

CHAPTER 14

DEVELOPMENT STANDARDS

SECTION 14.01 PURPOSE

The following are regulations for activities not otherwise provided for in this Zoning Ordinance.

SECTION 14.02 ADULT REGULATED USES AND SEXUALLY ORIENTED BUSINESSES

A. Authorization.

In the preparation, enactment, and enforcement of this section, it is recognized that there are some uses relating to sexual material which, because of their very nature have serious operational characteristics that have a deleterious effect upon residential, office, and commercial areas. Because certain forms of expression relating to sexual material have particular functional and inherent characteristics with a high potential of being injurious to surrounding properties by depreciating the quality and value of such property, it is the intent of this section to provide a framework of reasonable regulatory standards which can be used for approving or disapproving the establishment of this type of use in a viable and accessible location, where the adverse impact of their operations may be minimized.

However, it is recognized that these specified controlled uses have legitimate rights under the United States Constitution as well as locational needs similar to many other retail establishments. Regulation is necessary to ensure that adverse effects of such uses will not contribute to the degradation of adjacent parcels and the surrounding area. Furthermore, these controls are intended to provide commercially viable locations within the Township where these uses are considered more compatible and less deleterious.

B. Uses Specified. Uses subject to these controls as defined herein as “adult only businesses” are defined in Chapter 3 Definitions.

C. Site Location Principles.

1. No adult only business shall be located within one-thousand (1000) feet, measured from lot line of the lot upon which the proposed adult use will be situated to the closest lot line of the following: residential zoning district, church, monastery, temple, or similar place of worship, cemetery, school,

Butler Township Zoning Ordinance

library, public park or playground, non-commercial assembly facility, public office building, licensed day care facility as defined in Act 116 of the Public Acts of 1973, as amended (MCLA 722.111 et seq.), or arcade.

2. An adult only business shall be located as a permitted use in the I-1 Industrial District.
3. No adult only business shall be permitted within one-thousand (1,000) feet radius of an existing adult only business. Measurement of the 1000 feet shall be made from the lot line of the lot upon which the proposed adult use will be situated to the closest lot line of the lot of the closest adult use.

D. Site Development Requirements.

1. The site layout, setbacks, structures, function, and overall appearance shall be compatible with adjacent uses and structures.
2. Windows, displays, signs, and decorative structural elements of buildings shall not include or convey examples of a sexual nature. All such displays and signs shall be in conformance with this Ordinance and shall be approved by the Planning Commission prior to their use.
3. All building entries, windows, and other such openings shall be located, covered, or screened in such a manner as to prevent viewing into the interior from any public or semi-public area as determined by the Planning Commission.
4. No loud speakers or sound equipment shall be used by an adult only business that projects sound outside of the adult only business so that sound can be discerned by the public from public or semi-public areas.
5. An adult only business shall clearly post at the entrance to the business, or that portion of the business utilized for adult only purposes, that minors are excluded.

E. Use Regulations.

1. No person shall reside in or permit a person to reside in the premises of an adult only business.
2. No person shall operate an adult only business unless there is conspicuously placed in a room where such business is carried on, a notice indicating the process for all services performed therein. No person operating or working

Butler Township Zoning Ordinance

at such a place of business shall solicit or accept any fees except those indicated on any such notice.

3. The owners, operators, or persons in charge of an adult only business shall not allow entrance into such building or any portion of a building used for such use, to any minors as defined by MCL 722.51 et seq., as amended.
4. No adult only business shall possess or disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.
5. No person shall operate an adult personal service business without obtaining a current zoning and building occupancy permit. Such licenses shall be issued by the Zoning Administrator, Building Inspector, or duly appointed designee following an inspection to determine compliance with the relevant ordinances of Butler Township. Such license shall be subject to all regulations of federal, state, and local governments.
6. No person shall lease or sublease, nor shall anyone become the lessee or sub-lessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use and only upon having obtained the appropriate licenses and permits from Butler Township, County of Branch, and State of Michigan.

F. Approval Within 90 Days.

Site plans shall be reviewed and approved, approved with conditions or denied within 90 days of the filing of a complete application, submission of a complete site plan and payment of fees.

G. Limit on Re-application.

No application for an adult use which has been denied wholly or in part shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence not previously considered or proof of a change in conditions from the original request.

SECTION 14.03 AUTOMOTIVE FUELING STATIONS AND SERVICE STATIONS

A. Purpose.

In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of automotive fueling stations and service stations and to regulate and control other problems incidental to these uses that they may exercise upon adjacent and surrounding areas, the following regulations and requirements shall be required in any zoning district. All automotive fueling stations and service stations erected after the effective date of this Ordinance shall comply with this section. No automotive fueling station or service station existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with this section than existed on the effective date of this Ordinance.

B. Minimum Area and Frontage.

An automotive fueling station, service station, repair center, or public garage shall be located on a lot having a frontage along the principal street of not less than one-hundred-fifty (150) feet and having a minimum area of fifteen-thousand (15,000) square feet.

C. Setbacks.

An automotive fueling station, service station, repair center, or public garage building housing an office and/or facilities for servicing, greasing, and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line and not less than forty (40) feet from any side or rear lot line directly adjoining a residential zoning district.

D. Driveway and Curbs.

1. All driveways providing ingress to or egress from an automotive fueling station, service station, repair center, or public garage shall comply with the standards of this Ordinance, and shall not be more than thirty (30) feet wide at the property line. Not more than two (2) curb openings shall be permitted along any street. No driveway or curb opening shall be located nearer than twenty (20) feet to any corner or exterior lot line, as measured along the property line. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway. All drive approaches shall otherwise meet Branch County Road Commission standards for construction, turning lanes, and placement.

Butler Township Zoning Ordinance

2. A raised concrete curb, six (6) inches in height, shall be erected along all driveway openings to minimize erosion and to appropriately direct traffic.

E. Paved Areas.

All parking areas, isles, driveways and loading areas shall be hard surfaced with concrete or a plant-mixed bituminous (asphalt) material and landscaped areas.

F. Equipment Location.

All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline and fuel pumps shall be located not less than fifteen (15) feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street, or right of way.

