applicant shall first determine the feasibility of using the existing road to gain access to the subject parcel. Alternatively, the proposed road shall connect to the existing adjacent private road, wherever feasible.
9. The location of the private road on one (1) side of the parcel or the other shall take into consideration the location of other private roads in the vicinity and desire to maximize the spacing between successive private roads. Wherever possible, private roads shall have the following minimum spacing:
 - a. Between private roads on the same side of the intersecting public road: five hundred (500) feet.
 - b. Between private roads which are located on opposite sides of an intersecting public road: one hundred fifty (150) feet centerline to centerline.
10. Two (2) fifteen (15) foot dedicated utility easements shall be provided in the private road ROW and shall extend the full length of the development site.
11. The layout of the private road shall be compatible with the general pattern of the existing road and street system and shall have ninety (90) degree intersections whenever the private road intersects with the existing system.

12. Stop signs which are in accordance with the State Manual of Uniform Traffic Control Devices shall be placed at all intersections where a private road intersects with a public road.
13. ROW's shall connect the road system of the private road development to any road or ROW of existing adjacent developments, where an existing road or ROW terminates at the boundaries of the proposed private road, thereby providing a continuous circuit of travel. This requirement may be waived by demonstration of physical impediments or obstructions. All roads that end on the property shall end in a cul-de-sac.
14. All new private roads shall have approved LCRC name identifications.

E. DETAILED PRIVATE ROAD CONSTRUCTION SPECIFICATIONS.

1. The minimum grade of any roadway shall be point five (.5) percent.
2. The maximum grade of any roadway shall be five (5) percent.
3. The vertical curve shall be used at all changes in the grade. No vertical curve of less than one hundred (100) feet shall be used.
4. All proposed streets shall have horizontal curves at not less than two hundred and thirty (230) feet radius.
5. All topsoil shall be removed from the roadbed between the ditches. All unsuitable materials shall be removed from the roadbed between the ditches.
6. All fill and back-fill within the ROW shall be the current MDOT specifications.
7. The proposed road cross section shall have a thirty (30) foot finished roadway width, shoulder to shoulder, with a minimum of seven (7) inches compacted surface, and minimum of six (6) inches compacted porous sub-base. The gravel surface material shall be MDOT #22A. The porous sub-base shall meet the MDOT specifications for Class II granular material.
8. Roadside slopes shall be one (1) on four (4) and ditches shall be twenty four (24) inches minimum depth below shoulder grade, and two (2) feet wide on the bottom. Back slopes shall be a maximum of one (1) on three (3).
9. Drainage facilities shall be top soiled, fertilized, seeded, and mulched and meet MDOT specifications.
10. Drainage culverts shall either consist of corrugated metal pipe which meets the current ASTM design M-36 or reinforced concrete pipe which meets current ASTM design C-76.
11. Drainage easements shall be provided to accommodate all storm water from the ROW.
12. Drainage facilities shall be constructed such that no additional storm water runs into the LCRC ROW.

F. APPLICATION APPROVAL PROCEDURES.

1. At least forty-five (45) days prior to the date of the Planning Commission meeting at which the application will be considered, the applicant shall file with the Township Clerk, a complete application containing the information requested in subsection C, ten (10) copies of private road plans meeting the specifications of subsections D and E, ten (10) copies of an underground utilities plan, three (3) copies of the deed restrictions and easement agreement, and three (3) copies of the private road maintenance agreement.

