



**ADA TOWNSHIP PLANNING COMMISSION MEETING  
THURSDAY, JANUARY 16, 2025, 5:30 P.M.  
ADA TOWNSHIP OFFICE, ASSEMBLY HALL  
7330 THORNAPPLE RIVER DR SE, ADA, MI**

**AGENDA**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES OF DECEMBER 19, 2024, REGULAR MEETING**
- V. PUBLIC HEARING** - none
- VI. UNFINISHED BUSINESS** - none
- VII. NEW BUSINESS**
  - 1. Zoning Ordinance Update – Review
  - 2. Planning Commission Meeting Schedule for coming year
  - 3. Planning Commission Bylaws – Proposed Revisions
- VIII. COMMISSION MEMBER / STAFF REPORTS**
- IX. PUBLIC COMMENT**
- X. ADJOURNMENT**



**ADA TOWNSHIP PLANNING COMMISSION  
MINUTES OF THE MEETING DECEMBER 19, 2024, REGULAR MEETING**

**DRAFT**

A regular meeting of the Ada Township Planning Commission was held on Thursday, December 19, 2024, at 5:30 p.m., at the Ada Township Hall, 7330 Thornapple River Drive, Ada, Michigan.

**I. CALL TO ORDER**

Chair VanderVennen called the meeting to order at 5:30 p.m.

**II. ROLL CALL**

Members Present: Cooper-Surma, Ellixson-Andrews, Kluting, Moyer, VanderVennen

Members Absent: 1 (Butterfield)

Staff Present: Bajdek, Buckley, Said

Others Present: 2 members of the public

VanderVennen introduced and welcomed the new Commissioner, Justin Ellixson-Andrews.

**III. APPROVAL OF AGENDA**

Moved by Moyer, supported by Kluting, to approve the agenda as presented. Motion carried.

**IV. APPROVAL OF MINUTES OF NOVEMBER 21, 2024, REGULAR MEETING**

Kluting made note that the number of members absent said 0, and he was not at the meeting on November 21. A correction to the November 21, 2024 minutes will be reflected to show members absent 1 (Kluting).

Moved by Moyer, supported by Kluting, to approve the November 21, 2024, Regular Meeting minutes, as amended. Motion carried.

**V. PUBLIC HEARING**

**1. Request for Special Use Permit to allow construction of a front yard Accessory Building not matching the appearance of the principal structure, and for Site Plan Review for an accessory building in the front yard, in the RP-1 (Rural Preservation 1) District, Charmaine Murphy, 8831 Bailey Drive NE, Parcel No. 41-15-24-300-039**

Lawrence Wilson, Attorney representing Charmaine Murphy, explained that there are currently two barns on the property, one red barn and a blue barn. The red barn was built by Mr. Murphy about 50 years ago, and Ms. Murphy hired a builder to construct the blue one about three years ago, only to later determine that a building permit was not applied for with the Township.

Mr. Wilson referred to the renderings showing the location of the barns vs. the home. He noted that the house exterior does not match the barn's exterior, however, there is no way you can see the house from the barns due to all the trees. He said he is requesting approval of the Special Use Permit to allow for the front yard, not matching, accessory barns to remain. He also noted that a breezeway will connect the two barns to become one unit (zoning ordinance requirement allows only one accessory structure in the front yard).

Planning Director Said explained the two accessory buildings were brought to the Planning Staff's attention and he reached out to Ms. Murphy/Mr. Wilson and worked through ideas of how to bring the buildings into conformance with the requirements. Said agreed that the breezeway connection allows for the two buildings to be a single structure, and noted the lot size is about 15 acres and is heavily wooded, minimizing views of the area from adjacent properties.

Said confirmed the steps to meet conformance: Site Plan approval for the structure in the front yard and the Special Use being required because the appearance does not match the home. Said stated based on the proposed accessory building and applicable standards for both Special Use and Site Plan Review, Staff has no objections to the approval of these requests, subject to the condition noted in the Staff Report.

There was brief Commissioner discussion regarding the shared driveway, a possible timeline for meeting compliance, and the language in the zoning ordinance for defining a front yard.

VanderVennen opened the public hearing at 5:45 p.m. There was no public comment and the public hearing was closed.

Moved by Kluting, supported by Moyer, to approve the request for Special Use Permit and Site Plan Review for an accessory building in the front yard, subject to the following condition:

1. Any exterior lighting to be mounted on the accessory building shall be full-cutoff or non-glaring intensity, with the fixture specification subject to review and approval by Planning Department Staff prior to issuance of a building permit.

Motion carried.