G. Number of Pumps.

An automotive fueling station, service station, or repair center located on a lot having an area of fifteen-thousand (15,000) square feet or less shall include not more than four (4) double gasoline and fuel pumps or eight (8) single gasoline and fuel pumps and two (2) enclosed stalls for servicing, lubricating, greasing, and/or washing motor vehicles. An additional two (2) gasoline and fuel pumps and/or one (1) enclosed stall may be included with the provision of each additional two-thousand square feet of lot area.

H. Walls and Screening.

Where an automotive fueling station, service station, repair center, or public garage adjoins property located in any residential zoning district, screening shall be provided in accordance with Chapter 20 of this Ordinance .

I. Lighting.

All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property, and shall comply with all requirements of this Ordinance.

J. Outdoor Storage and Parking.

All major repair work shall be conducted completely within an enclosed building. Minor repair work (i.e. the replacement of wipers, light bulbs, batteries, etc.) taking

Butler Township Zoning Ordinance

one hour or less to complete shall be permitted. There shall be no storage of vehicle components, parts, trash, supplies, or equipment outside of a building. Outdoor storage or parking of vehicles or trailers, other than private passenger automobiles, shall be prohibited between 10:00 p.m. and 7:00 a.m. of the following day, except that equipment rental operations shall be permitted if incidental to the automotive fueling station, service station, or repair center, and if restricted to travel trailers or campers of under twenty-one (21) feet overall length, car-top carriers, and similar auto accessories. Such operations shall be within fenced enclosures observing the same setbacks required for buildings in the zoning district wherein the automotive fueling station, service station, or repair center is located.

K. Removal of Underground Storage Tanks.

In the event that an automotive fueling station, service station, repair center, or public garage use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises in accordance with State and Federal regulations and statute.

SECTION 14.04 CONDOMINIUM DEVELOPMENT STANDARDS

A. Purpose and Scope.

1. Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for the purpose of this Ordinance and other applicable laws, ordinances, and regulations.

Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project.

2. The purpose of this Section is to ensure that the plans for developments within Butler Township proposed under the provisions of the Condominium Act, Act 59 of the Public Acts of 1978, as amended shall be reviewed with the objective and intent of achieving the same characteristics as if the development and improvements therein were being proposed pursuant to the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended. It

Butler Township Zoning Ordinance

is further the intent of this Section to ensure that such development is in conformance with the requirements of this Ordinance, other applicable Township ordinances and state and federal regulations.

B. Site Condominium Review and Approval Procedures (Step I Review).

Application for review and approval of a site condominium subdivision may be in accordance with the following procedures:

1. Prior to the formal application for a site condominium development, the developer shall meet with the Planning Commission. The purpose of this meeting is to inform the Planning Commission of the applicant's intent to initiate a site condominium project. On or before this meeting, the applicant shall submit the following to the Zoning Administrator, who shall distribute it to all Planning Commission members.
 - a. A sketch drawn to scale, indicating the general location and configuration of the property to be developed; the alignment of streets and building sites; and the relationship of the proposed project to adjacent streets and neighboring properties.
 - b. A statement regarding the provision of sewer service and water supply.
2. During the preliminary discussion meeting, the Planning Commission, based on the information available to it, shall inform the applicant of the following:
 - a. General requirements of this Section and other applicable provisions of this Ordinance.
 - b. Planned or anticipated sites of parks and recreation areas and other public uses.
 - c. Utility system capabilities.
 - d. Planned or anticipated public improvements, including streets, utility extensions, and the like.
 - e. Street plans and potential problems relative to the natural features of the area, including, but not limited to floodplains, soil conditions, topography, and groundwater tables.

Butler Township Zoning Ordinance

- f. Additional information which will assist the applicant in proceeding in a reasonable and sound manner toward the final approval of the site condominium project.
 3. This review is intended for information purposes only and does not constitute binding commitments on the part of the Township. Neither do they imply tentative approval of any proposed site condominium project. Furthermore, such discussions shall not carry the authority to proceed with construction or to sell or transfer property.
 4. Following preliminary review, the applicant shall submit the site condominium subdivision plans to the following agencies for their approval:
 - a. Michigan Department of Natural Resources/Michigan Department of Environmental Quality.
 - b. Branch County Drain Commissioner
 - c. Branch County Road Commission
 - d. Other appropriate state and county review and enforcement agencies having direct approval or permitting authority over all or part of the project's construction phases.
- C. Site Condominium Review and Approval Procedures (Step II Review).**
1. An application for preliminary review of a site condominium subdivision project shall be made to the Zoning Administrator along with the appropriate fees as required by Township Board resolution. The application shall, at a minimum, contain the following information:
 - a. Application for certificate of zoning compliance, which upon issuance, shall ensure that the project, as proposed, is capable of being developed in conformity with the standards and regulations applicable to the zoning district in which the project is located, subject to the customary procedures applicable to Township approvals of individual uses on individual building sites.
 - b. The applicant's name, address, and phone number.
 - c. Proof that the applicant is the owner of the property or has the legal or financial interest in the property such as a purchase agreement.

Butler Township Zoning Ordinance

- d. The name, address, and phone number of the owner(s) of record, if different from that of the applicant.
 - e. The legal description, address and tax parcel number of the property.
 - f. Project description, including number of structures, dwelling units, square feet of building sites, open spaces, and estimated inhabitants, phasing, etc.
 - g. Gross and net size of the parcel in acres.
 - h. Written comments and/or approvals from the above list of agencies resulting from their review of the site condominium subdivision plans, as applicable.
 - i. A copy of the proposed deed restrictions or covenants for the site condominium subdivision.
 - j. A copy of any preliminary agreements which may be required before final plan approval is granted.
 - k. A copy of the proposed master deed of the project and the supportive information which is intended to be recorded with the Register of Deeds as required by state law.
2. The applicant shall provide at least ten (10) copies of the preliminary site condominium project plan and additional copies if deemed necessary by the Zoning Administrator. The plans at the time of their submittal shall contain the information required for preliminary site condominium plan as required by this Ordinance.
 3. The application and plans shall be submitted at least thirty (30) days before the next regularly scheduled meeting of the Planning Commission.
 4. Upon receipt of the preliminary site condominium project plans, the Zoning Administrator shall forward one copy to each member of the Planning Commission, and the Township Engineering or Planning Consultant, for consideration at the next regularly scheduled meeting of the Planning Commission.
 5. The Zoning Administrator shall notify by mail, all the members of the Planning Commission, that a meeting will take place at a specified time concerning the property proposed for the site condominium project. At this or a subsequent meeting, a public hearing shall be held. Notice of said