2. The Township shall notify all property owners of record within five hundred (500) feet of the edge of the proposed private road. The notice shall describe the proposed private road and the time and place where a Planning Commission meeting will be held to receive public comments.
3. The Township Clerk shall receive all private road applications, plans, and other required materials and forward them to the Planning Commission for review. The Planning Commission shall consider compliance with this Ordinance, sound planning and engineering principles, and compliance with any other applicable ordinances. The Planning Commission may table any application which does not contain all information required by this Ordinance. If the required information is included, the Planning Commission shall expediently make a recommendation to the Township Board to either deny, approve, or approve subject to conditions, the private road application. The Planning Commission shall make an attempt to make recommendation within sixty (60) days of receiving a complete application. The application shall not be considered complete unless sealed by a registered professional civil engineer.
4. After receiving the recommendation of the Planning Commission, the Township Board shall review the private road application, including the private road maintenance agreement, at a public meeting. The Township Board shall consider the Planning Commission recommendation and make a determination, based on the provisions of this Ordinance, the provisions of any other applicable ordinances, and sound planning and engineering principles. The Township Board shall deny or grant preliminary approval of the proposed private road application within sixty (60) days of receiving a recommendation from the Planning Commission.
5. After completion of the private road and the installation of the planned improvements, the applicant shall submit the following information to the Township Clerk, at least thirty (30) days prior to the meeting of the Township Board during which final approval of the private road construction permit will be considered.
 - a. Five (5) sets of plans showing the private road as finalized. If the plans differ from the plans which were granted preliminary approval, any changes shall require approval by the Township Board prior to the recording of the land survey.
 - b. Verification of the installation of the underground utilities and other planned improvements.
 - c. An as-built drawing of the road certified and sealed by a registered civil engineer indicating that the private road meets all of the specifications of Oceola Township.
 - d. Two (2) recorded copies of the land survey.
 - e. Two (2) recorded copies of the deed restrictions and easements with written approval of compliance from the Township Attorney. Upon review and approval of the material, the Township Board shall grant final approval of the private road construction permit.

Adopted 12/17/98 Effective 12/23/98

SECTION 13.41 COMMON DRIVEWAYS - Deleted this section

SECTION 13.42 SUBDIVISIONS PLATTED PRIOR TO 1969 PLAT ACT

- A. Purpose. The purpose of this section is to provide for orderly development within an adequate access to presently undeveloped or partially developed lots, plats or parcels of public record where recorded road easements or rights-of-way are less than sixty-six (66) feet in width.
- B. Private Road Frontage. The Township Planning Commission may permit an applicant to construct a one-family dwelling on any lot or parcel of public record prior to the adoption of this section, and said dwelling may front upon a private road, provided the requirements of this section and other applicable sections of this Ordinance are met. In addition, a land use permit may be issued for construction of a one-family dwelling on a private road, in a subdivision platted prior to the 1968 Plat Act, without regard to other provisions of Section 13.42 provided the private road it fronts was constructed and in common usage prior to June 15, 1980 and all other provisions of this Ordinance are met.
- C. Responsibility. Any applicant under this section shall expressly provide and agree that the Township shall in no way nor at any time be responsible for maintenance or improvement of a private road constructed pursuant to this section, and such agreement shall be recorded and included in any deed relating to a lot or parcel upon which a dwelling is erected pursuant to this section.
- D. Road Standards. A private road constructed pursuant to this section shall be constructed in compliance with Sections 2.0-2.11 of the Township's Standards and Specifications for Residential Development and Road Construction, as adopted by the Planning Commission and approved by the Township Board, except as follows:
1. The width of the right-of-way shall be as specified in the plat of record.
 2. The graveled or paved portion of the private roadway shall be twenty (20) feet wide.
 3. Ditches shall be constructed on both sides of the private roadway with slopes of no greater than one-on-three on the inside bank and no greater than one-on-two on the outside bank. The ditches shall extend from the edge of the private roadway to the outside edge of the right-of-way and shall have a center depth of at least eighteen (18) inches.
- E. Application. The applicant shall submit an application for a land use permit, together with three (3) copies of the subdivision plat, indicating thereon the location of:
1. Existing developed or partially developed streets and roads.
 2. Existing dwellings.
 3. Significant topographical or natural features.
 4. Applicant's proposed building sites and proposed private road or roads.
- The applicant shall also submit engineering drawings indicating the manner of construction of the proposed private road, and such other documentation as the Planning Commission shall deem necessary. The application and supporting documents shall be submitted to the Zoning Administrator, together with a payment of a fee in accordance with the duly adopted schedule of fees to cover costs of processing the application.