## **VI. UNFINISHED BUSINESS - none**

## **VII. NEW BUSINESS**

- 1. Request for Extension of PVM Development Plan approval for 7247, 7257, and 7267 Bronson Street (townhomes and accessory dwelling units); Joel Harner/Let Us Development; Parcel Nos. 41-15-34-103-011, 41-15-34-103-012, and 41-15-34-103-013**

Joel Harner, 7191 Bronson Street, said he is requesting an extension of the project. He explained that due to increased interest rates in 2024, it was difficult to finance, and the project was tabled. He has been working with his bank and believes he can lock in better rates during the first quarter of 2025. He proposed to begin permit applications in the spring and to break ground by July 2025.

Said stated an extension request is allowed per the zoning ordinance and the applicant submitted

the extension request well in advance of the December 15, 2024 expiration date. Said noted that extension review is limited to extension request timing only and that the existing approved PVM Plan is not subject to review. He explained the extension process, in that if the request is approved, a building permit would need to be obtained by the new expiration date. There are two, one-year extension requests allowed for a PVM Development Plan Review.

Said stated Staff has no objections to the approval of a one-year extension, to December 15, 2025, with the same conditions from the original approval remaining in place.

VanderVennen moved to Planning Commission comments.

Moyer asked if the property is transferred, would timelines still be in place. Planner/Zoning Administrator Bajdek confirmed timelines stay in place.

Kluting questioned the language in part of the zoning ordinance, referring to section 78-480 (e). There was overall discussion amongst Planning Commissioners and Staff regarding the language and how it is interpreted.

Moved by Moyer, supported by Kluting, to approve the one-year extension of the PVM Development Plan, to December 15, 2025, with the same conditions from the original approval as noted in the Staff Report.

Motion carried.

### **VIII. COMMISSION MEMBER / STAFF REPORTS**

Said noted there are no new applications for the January 16, 2025 meeting, however, there are items up for review by the Planning Commission and the meeting agenda may include: proposed revisions to the bylaws, next fiscal year meeting schedule, and a update on the zoning ordinance rewrite progress.

Moyer requested an update on the status of the tent installed at the Amway Spaulding location. Said updated that a notification was emailed to Amway request they apply for a permit to allow for the tent to remain there. Said will follow-up again mid-January.

### **IX. PUBLIC COMMENT**

### **X. ADJOURNMENT**

Moved by Moyer, supported by Cooper-Surma, to adjourn the meeting at 6:06 p.m. Motion carried.

Respectfully submitted,

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Jo DeMarco, Ada Township Clerk

rs:eb



## MEMORANDUM

Date: 01.07.2024

**TO:** Ada Township Planning Commission  
**FROM:** Department of Planning  
**RE:** **Zoning Ordinance Update Review**

### **Background**

For several years, Staff has advocated for a complete rewrite of the Township's Zoning Ordinance. After completion and adoption of the Ada Township Master Plan in 2023, Staff began more active pursuit of this project. To get this underway, the concept was discussed both internally and with the Planning Commission, including meetings and communications with an informal Zoning Ordinance Update Committee. This committee consists of Planning Commissioners Rob VanderVennen (who succeeded Tom Korth) and James Moyer, along with Zoning Board of Appeals member Bruce Courtade.

Staff efforts on the rewrite began with a section-by-section review, followed by draft language for some articles, which have been shared with the Update Committee for their review and comment. The revisions completed to date are further described below, and the draft sections completed to date are attached to this Report for Commission review and input.

While the Zoning Ordinance Update project will address recommendations from the Master Plan, more importantly it is intended to be much more user-friendly for residents, developers, and Township Staff. This will be achieved through a revised format, which is further discussed below and illustrated in the attached draft sections. In this way, the Ordinance can become a model for transparency and efficiency in the administration of the community's zoning requirements.

Staff work has focused on Ordinance sections associated with the community's conventional zoning districts, and the work completed so far includes the agricultural-rural, residential, and office-commercial districts. The industrial districts remain to be completed. While Staff efforts will continue, with input from the Committee and the Commission, it is anticipated that consultant services will be utilized for the more technical/"specialty" work associated with the Ordinance. This is expected to include (but not be limited to) the Planned Village Mixed-Use (PVM) Overlay District, graphics-illustrations, and other tasks.

### **Overview**

In its current format, the Zoning Ordinance contains significant repetition and text-heavy sections (especially with allowed use lists, placement requirements, etc.), resulting in significant confusion and difficulty for general administration and understanding of the regulations, as well as an unnecessarily lengthy document. Conversely, in the new format, easily-read charts have replaced the repetitive and lengthy use lists. The charts also have the advantage of allowing for inclusion of multiple similar zoning districts. The attached sample sections (of zoning districts) reflect these format changes.