Butler Township Zoning Ordinance

hearing shall be given at least fifteen (15) days prior to the hearing in accordance with the noticing requirements stated in Section 10.04 of this Ordinance. The Zoning Administrator shall also give such notice of the meeting as required by the open Meetings Act. In reviewing the preliminary plan, the Planning Commission shall give particular attention to all information required to accompany the submission, in particular the deed restrictions and covenants in an effort to determine that they are adequate to ensure ultimate completion of the project in accordance to the proposed project plan. If the preliminary plan meets the requirements of this Ordinance and all other applicable local, state, county, and federal regulations, the Planning Commission shall grant it preliminary approval.

If the plan does not meet the requirements of this Ordinance, the Planning Commission shall:

- a. Recommend denial of the preliminary plan, setting forth the reasons in writing, or
- b. Recommend granting of preliminary plan approval contingent upon completion of the revisions as noted.

D. **Setbacks and Boundaries.** The setback requirements for condominium buildings shall be determined as follows:

1. Single Family Units.
 - a. The front yard setback shall be one-half ($\frac{1}{2}$) the approved or recorded street right of way, plus the current setback for the existing zoning district.
 - b. The side yard setbacks shall be twice the minimum required within the zoning district. The distance from the unit to the limit of development shall meet the minimum required side yard setback within the zoning district.
 - c. The rear yard setback between the rear of two (2) units shall be twice the minimum rear yard setback of the zoning district. The distance from the rear of the unit to the limits of the development shall meet the minimum rear yard setback of the zoning district.
2. Multiple family units shall meet the standards of the Medium Density Residential District (R-3).

Butler Township Zoning Ordinance

3. The relocation of boundaries as defined in Section 148 of the Michigan Condominium Act, shall conform to all setback requirements of this Section, of the district in which the project is located, shall be submitted to the Planning Commission for review and approval, and these requirements shall be made a part of the by-laws and recorded as part of the master deed.

E. Common Elements.

After construction of a condominium unit, the undeveloped area of a unit shall become a common element.

F. Encroachment.

A condominium project shall not be constructed in a manner that intentionally creates an encroachment on adjacent properties or zoned districts.

G. Subdivision of Unit Sites.

Subdivision of condominium unit sites is permitted following Planning Commission review and approval, contingent upon the submission of an amended master deed to determine the effect of the subdivision on the conditions of zoning or development plan approval, and shall be made as part of the by-laws and recorded as part of the master deed.

H. Conformance with Subdivision Regulations.

All condominium project plans shall conform to the plan preparation requirements, design layout, and improvements standards as established within this Ordinance or with the Township's Code of Ordinances.

I. Water and Waste Water.

The condominium project shall comply with and meet all federal, state, and county standards for a fresh water system and waste water disposal.

J. Expansion and Conversion.

Prior to expansion or conversion of a condominium project to additional land and new phases, it must be reviewed and approved by the Planning Commission.

Butler Township Zoning Ordinance

K. Master Deed.

The project developer shall furnish the Township with one (1) copy of the proposed consolidated master deed, one (1) copy of the by-laws, and two (2) copies of the proposed plans. The proposed plans shall be reviewed for compliance with this Ordinance to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements.

L. As-Built Plans and Occupancy.

Submission of an as-built plan of a condominium unit is required prior to occupancy. The Building Inspector may allow occupancy of the project before all improvements required are installed provided that an escrow is submitted to the Township, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Township. The amount and form of the escrow shall be determined by the Township Planning Commission. Fees for these reviews shall be established and adjusted by the Township Board of Trustees.

M. Final By-Laws, Consolidated Master Deed, and Site Plan.

Upon approval of the development, the applicant shall furnish the Township a copy of the by-laws and consolidated master deed. The development plan shall be provided on a sheet at least twenty-four (24) inches by thirty-six (36) inches.

N. Compliance with other Statutes and Ordinances.

All condominium projects shall comply with pertinent federal, state, and local laws, statutes, and ordinances.

SECTION 14.05 SAW MILLS (AGRICULTURAL)

A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with the primarily agricultural and rural residential purposes of the district. These operations are intended to be temporary, portable, and/or small in processing capabilities. Sawmill operations may be permitted in agricultural zoning districts as special land uses subject to the following provisions:

- A. **Review Criteria.** Applications for new or expanded sawmills shall be submitted to the Planning Commission for review and evaluation based upon the criteria established herein. The use must be determined by the Planning Commission to be consistent and compatible with the general character of the immediate area and

Butler Township Zoning Ordinance

otherwise meet the requirements of Special Land Use approval as outlined in Chapter 19 of this Ordinance.

- B. **Site Plan Review.** A site plan in accordance with Chapter 12 of this Ordinance shall be prepared for review by the Planning Commission.
- C. **Prohibited Locations.** New and expanded milling operations shall not be permitted on any site that directly abuts any residential zoning district.
- D. **Minimum Lot Size.** No minimum lot size is required to seek approval for a special use permit to operate a sawmill in an agricultural zoning district. However, parcels of less than one (1) acre in size shall be reviewed so as to not allow the operation of a saw mill on sites not suitably sized to protect adjacent residential uses from nuisances created as a result of the milling operation.
- E. **Maximum Area of Operation.** The maximum area of land permitted for raw material (log) storage, milling operations, and processed waste (saw dust and cuttings) storage shall not exceed five (5) acres of contiguous land.
- F. **Setbacks.** The use of a portable chipper, stud mill, or other similar processing equipment as well as any storage or accessory buildings located on the site shall be set back at least fifty (50) feet from any property line.
- G. **Site Access & Parking.** Vehicle access to the site shall be located off of a public road suitable to accommodate both vehicular and truck traffic. Parking and loading areas shall be provided and shall be constructed of gravel or stone surface. One parking stall shall be required for each employee or worker on site. Sufficient turn around and loading areas for larger vehicles shall also be provided.
- H. **Employees.** The milling of timber products on site is intended for the general use and benefit of the property owner. No more than Six (6) employees related or unrelated to the property owner may be employed on site.
- I. **Hours of Operation.** The saw mill shall not operate outside of the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday.
- J. **Transportation.** The loading and shipment of one (1) semi-tractor trailer (with a maximum of eleven (11) axles) or its equivalent shall be permitted per week of operation. In addition, the delivery of no more than three (3) shipment(s) of raw material (logs) in any given week shall be permitted. It is the intent of this requirement to limit nuisances created (i.e...noise, traffic, fumes, etc.) by this activity from impacting adjacent residential and agricultural land uses.