- F. Public Hearing. The Zoning Administrator shall forward the application and supporting data to the Township Planning Commission for its consideration at a public hearing during its next regular meeting, held at least fifteen (15) days after the Zoning Administrator forwards the application.
- G. Notice. Notice of a public hearing shall be published in a newspaper of general circulation within the Township and shall be mailed or personally delivered not less than fifteen (15) days prior to the hearing to the owners of property for which approval is being considered, to all persons whom real property is assessed within three hundred (300) feet of the boundary of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term “occupant” may be used in making notification. The notice shall do all of the following:
1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
- Amended 9/6/2007, Effective 9/19/2007
- H. Basis of Decision. Based upon evidence presented at the public hearing and upon information with the Commission's official notice, the Planning Commission shall within thirty (30) days of the public hearing issue its decision approving, approving with amendments or disapproving the application. In reaching its decision, the Planning Commission shall consider the following criteria:
1. Whether traffic circulation features within the subdivision related to location and length of the proposed private road construction will insure:
 - a) Safety and convenience of vehicular traffic and adequate access for emergency and maintenance vehicles.
 - b) Prevention of unnecessary and highly concentrated traffic flow to certain areas which might create an unbalanced traffic system.
 - c) Is the direction of access best for the preservation of natural features.
 2. Whether surface water drainage, slope, and length of proposed private road will prevent overspill or damage to neighboring property.
 3. Whether the location of the proposed private road conforms with the plat of record.
 4. Whether the private road meets all other applicable requirements of the Township Zoning Ordinance.
- I. Land Use Permits. Inspection. If the application is approved by the Planning Commission, the Zoning Administrator shall issue the applicant a land use permit to construct the private road. After the road construction has been completed, the Zoning Administrator shall inspect the road to insure that it is constructed in compliance with this section.

The Zoning Administrator may then issue the applicant a land use permit to construct the proposed dwelling.

- J. One Dwelling Development Exception. If the applicant desires to construct only one dwelling pursuant to this section, unless the Township Supervisor determines that the application is of major significance to orderly development within the subdivision in question, applicant shall be required to submit only a land use permit and appropriate sketches indicating the location of the proposed private road and the manner of construction of the proposed private road. Review of the application and supporting materials shall be made by the Township Supervisor, or his duly appointed representative, to assure that the standards and requirements of this section will be met. Notice and public hearing shall be provided, as otherwise required in this section. Site Plan review shall be performed by the Township Supervisor under this exception. Applicant shall be required to construct the road only along the length of the lot frontage. A lesser fee for processing shall be required in the case of this exception, as provided for by the duly adopted schedule of fees.

SECTION 13.44. TEMPORARY CONVERSIONS BY SPECIAL USE PERMIT.

An existing, lawful building that is or becomes unsuitable for any use permitted within the zoning district in which it is located, may be temporarily converted to a more suitable use for a limited specified period by the issuance of a special use permit as provided for in Article 17.

Adopted 01/20/83

SECTION 13.45 - ACCESS MANAGEMENT

For the permitted and special approval uses in the MHP Manufactured Housing Parks District, RM Multiple Family District, OS Office Service, and CR I and CR II Commercial Recreation Districts, C Commercial District, and MI Industrial District, which have frontage on M-59 or other thoroughfares, the following driveway (curb cut) standards shall apply.

Amended 9/6/2007, Effective 9/19/2007

A. Number of Driveways (Curb Cuts)

One curb cut per five hundred (500) feet of road frontage shall be permitted with a minimum distance between curb cuts of five hundred (500) feet. A road intersection with M-59 shall be considered as one (1) curb cut.