For those allowed uses that have specific development/performance requirements, a single Specific Use requirements section has been added, with references corresponding to those uses being included in each use chart.

The draft changes completed thus far for the text sections for the Agricultural/Rural, Residential, and Office/Commercial Districts have allowed a reduction in text of about **63%** (from about 55 pages to about 20 pages). Overall, the Ordinance will likely not be reduced by this amount; however an appreciable reduction in

its length is anticipated. Along with the revised format, the shorter length will also encourage enhanced transparency, understanding, and administration of the Ordinance.

Please also note that the draft documents contain references, in red text (such as "(78-313, 78-314...)"), to current Zoning Ordinance sections. (Edited language and questions are also noted in red text in various draft sections.)

### **Analysis**

Staff proposes some revisions to allowed uses, which are summarized as follows:

- (a) Consider allowing different residential types in single-family residential districts (see Discussion below).
- (b) Allow residential uses above the first floor in the C-1 Commercial (Downtown PVM – see Discussion below) District.
- (c) Omit the following uses as noted:
  - Forestry operations in AGP, RP-1, and RP-2 (repetitive as it is basically a farm use).
  - Land divisions from any districts (this is not a use but rather a division of land regulated by lot size and other requirements).
  - PUDs from the land use list (this not one specific use but rather a specific set of conditions applicable to developments as permitted/facilitated through the PUD process).
  - Open-space preservation development in AGP, RP-1, and RP-2 (as this is a designation of land, and not a use).
  - Temporary parking for special events in RP-1 and RP-2 (not used).
  - Single-family dwellings in PO and C-1 (inappropriate use in these districts; if C-1 is converted to PVM, this use would be allowed subject to the applicable requirements).
  - Self-storage facilities in C-2 (inappropriate use in this district).
  - Service establishments such as linen service and other uses in C-2 (inappropriate uses in district).
  - Bus and taxicab stations in C-2 (inappropriate/not used).
  - Drive-in theaters in C-2 (not used).
  - Continuing care retirement communities/senior citizen housing in C-1 (inappropriate for downtown area as these are typically large-scale).

### **Discussion**

Some important questions are offered on a preliminary basis for Planning Commission consideration and response. These are noted as follows:

- (1) Should two-family, attached single-family (rowhouse/townhome), and multiple-family dwellings be allowed as special uses in some of the single-family districts? *(Recommended in Township Master Plan, subject to specific performance requirements.)*
- (2) Should accessory dwelling units (ADUs) be allowed, as a special use, in some of the single-family residential districts? *(Recommended in Township Master Plan, subject to specific performance requirements.)*
- (3) Should the requirements of the PVM District replace the current requirements of the C-1 District? *(This would reinforce usage of PVM due to the more concentrated orientation of the downtown area.)*
- (4) Should Planned Unit Development (PUD) requests be specifically prohibited in the C-1/PVM District? *(This would minimize any undercutting of PVM requirements by PUD proposals.)*

### **Recommendation**

Staff requests Planning Commission review and direction on the draft sections provided, and the discussion points noted above.

# Article 1. Title and Purpose

## Section 78-1 Title

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This ordinance shall be known and may be cited as the "Ada Township Zoning Ordinance." It is also referred to as the "Zoning Ordinance", the or this "chapter", or the "ordinance" throughout this document. (new)

## Section 78-2 Intent and Purpose

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- A. *Intent.* This ordinance is based on the Ada Township Master Plan and is intended and designed to:
1. Achieve the purposes set forth in the Zoning Enabling Act, as amended; (78-1)
  2. Regulate land development practices; and (new)
  3. Provide for the establishment of zoning districts in the township which regulate the use of land and structures. (new)
- B. *Purpose.* The purpose of the Zoning Ordinance is to establish a regulatory framework to:
1. Protect and ensure public health, safety, and welfare;
  2. Maintain the general and appropriate trend and character of land, building, and population development: (78-1)
  3. Provide for areas of recreation for enjoyment and to promote public health; (new)
  4. Ensure an efficient transportation network and safe walking and biking routes; (new)
  5. Limit the continuation of improper use of land; (new)
  6. Protect property values and natural resources; and (78-1)
  7. Provide for orderly development based on the Ada Township Master Plan. (new)

## Section 78-3 Applicability

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- A. *Applicability.* Zoning applies to all lots of record and to every building, structure, and use. No lot of record shall be used except in conformance with this ordinance. No existing or new building or structure shall be located, erected, altered, re-occupied, or re-used except in conformity with this chapter. (new and 78-4)
- B. *Division of Lots.* No lot of record shall be divided, altered, or reduced by sale, gift or other disposition in a way that impacts conformance to setback, area, width, parking, and other spatial and dimension requirements of this ordinance. A division of a lot of record shall not increase the degree of nonconformity of any existing nonconforming lot of record, building, or structure.
- C. *Ada Township.* The provisions of this ordinance shall not be applicable to and enforceable against Ada Township itself. (new)