Butler Township Zoning Ordinance

- K. **Production.** No more than 5,000 board feet of processed lumber shall be produced in any one day.
- L. **Appearance.** All raw and processed material shall be stored in a neat and orderly manner. In addition, the property shall be kept free of junk, debris, garbage, and tall weeds and grasses. The outdoor storage of inoperable equipment, inoperable or unlicensed vehicles, and equipment or vehicle parts shall be strictly prohibited.

SECTION 14.06 WIRELESS COMMUNICATIONS FACILITY REQUIREMENTS

- A. **Intent.** Regulation of commercial wireless communication service towers is necessary to protect the public health, safety and welfare while meeting the communication needs of the public. The intent of the Ordinance is to minimize adverse visual effects of towers and to avoid interference with adjacent property while adequately serving the community.
- B. **Permitted as Principal Uses.** In the following circumstances, a new wireless communication facility shall be a principal permitted use, or a permitted accessory use, subject to site plan approval as provided in Chapter 12 Site Plan Review, and also subject to the conditions set forth in subparagraph (D) below:
 - 1. Attached wireless communication facilities within all districts where the existing structure is not, in the discretion of the Planning Commission, proposed to be either materially altered or materially changed;
 - 2. Colocation of an attached wireless communication facility which has been previously approved for colocation by the Planning Commission;
 - 3. Wireless communication facilities attached to a utility pole located within a right-of-way, where the existing pole is not modified to materially alter the structure and/or result in an impairment of sight lines or other safety interests; or
 - 4. Wireless communication facilities with monopole support structures of no more than one-hundred-fifty (150) feet in height within the I-1 and C-1 zoning districts.
- C. **Permitted as Special Land Uses.** Wireless communication facilities with monopole tower support of 150 ft. or less in the AG District shall be permitted as a special land use. Wireless communication facilities with monopole or lattice tower support structures with a height of greater than one-hundred-fifty (150) feet shall be permitted as special land uses or special accessory uses only in the C-1 and I-1 zoning district, subject to the standards of Chapter 19, Special Land Uses, except

Butler Township Zoning Ordinance

that they shall not be located within five-hundred (500) feet of any R-1 or R-2 zoning district, or within a distance equal to the height of the support structure from the right-of-way line of any interstate or limited-access highway or other major thoroughfare. If located on the same parcel with another permitted use, such facilities and any other structures connected therewith shall not be located in a front yard.

D. Permitted as Special Land Uses in Other Districts.

If an applicant can demonstrate to the satisfaction of the Planning Commission that a location permitted in subparagraphs (B) and (C) above cannot reasonably meet the coverage and/or capacity needs of the applicant, and the applicant can demonstrate that it has reasonably exhausted all efforts to locate its facility in accordance with subparagraphs (B) or (C) above, a wireless communication facility may be permitted as a special land use or a special accessory use within all other zoning districts, subject to the standards of Chapter 19 Special Land Uses, and further subject to the following conditions:

1. Such wireless communication facilities shall be located on a priority basis only on the following sites: a) governmentally owned sites; b) religious or other institutional sites; c) public or private school sites; or d) public park and other large permanent open space areas when compatible.
2. Wireless communication support structures in such locations shall be of an alternative or stealth design such as incorporation into a steeple, water tower, bell tower, or other form which is compatible with the existing character of the proposed site, the adjacent neighborhoods, and the general area, as approved by the Planning Commission.

C. Required Standards for Wireless Communication Facilities in All Districts.

1. Required Information.

- a. Site Plan. A site plan prepared in accordance with Chapter 12, Site Plan Review, also showing as-built drawings for all proposed attached wireless communication facilities and/or wireless communication support structures.
- b. Demonstration of Need. Demonstration of the need for the proposed wireless communication support structure due to a minimum of one of the following:

Butler Township Zoning Ordinance

- I. Proximity to an interstate or limited-access highway or major thoroughfare.
 - II. Proximity to areas of population concentration.
 - III. Proximity to commercial or industrial business centers.
 - IV. Avoidance of signal interference due to buildings, woodlands, topography, or other obstructions.
 - V. Other specific reasons.
- c. Service Area and Power. As applicable, a description of the planned, proposed, or existing service area of the facility, and wireless communication support structure height and type, and signal power expressed in effective radiated power (ERP) upon which the service area has been planned.
- d. Map of Other Facilities Nearby. A map showing existing or proposed wireless communication facilities within Butler Township *and* Branch County, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. If the information is on file with the Township, the applicant shall update as needed. A written request for confidentiality must be prominently stated by the applicant.
- e. Data on Other Facilities Nearby. For each location identified by the applicant/provider, the application shall include the following data, if known, with the applicant/provider expected to exercise reasonable diligence to obtain information:

The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.

- I. Evidence of property owner approvals.
- II. Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility; if the location cannot be used, a disclosure of the technological considerations involved, with specific reference to how use of

Butler Township Zoning Ordinance

the location would prohibit the applicant/provider from providing services.

- f. Fall Zone Certification. To determine the required setbacks, a State of Michigan registered engineer shall submit a determination and certification regarding the manner in which the proposed structure will fall.