B. Driveway (Curb Cut) Spacing

1. If a driveway curb radius extends beyond the frontage of the property, written consent from the affected property owner allowing the design must be approved. Driveways are to be located so that all related construction such as acceleration or deceleration lanes, tapers, and curb return radii will take place within the right-of-way abutting the proposed site. Extension of a taper, curb radius or deceleration beyond the frontage shall be considered only if necessary to accommodate off-site factors for sound design practice. In this case, written consent from the affected property owner must be provided.
2. In order to prevent left turn conflicts, driveways shall be aligned with those across the street. Where the alignment requirement cannot be met, driveways shall be offset by a minimum of one hundred and fifty feet (150) measured centerline to centerline.

3. Where parcels have frontage or access on more than one roadway, access shall be provided from the lesser street. Where spacing requirements can be met, high traffic volumes will be generated, or the subject side street is inappropriate for nonresidential traffic, access onto the main roadway will be considered.
 4. Driveways shall be located outside the functional boundary of road intersections.
- Adopted 05/02/91 Effective 05/08/91

SECTION 13.46 FLAG LOTS

For purposes of this Ordinance, a flag lot shall be a building site that meets the area requirements of the AR (Agricultural Residential) District, but does not meet the minimum required road frontage on a public or private road of one hundred twenty (120) feet per lot. The building site must be able to be accessed from a public or private road by a right-of-way a minimum forty (40) foot wide in the stem of the flag lot. The stem right-of-way for a flag lot cannot be included in any acreage or frontage calculations for any lot. A maximum of three (3) flag lots, plus the primary lot or lots, may be permitted access from a flag lot stem right-of-way. (See Illustration: Flag Lot Standards)

A. General Requirements. Each flag lot shall meet the following requirements:

1. The flag lot shall be in the AR District.
2. The flag lot shall have a minimum area of fifty thousand (50,000) square feet. The area shall not include the stem right-of-way of the flag lot.
3. The flag lot shall meet the minimum side and rear setback requirements of the AR District. These setbacks shall be measured from the edge of the stem right-of-way or the property line whichever is closer.
4. If determined feasible by the Ocoola Township Land Split Officer, the primary lot (the one that fronts on the public or private road) must take its access from the flag lot stem right-of-way.
5. The lot line closest to the public or private road from which the flag lot takes access shall be the front lot line of the flag lot. The minimum front setback on a flag lot shall be one hundred (100) feet. (See Illustration: Flag Lot Standards)
6. The address of all dwellings occupying the flag lot must be clearly marked at the intersection of the flag lot drive and the public or private road, and at the flag lot to facilitate emergency services.
7. The titleholders or land contract purchasers of a flag lot shall enter into an easement maintenance and shared access agreement for the stem right-of-way that serves the flag lot in order to ensure maintenance of proper ingress and egress to and from the site. The easement agreement shall be approved by the Ocoola Township Land Split Officer. The easement agreement must be recorded prior to the issuance of tax code numbers for the lots served by the flag lot drive. The easement shall cover the full width of the stem right-of-way.

B. Flag Lot Drive Requirements. A flag lot drive shall be required to provide access to the flag lot(s). Flag lot drive construction shall conform to the applicable minimum standards based upon the number of lots served by the drive. Additional easement width may be required by the Township to satisfy utility, drainage, sidewalk, future development potential or other requirements.

1. **Stem Right-of-Way Based on Potential Lots Served:** The minimum stem right-of-way width required shall be based on the potential number of lots to be served by the flag lot drive. If a stem right-of-way of less than sixty six (66) feet in width has been approved for use, the drive shall not be extended to serve additional lots not included in the original application. If in the determination of the Ocoola Township Land Split Officer, there may be potential to extend the flag lot drive to serve future additional lots, the application shall be forwarded to the Planning Commission. The Commission shall review the potential for new development within the context of the Township's adopted Master Plan or zoning regulations, whichever is greater, and make a determination whether a sixty six (66) foot wide stem right-of-way must be provided. The purpose of the wider stem right-of-way is to accommodate future extension of the drive and conversion to a road. The Commission's determination shall be based on the following factors:

- a. Whether there is need for the extended flag lot drive to be dedicated as a public road based upon the Ocoola Township Master Plan.
- b. Whether proposed extended flag lot drive could reasonably serve other AR zoned residential uses.
- c. Presence of natural or manmade features, such as regulated wetlands, lakes, developed parcels, or similar constraints that substantially limit the ability to extend the drive to other sites.