The fall zone or collapse distance as cited in the certification shall therefore be the minimum setback required. However, in the absence of an engineer's certification, the minimum setback shall be equal to the total height of the tower. Furthermore, in no case shall the minimum setback from a property line be less than seventy-five (75) feet.

- g. Description of Security for Removal. A financial security (Performance Guarantee) may be required for the wireless communication support structure to ensure removal and maintenance, in accordance with this Section of the Butler Township Zoning Code. The security shall be required at the discretion of the Planning Commission and shall be in the form of a performance bond or dedicated escrow account placed with the Township for coverage of stated purposes. The security shall be a promise of the applicant and owner of the property to timely remove the facility as required, with the provision that the applicant and owner shall pay costs and attorney's fees incurred by Butler Township in securing removal.
- h. Data on FCC and FAA Approval. An application for a wireless communications installation shall have been first submitted for review and have been approved for such facility before the Federal Communications Commission, Michigan Aeronautics Commission and Federal Aviation Administration detailing technical parameters authorization for the facility shall be submitted to the Township as part of the Township's required application packet. Approved facilities shall be subject to all FAA, MAC and FCC requirements for placement, maintenance, and operation.
- i. All wireless communication facilities shall be located on a minimum of a one-half ($\frac{1}{2}$) acre parcel and shall have direct or deeded access to a public road right-of-way. Verification of said access shall be provided upon application for approval.

Butler Township Zoning Ordinance

- j. All existing vegetation shall be shown on the submitted site plan and shall be preserved during and after installation to the maximum extent possible. Furthermore, additional landscaping shall be required in accordance with the provisions of this Ordinance for the district in which it is located.
- k. All wireless communication sites shall be fenced with appropriate material with a minimum height of six (6) foot and a maximum height of eight (8) feet. All support structures, wires, and accessory buildings shall be located within the fenced area. The use of barbed wire, electric current or charge of electricity is strictly prohibited.
- l. Compatibility of Support Structures. Wireless communication support structures shall not be injurious to the neighborhood or detrimental to the public safety and welfare. Support structures shall be harmonious with the surrounding areas, and aesthetically and architecturally compatible with the natural environment. In addition, all structures shall be equipped with an anti-climbing device to prevent unauthorized access.
- m. Maximum Height. The maximum height of wireless communication support structures shall be the lesser of: a) two-hundred-fifty (250) feet; or b) the minimum height demonstrated to be necessary by the applicant; or c) such lower heights as required and approved by the Federal Aviation Administration. The applicant shall demonstrate a justification for the height and provide an evaluation of alternative designs which might result in lower heights. Accessory buildings shall be limited to the maximum height for accessory structures within respective zoning districts.
- n. Setbacks from Non-Residential Districts. Wireless communication support structures abutting any lot zoned for other than residential purposes shall have a minimum setback in accordance with the required setbacks for the principal buildings for the zoning district in which the support structure is located. But in no case shall the required setback be less than seventy-five (75) feet.
- o. Variances. The Zoning Board of Appeals may grant variances for the setback of a wireless communication support structure to accommodate a change that would reduce its visual impact or to meet the required standards of Colocation. The Zoning Board of Appeal may also grant variances for the height of a support structure of up to

Butler Township Zoning Ordinance

fifty (50) feet only in cases where a variance would permit additional colocations.

- p. Compatibility of Accessory Structures. Wireless communication facilities proposed on the roof of a building with an equipment enclosure shall be architecturally compatible with the principal building upon which it is located. The equipment enclosure may be located within the principal building or may be an accessory building, provided the accessory building conforms with all district requirements for accessory buildings and is constructed of the same or compatible building material as the principal building.
- q. Appearance of Support Structures. The color of wireless communication support structures and all accessory buildings shall minimize distraction, reduce visibility, maximize aesthetics, and ensure compatibility with its surroundings. The applicant shall be responsible for the maintenance of the wireless communication facility in a neat and orderly condition, as well as maintaining the safety of the site and structural integrity of any structures.
- r. Federal and State Requirements. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted on the site plan. Structures shall be subject to any State and Federal regulations concerning nonionizing electromagnetic radiation. Furthermore, if more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the approval and permit for the structure shall be subject to revocation by the Township. The cost for testing and verification of compliance shall be borne by the operator of the antenna.
- s. Lighting. Lighting on a wireless communication facility shall be prohibited unless otherwise required by the Federal Aviation Administration or Michigan Aeronautics Commission. The applicant shall propose a height reduction to eliminate the need for lighting, or shall submit detailed technical data demonstrating the need for the requested height including an analysis demonstrating that other sites are unavailable or inadequate for their purposes.
- t. Colocation. All wireless communication support structures shall accommodate no more than six (6) attached wireless communication facilities. Support structures shall allow for future rearrangement of

Butler Township Zoning Ordinance

attached wireless communication facilities to accept other attached facilities mounted at varying heights.

- I. When Colocation is Not “Feasible. Wireless communication support structures shall not be approved unless the applicant documents that its attached wireless communication facilities cannot be feasibly colocated or accommodated on an existing support structure or other existing structure due to one or more of the following reasons:
 - (i) The planned equipment would exceed the structural capacity of the existing support structure or other structure, as documented by licensed engineer, and the existing support structure or other structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - (ii) The planned equipment would cause interference affecting the function of other equipment on the existing support structure or other structure as documented by a licensed engineer, and the interference cannot be prevented at a reasonable cost.
 - (iii) Support structures and other structures within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
 - (iv) Other unforeseen reasons that make it not feasible to locate the planned communications equipment upon an existing support structure or other structure.

- u. Determining Feasibility of Colocation. Colocation shall be deemed to be "feasible" when all of the following are met:
 - I. The applicant/provider will pay market rent or other market compensation for colocation.
 - II. The site is able to provide structural support, considering reasonable modification or replacement of a facility,

Butler Township Zoning Ordinance

- III. The colocation being considered is technically reasonable and will not result in unreasonable interference, given appropriate physical adjustments.
 - IV. The height of the structure necessary for colocation will not be increased beyond maximum height limits.
1. Refusal to Permit Colocation. If a party who owns or otherwise controls a wireless communication support structure shall fail or refuse to alter a structure to accommodate a feasible colocation, such facility shall thereafter be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
 2. Refusal to Colocate Constitutes Violation. If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this Section of the Zoning Ordinance.
 3. New Structures Prohibited. Consequently such party or its agent(s) shall take responsibility for the violation, and shall be prohibited from receiving approval for a new support structure within Butler Township for a period of five (5) years from the date of the failure or refusal to permit the colocation.
 4. Variance from Colocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if, and to the limited extent, the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.
 5. Offer of Colocation Required. An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for colocation. The list of potential users shall be provided by Butler Township based on those entities who have requested approval of a wireless communication facility, current FCC license holders, and other entities requesting to be on the list. If, during a period of thirty (30) days after the notice letters are sent to potential users, a user requests, in writing, to colocate on the new support structure, the applicant

Butler Township Zoning Ordinance

shall accommodate the request(s), unless colocation is not feasible based on the criteria of this Section.

6. Removal. When a wireless communications facility has not been used for sixty (60) days, the party or its agent(s) shall notify the Township in writing of its discontinued use and shall initiate removal of all or parts of the wireless communications facility by the users and owners of the facility and owners of the property within ninety (90) days of notifying the Township. The removal of antennae or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The situation(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.
 - a. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the facility.
 - b. If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice sent by certified mail, Butler Township may remove or secure the removal of the facility or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected from the security posted at the time application was made for establishing the facility or, if necessary, through appropriate judicial remedies.
7. Radio Frequency Emission Standards. Wireless communication facilities shall comply with applicable Federal and State standards relative to electromagnetic fields and the environmental effects of radio frequency emissions.
8. Effect of Approval.
 - a. Subject to subparagraph (II) below, final approval for a wireless communication support structure shall be effective for a period of six (6) months.

Butler Township Zoning Ordinance

- b. If construction of a wireless communication support structure is commenced within two (2) miles of the land upon which a facility has been approved, but upon which construction has not been commenced during the six (6) month period of effectiveness, the approval for the support structure that has not been commenced shall be void thirty (30) days following written notice from Butler Township of the commencement of the other support structure. Such voiding shall apply unless the applicant granted approval of the support structure which has not been commenced demonstrates that it would not be feasible to collocate on the support structure that has been newly commenced.

SECTION 14.07 MANUFACTURED HOUSING DEVELOPMENTS

A. Statement of Intent.

This section is intended to provide for the location and regulation of manufactured housing parks as an affordable housing alternative where appropriate and consistent with the general character of Butler Township. It is intended that manufactured housing parks be provided with necessary community services in a setting that provides a high quality of life for its residents. These districts should be located in areas where they will be compatible with adjacent land uses. Accordingly, manufactured housing parks shall be located in accordance with the following criteria:

1. In areas that are designated for manufactured housing parks as outlined in the Butler Township Master Plan.
2. On sites adjacent to existing manufactured housing parks and parcels zoned R-3 zoning classification.
3. On sites with direct vehicular access to a public thoroughfare or collector road.
4. In areas where sanitary sewer and potable water supply (either public or private systems) is available with sufficient capacity to serve the residents and to provide fire protection capabilities. Furthermore, the location of a manufactured housing park shall not result in exceeding the capacity or result in the diminished service of proper functioning community facilities and utility systems, including but not limited to the following: roads, sanitary sewers, water, storm drainage, police and fire protection, and the public educational system.

Butler Township Zoning Ordinance

5. On sites outside of a designated floodway.

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all manufactured housing parks. When regulations in this Section exceed the state law or the Manufactured Housing Commission Rules they are intended to insure that manufactured housing parks meet the development and site plan standards established by this Section for other comparable residential development and to promote the health, safety and welfare of the Township's residents.

These specific standards reflect the nature of Butler Township in contrast with some other areas of Michigan where the universal rules of the Manufactured Housing Commission may be appropriate. These standards encourage development which compliments and protects the investment on adjacent properties, and promotes preservation of important natural features.

Since the characteristics and impacts of a manufactured housing park typically simulate those of multiple-family residential developments, and because they typically are served by private streets and utility systems which interrupts and intercepts the continuity of the local street and utility systems, manufactured housing parks are not considered compatible with other types of single-family neighborhoods. Therefore, manufactured housing parks are intended to serve as a transitional use between residential and nonresidential districts, similar to the multiple family districts.

B. Development Standards and Requirements.

1. Preliminary Plan Review. Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.

In preparing the preliminary plan and when reviewing the plan, the applicant and Planning Commission shall follow the procedures and requirements in Chapter 12, Site Plan Review, where applicable, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Manufactured Housing Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township officially receives the plan.

Applicants may request to meet with Township officials, including any consultants designated by the Township Board of Trustees, to preliminarily

Butler Township Zoning Ordinance

review applications prior to filing. Such pre-filing conferences are intended to assist the applicant and facilitate the future review and approval of the application. However, no suggestions, recommendations, or other comments made by Township officials, staff or consultants at such conferences shall constitute approval of any application.

2. Minimum Requirements. Manufactured housing parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by the way of example, Act 96 of 1987, as amended, and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements.
3. General Authority. Manufactured housing parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Manufactured Housing Commission Act, Act 96 of 1987, and subsequently adopted rules and regulations governing manufactured housing parks. Application for permit to construct a manufactured housing park shall be submitted to the Michigan Bureau of Construction Codes. The Department of Consumer and Industry Services is the agency charged with licensing of manufactured housing parks. Preparation of the application, support data, and local agency review of the above mentioned materials shall conform to the requirements of Act 96.
4. Codes. All structures and utilities to be constructed, altered, or repaired in a manufactured housing parks shall comply with all applicable codes of the Township, the State of Michigan, the U.S. Department of Housing and Urban Development and the Manufactured Housing Commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall require permits issued therefore by the appropriate offices. However, a manufactured housing unit built prior to June 15, 1976 which otherwise meets HUD certification requirements and standards for construction shall be permitted. All structures and improvements to be constructed or made under the County Building Code shall have a building permit issued therefore by the County Building Inspector prior to construction.
5. Parcel Size. The minimum parcel size for manufactured housing parks shall be fifteen (15) acres.
6. Site Size. The manufactured housing parks shall be developed with sites having a minimum size of five-thousand-five-hundred (5,500) square feet per manufactured housing unit. This square foot minimum for any one site may be reduced twenty percent (20%) provided that the individual site shall be