2. **Construction Based on Lots Served:** The minimum drive surface and construction requirements shall be based on the number of flag lots to be served by the flag lot drive at the time of the land division. If the flag lot drive is capable of serving additional lots that are not created at the time of original construction, the easement agreement must specify the method of apportionment of any additional costs that may be incurred as a result of required road improvements when the additional lots are created.

C. Construction Standards for Flag Lot Drives Serving One To Three Flag Lots and the Primary Lot. If the flag lot drive serves one through three flag lots (one to three flag lots plus the primary lot), the following minimum construction standards shall apply:

1. The flag lot must be served by a minimum forty (40) foot wide stem right-of-way.
2. The flag lot drive surface shall be a uniform width of a minimum of twelve (12) feet, measured edge to edge.

3. The flag lot drive shall be constructed as follows:
 - a. All organic materials and topsoil shall be removed from the flag lot driveway bed area to ensure a stable base for the driveway.
 - b. The flag lot drive shall be constructed of 8" of 22A or 23A limestone gravel, at a minimum.
 - c. Certification from a registered professional engineer, evidencing that the above construction requirements have been met, shall be submitted to the Township prior to issuance of a land use permit for a residence for any of the lots on the flag lot drive..

D. Construction Standards for Potential Flag Lot Drive Extension. If the flag lot drive has the potential to be extended to serve more than three (3) flag lots (not including the primary lot or lots), the following minimum construction standards shall apply:

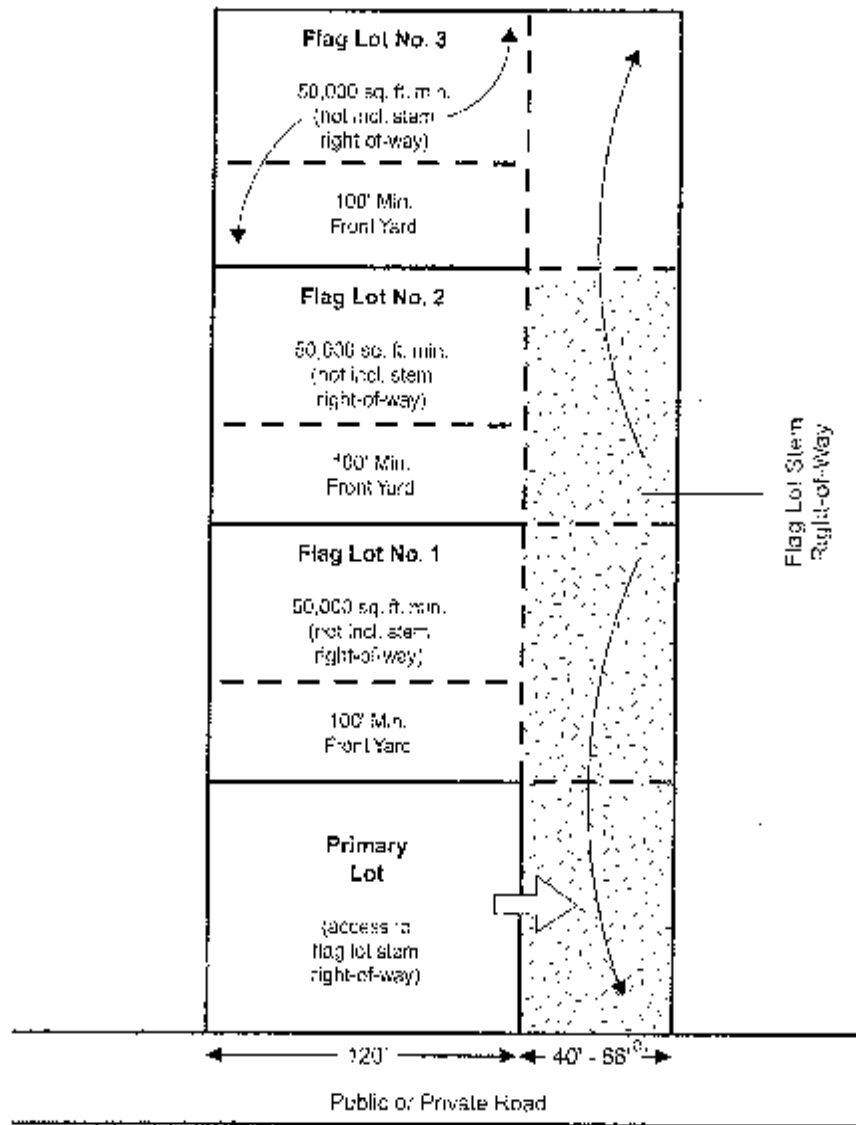
1. Each lot must be served by a minimum sixty-six (66) foot wide right-of-way.
2. At the time a flag lot drive is proposed to be extended or proposed to serve more lots than described in C. above, the flag lot drive will be required to be upgraded for its entire length and to meet all construction and approval requirements for a private road under Section 13.40 of this Ordinance.