Butler Township Zoning Ordinance

equal to at least four-thousand-four-hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below the required standard, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the open space required by this Section and under R125.1946, Rule 46 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code. However, in no case shall the open space and distance requirements be less than that required under R125.1946, Rule 46 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

7. Dimensional Requirements. Manufactured housing units shall comply with the following minimum distances and setbacks:
- a. Twenty (20) feet from any part of adjacent manufactured housing units.
 - b. Ten (10) feet from any on-site parking space of an adjacent manufactured housing unit site.
 - c. Ten (10) feet from any accessory attached or detached structure of an adjacent manufactured housing unit.
 - d. Fifty (50) feet from any permanent building.
 - e. One hundred (100) feet from any baseball, softball, or similar recreational field.
 - f. Fifteen (15) feet from the edge of an internal road.
 - g. Seven (7) feet from any parking bay.
 - h. Seven (7) feet from a common pedestrian walkway.
 - i. All manufactured housing units shall be set back not less than twenty-five (25) feet from any park boundary line, including the existing and future rights-of-way lines of abutting streets and highways. Accessory buildings shall meet the setback requirements as established by this Ordinance for residential districts.
 - j. Forty (40) feet from the edge of any railroad right-of-way.

Butler Township Zoning Ordinance

8. Building Height. Buildings in the MHP district shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet, except that storage sheds shall not exceed fifteen (15) feet in height.
9. Roads. Roads shall satisfy the minimum dimensional, design, and construction requirements as set forth in the Manufactured Housing Commission Rules except as follows:
 - a. Two-way streets shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted on one side only, and forty-one (41) feet where parallel parking is permitted on both sides of the street. Roads not permitting parking shall be clearly marked or signed.
 - b. One-way streets shall have a minimum width of thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted on one side only, and thirty-three (33) feet where parallel parking is permitted on both sides of the street. Roads not permitting parking shall be clearly marked or signed.
 - c. The alignment and gradient of a road shall be adapted to the topography and shall be graded for its full width to drain surface water. Internal road gradient and drainage construction phase features shall meet the requirements of the Manufactured Housing Commission Rule 908 and Rule 47 of the Michigan Department of Environmental Quality standards.
 - d. Cul-de-sacs, where proposed, shall have a minimum radius of thirty (30) feet (60 ft. in diameter). Maximum cul-de-sac length shall be one-thousand (1,000) feet, provided no more than thirty-five (35) units may be served by a single means of access. A dead end road shall terminate with an adequate turning area. A blunt-end road is prohibited.
 - e. Adequate sight distance shall be provided at all intersections.
 - f. The main entrance to the park shall have access to a public thoroughfare or shall be connected to a paved public collector or arterial road by a permanent easement which shall be recorded by the developers. Sole access to the park via an alley is prohibited.

Butler Township Zoning Ordinance

- g. All roads shall be clearly marked with appropriate identification and traffic control signs. The name of any streets or roads shall be approved by the Branch County Land Resource Center.
- h. All roads shall be hard-surfaced and may be constructed with curbs and gutters.

10. Parking.

- a. All manufactured housing sites shall be provided with two (2) parking spaces per Manufactured Housing Commission Rules 925 and 926.
- b. In addition, a minimum of one (1) parking space for every three (3) manufactured housing sites shall be provided for visitor parking located convenient to the area served.
- c. Off-street parking in accordance with Chapter 15 of this Ordinance shall be provided in conjunction with any community buildings, recreational facilities or office/maintenance buildings located within the manufactured home park.
- d. No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within an enclosed building.
- e. Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured housing park, but shall be limited to use only by residents of the manufactured housing parks. The location of such storage areas shall be shown on the site plan and shall be prohibited on manufactured housing sites and in designated open space areas. No part of any such storage area shall be located in any yard required on the perimeter of the manufactured housing parks. Such storage area shall be surfaced with gravel, asphalt or similar substance and shall be screened from view from adjacent residential properties with an opaque six (6) foot wooden fence, six (6) foot masonry wall with landscaping, or landscaped greenbelt. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Common laundry drying areas, trash collection stations, surface mounted transformers, and similar equipment and facilities shall also be screened from view by plant material and/or man-made screens.

Butler Township Zoning Ordinance

11. Sidewalks. Concrete sidewalks having a minimum width of three (3) feet shall be provided on at least one side of collector roads in the manufactured housing park. In addition, a five (5) foot wide concrete sidewalk shall be constructed along the public road(s) on which the manufactured housing park fronts. Such sidewalk shall be located within the road right-of-way, one foot off of the right-of-way line.

12. Accessory Buildings and Facilities.
 - a. Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by residents of the park only and shall be shown on the submitted Preliminary Plan for approval.
 - b. Site-built structures within a manufactured housing park shall be constructed in compliance with the Branch County Building Codes and shall require all applicable permits. Any addition to a manufactured housing unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for manufactured housing shall comply with the Branch County Building Codes.
 - c. No personal property shall be stored outside or under any manufactured home. Storage structures (e.g., sheds, garages, etc.) may be used to store personal property on site. Storage sheds need not be supplied by the owner or operate of the manufactured housing park.
 - d. Travel trailers or recreational vehicles shall not be occupied as living quarters in all new and future manufactured housing developments.
 - e. Towing mechanisms, including tires, shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.

13. Open Space. Open space shall be provided in any manufactured housing park containing fifty (50) or more manufactured housing sites, and maintained by the owner or operator of the park. The open space shall comply with the following requirements:

Butler Township Zoning Ordinance

- a. A minimum of two percent (2%) of the park's gross acreage shall be dedicated to well drained, usable open space developed with appropriate recreational facilities and play equipment, provided that a minimum of twenty-five-thousand (25,000) square feet of contiguous open space.
- b. Open space shall be shaped and located conveniently in relation to the majority of dwelling units intended to be served. Up to twenty-five percent (25%) of the required open space may consist of swamp areas, marshy areas, and similar limited use areas.

14. Landscaping and Screening.

- a. Perimeter Screening. All manufactured housing parks shall be screened from existing adjacent residential uses by either a six (6) foot wall or a densely planted landscaped greenbelt. In addition a landscaped buffer shall be provided along the public road frontage of any manufactured housing park.
 - I. If provided, screen walls shall be constructed of masonry material that is constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property, in which case the wall may be set back from the property line a sufficient distance to resolve such concerns.
 - II. If a landscaped greenbelt is used, it shall be a minimum of twenty (20) feet in width and consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that visual screening is maintained throughout the year.
- b. Landscaping Adjacent to Rights-of-Way. A landscaped berm measuring three (3) feet in height along a landscaped greenbelt shall be constructed along the public rights-of-way on which the manufactured housing park fronts. The berm shall be constructed with

Butler Township Zoning Ordinance

slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. Landscaping adjacent to the road shall comply with the following requirements, which are consistent with landscaping required for other types of development in Butler Township:

<u>Type</u>	<u>Requirements</u>
Deciduous street tree (e.g., Red or Norway Maple, Linden, Ash)	1 per 40 lineal feet of road frontage
Deciduous or evergreen shrubs	1 per 3 lineal feet of road frontage

- c. Site Landscaping. A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured housing sites.
 - d. Parking Lot Landscaping. Off-street parking lots containing more than fifteen (15) spaces shall be provided with at least ten (10) square feet of interior parking lot landscaping per space. Such areas shall measure at least one-hundred-fifty (150) square feet and shall be covered by grass, ground cover, shrubs or other live plant material. At least one (1) deciduous tree shall be planted per parking lot landscaped area.
15. Canopies. Canopies and awnings may be attached to any manufactured dwelling unit and may be enclosed for use as a sun room or recreation room, but not as a bedroom. Canopies and awnings shall comply with the setback and distance requirements set forth in this Section but shall not require a building permit unless fully enclosed or exceeding ten (10) foot by ten (10) foot in size.
16. Waste Receptacles. If proposed, waste receptacles shall comply with the following requirements as well as Part 5 of the MDEQ Standards for waste receptacles:
- a. Receptacles shall be set back a minimum distance of fifty (50) feet from the perimeter of the manufactured housing park and at least fifteen (15) feet from any building, in a location that is clearly accessible to the servicing vehicle. Receptacles shall be provided within one-hundred-fifty (150) feet of each manufactured housing unit, unless curb-side collection is provided.

Butler Township Zoning Ordinance

- b. Receptacles shall be screened on three (3) sides with a decorative masonry wall or wood fencing, not less than six (6) feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other sides.
 - c. Receptacles shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.
17. Signs.
- a. Each manufactured housing park shall be permitted either:
 - I. Two (2) signs, each of which shall not exceed five (5) feet in height and sixteen (16) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line; or
 - II. One (1) sign which shall not exceed five (5) feet in height and thirty-two (32) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line.
 - b. Management offices and community buildings in a manufactured housing park shall be permitted one (1) identification sign not to exceed six (6) square feet in area.
18. Water and Sewer Service. All manufactured housing parks shall be served by approved central water and sewage systems, which shall meet the requirements of the Branch County Health Department and the Michigan Department of Public Health. Public sewer systems shall be required in manufactured housing parks, if available within two-hundred (200) feet at the time of preliminary plan approval. If a public sewer system is unavailable, the park shall connect to a state-approved sewage system. The plumbing connections to each manufactured housing site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.
19. Storm Drainage. All developed portions of the manufactured housing park shall be served by adequate storm drainage facilities, independent of sanitary sewers, designed and constructed in accordance with applicable

Butler Township Zoning Ordinance

local, county, and state regulations as outlined in Part IV of the MDEQ Standards. On-site storm water detention facilities may be required.

20. Underground Wiring and Utilities. All local distribution lines for franchised utilities, including but not limited to telephones, electrical service, and cable television, shall be placed entirely underground throughout mobile home parks. Mainlines and perimeter feed lines located on a Section or Quarter Section Line may be above ground if they do not overlap the park. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephones and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.
21. Fuel Oil and Gas. Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.
22. School Bus Stops. School bus stops shall be located in an area that is acceptable to the local school district and the manufactured housing park developer.
23. Mailbox Clusters. The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing park road with a public road.
24. Manufactured Housing Unit Sales. The business of selling new or used manufactured housing as a commercial operation shall not be permitted after complete occupancy of a new or expanded manufactured housing park has been achieved. Thereafter, new or pre-owned manufactured homes which are to remain on-site in a manufactured housing community may be sold by the resident, owner, licensed dealer or broker, provided the manufactured housing development management permits such sales activity.
25. Prohibitions. A manufactured home shall only be used as a single-family dwelling. This provision shall not be construed to preclude the siting of

Butler Township Zoning Ordinance

model manufactured homes on licensed sites in a manufactured home community for sale or temporary sales office purposes.

26. Operational Requirements.

- a. Permits. A manufactured housing park shall not be operated until a license has been issued by the Michigan Bureau of Construction Codes. The Zoning Administrator shall communicate his/her recommendations regarding the issuance of such licenses to the Director of the Manufactured Housing Division, Bureau of Construction Codes, Michigan Department of Consumer and Industry Services. No individual manufactured housing site shall be occupied until the required improvements including utilities and access roads which serve the site are in place and functioning. Buildings constructed on-site, such as a management office or clubhouse, shall require a building permit prior to construction and a Certificate of Occupancy prior to use.
- b. Violations. Whenever, upon inspection of any manufactured housing park, the Zoning Administrator finds that conditions or practices exist which violate provisions of this Section or other regulations referenced herein, the Zoning Administrator shall give notice in writing by certified mail to the Director of Michigan Manufactured Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.
- c. Inspections. The Zoning Administrator or other authorized Township agent is granted the authority, as specified in Michigan Public Act No. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Section or other regulations referenced herein.