E. Drive Separation Requirements.

1. The centerline of the flag lot driveway shall be located a minimum of two hundred forty feet (240') from the centerline of the intersection of two public and/or private roads.
2. The intersection of a flag lot stem right-of-way with a public or private road shall be located a minimum of one hundred twenty (120) feet from any existing flag lot stem right-of-way, measured from the centerline of the drive to the centerline of the road.

Adopted: January 18, 2007

Flag Lot Standards



Notes:

- a. No more than 3 Flag Lots per 40 ft. wide stem right-of-way. Stem right-of-way may be required to be increased to 66 ft.
- b. Flag Lot Drive = uniform width, minimum of 12 ft.

11-8-06

SECTION 13.47 COMMON USE (KEYHOLE) ORDINANCE

- A. Intent. Special Use provisions in accordance with Article 17 of the Oceola Township Zoning Ordinance are established to regulate land uses adjoining water bodies in any Zoning District. The purpose of these regulations is to protect the public health, safety and welfare which could be threatened by the over usage of inland lakes, and avoid situations which may create a nuisance, impair important irreparable natural resources and lessen property values. These regulations are intended to reinforce the implementation of the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972).
- B. Common Use Lot (Keyhole) Defined. A common use riparian lot (keyhole) shall be defined as any private site, platted lot or other parcel held in common by a subdivision, association, similar agency or group of individuals, or held in common by virtue of the terms of a plat of record; which provides common use riparian access to non- riparian lots or land owners.
- C. Applicability. These regulations shall apply to the following common use lots:
1. Those lots created after the effective date of this ordinance. Those lots of record existing prior to the effective date of this ordinance that did not provide common use access to a water body (riparian rights to nonriparian land owners) prior to the effective date of this ordinance.
 2. Lots that have been providing common use access to a water body for a defined geographical area or a specific number of lots through an association or subdivision/condominium deed prior to the effective date of this ordinance, and where it is proposed to expand the geographical area or number of lots that are provided common use access to a water body through said common use access lot.

Lots of record existing prior to the effective date of this ordinance that have been providing common use access to a water body for a defined geographical area or a specific number of lots may continue to provide riparian rights. However a new marina or expansion of an existing marina must obtain a permit from the Michigan Department of Environmental Quality in accordance with Administrative Rules for the Michigan Inland Lakes and Streams Act (P.A.346 of 1972, as amended).

- D. Use subject to Special Use Permit. The following uses shall be permitted on a common use lot (keyhole) in any district upon approval of the Planning Commission and subject to conditions as specified in Article 17.

1. Recreational sites, including bathing beaches, playgrounds, fishing piers, and other recreational areas.
2. Scenic sites.

Trails, bicycle paths and access routes, other than dedicated streets.

Boat docks (seasonal structures) provided that all of the requirements of Paragraph G are met, provided that seasonal boat docks in existence at the time of this ordinance are permitted to moor watercraft.

E. Area and Bulk Requirements. Waterfront sites dedicated to common use shall conform in all respects to the area and bulk requirements of the adjacent districts which they are intended to serve.

F. General Requirements.

1. The deed to a common use lot or parcel shall specify the non-riparian lots parcels which shall have rights to its use. All such lots shall be contiguous to each other and as a block contiguous to the common use lot.
2. Such riparian lot or parcel shall have a minimum frontage of one hundred and fifty (150) feet, measured by a straight line which intersects each side lot line at the water's edge; a minimum lot depth of one hundred (100) feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge; and a minimum area of fifteen thousand (15,000) square feet.
3. No seasonal storage of any watercraft or recreational equipment, including camping trailers and motor homes, shall be permitted on the site, except the permitted number of boats docked on the water.
4. Parking of motor vehicles, recreational vehicles, or camping units is prohibited.
5. An easement over a residential riparian lot shall not be utilized to provide access or docking for an individual who is not a resident of such residential riparian lot.
6. A common use lot shall not have been determined as a wetland by the Department of Environmental Quality (DEQ).

G. Boat Docks (seasonal structures) and Marinas.

The maximum number of boats which can be docked, moored or stored at a common use riparian parcel shall be one boat for the required riparian frontage of eighty (80) feet.

1. A marina, as defined below, and launching of motorized boats are prohibited.
2. A seasonal structure, as defined below, may be permitted without a permit from the Michigan Department of Environmental Quality

H. Definition

1. Marina: A facility that is owned or operated by a person, extends into or over

an inland lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft. A permit from the Michigan Department of Environmental Quality is required for a marina.

2. Seasonal Structure: Any type of dock, boat hoist, ramp, raft, or other recreational structure that is placed into an inland lake or stream and removed at the end of the boating season. No MDEQ permit is required for a seasonal structure.

Adopted: 11-18-04 Effective: 11-24-04

SECTION 13.50 SMALL COMMUNITY WASTE WATER SYSTEMS

No small community waste water system, hereby defined as an independent system intended for the use by a limited number of residential users for collecting, transporting, treating, and disposal of sanitary waste water, shall be built or installed in the Township unless it meets the following requirements.

- A. The system shall satisfy the criteria of the Livingston County Drain Commissioner as stated in the published document *Criteria for Small Community Wastewater Systems in Livingston County, Michigan* and/or subsequent guidelines provided by the Drain Commissioner of Livingston County. Written confirmation as to the compliance with the criteria shall be provided to the Township, before Township approval is granted.
- B. For the purposes of this Ordinance, a small community wastewater system shall not be considered a public sanitary sewer system.
- C. A site plan shall be submitted which contains the following:
 1. The location of a twelve (12) foot paved access drive to access any community treatment facility;
 2. The location of a paved parking and turnaround area for maintenance vehicles;
 3. The location of and the proposed security and screening of the treatment site;
 4. The relationship of the treatment site to the location of housing, open space, and recreation sites.
- D. The area allocated for the drain field and the reserve drain field may be used for recreation; however, it shall not be counted toward meeting the minimum recreation and open space provisions for residential development in this Ordinance.
- E. The system shall be designed to service all developable sites within the proposed development. The design engineer may submit a request to exclude a specified number of sites from connection, provided that specific reasons are given as to why all sites cannot be connected.

- F. The Township may require the site plan to address how the community septic system would be converted into a public sanitary sewer should a public sanitary sewer system be available within two hundred (200) feet of any property in the development.

Adopted 01/20/2005 Effective 04/13/2005

SECTION 13.51 CHURCHES

The following regulations shall apply to all churches:

- A. The minimum lot area shall be 3 acres.
- B. Adequate access to the site and required off-street parking shall be provided in compliance with Article 15.
- C. There shall be no parking within the required front yard setback area.
- D. The site shall abut and take access from a public road.