## Section 78-4 Administration

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The Director of Planning, Planner, and/or Zoning Administrator, ~~Building Inspector~~, or other such persons, as designated or appointed by the Township Board shall serve as the administrators of this ordinance. (78-5 and new)

## Section 78-5 Organization

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- A. *Applicability.* The Zoning Ordinance is divided into five (5) parts. The ordinance begins with an introduction to set the legal basis for the regulation. The second part addresses the zoning districts and land use regulation for lots of record in the township. The third part outlines general requirements for all lots of record, specific use requirements, and requirements for the development of land. Part four includes the processes for reviewing development and township approval standards. Lastly, part five includes administrative authorities and provisions and definitions for terms used throughout the ordinance. (new)
1. Part I Introduction.
  2. Part II Zoning Districts.
  3. Part III Development Provisions.
  4. Part IV Review Processes and Standards.
  5. Part V Administration.

## Section 78-6 Figures and Graphics

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Graphics are provided as “figures” throughout this ordinance to illustrate the intent of regulatory language. When there is an apparent discrepancy between the text and a figure, the text shall supersede. Any text within a table is a requirement. (new)

## Section 78-7 Interpretation and Conflict

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- A. *Minimum Requirements.* The provisions of this ordinance are determined to be the minimum requirements for the promotion of the public health, safety, and general welfare in the township. (new)
- B. *Conflict.* This ordinance shall not repeal, annul in any way, impair, or interfere with existing provisions of other laws, ordinances, or regulations, except those repealed within this ordinance by specific reference, or with private restrictions placed upon property by covenant, deed, or other private agreement, or with restrictive covenants running with the land to which the township is a party. Where this ordinance imposes greater restrictions, limitations, or requirements upon the following, the provisions of this ordinance shall control the use and development of land. (new and 78-2)
- C. *Enforcement of Private Agreements.* In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties. All applicants and landowners shall be responsible for obligations and restrictions applicable to subject properties by private agreements.
- D. *County, State, and Federal Laws.* The township shall not enforce county, state, or federal laws. However, township approvals of development may be conditioned upon securing all applicable outside governmental agency approvals. When state and federal laws preempt local zoning authority, the township recognizes that zoning regulations are superseded by those regulations. (new)

Add language about conflicts in Zoning Ordinance – more restrictive shall apply.

Add language about similar uses to existing uses, subject to Zoning Administrator approval (crimestoppers)



## Section 78-8 Legal Basis

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This ordinance is enacted pursuant to P.A. 110 of 2006, the Michigan Zoning Enabling Act, M.C.L. 125.3101 et. seq., as amended.

## Section 78-9 Validity and Severability

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

## Section 78-10 Effective Date

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A. *Adoption and Effective Date.* This ordinance, is a restatement of the Ada Township Zoning Ordinance, and was adopted by the Ada Township Board, Kent County, Michigan, at a meeting held on \_\_\_\_\_, 20\_\_, and a notice of publication ordered published on \_\_\_\_\_, 20\_\_, and has an effective date of \_\_\_\_\_, 20\_\_. (new)

Is this section needed?

# Article 2. Zoning Districts and Map

## Section 78-11 Zoning Districts

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The Township is divided into the following zoning districts:

<b>Table ____ Zoning Districts</b>		
<b>Abbreviation</b>	<b>District Name</b>	<b>Regulated In</b>
<b>Agricultural and Rural Districts</b>		
<b>AGP</b>	Agricultural Preservation	Article ____
<b>RP-1</b>	Rural Preservation 1	
<b>RP-2</b>	Rural Preservation 2	
<b>RR</b>	Rural Residential	
<b>Residential Districts</b>		
<b>R-1</b>	Low Density Single-Family Residential	Article ____
<b>R-2</b>	Single-Family Residential	
<b>R-3</b>	Medium Density Single-Family Residential	
<b>R-4</b>	Medium Density Multiple-Family Residential	
<b>V-R</b>	Village Residential	
<b>Commercial and Office Districts</b>		
<b>PO</b>	Professional Office	Article ____
<b>C-1</b>	Village Business	
<b>C-2</b>	General Business	
<b>Industrial Districts</b>		
<b>I</b>	Industrial	Article ____
<b>LI</b>	Light Industrial	
<b>Other Districts</b>		
<b>PVM</b>	Planned village Mixed-Use Overlay	Article ____

(78-131 and new)

## Section 78-12 Zoning Map

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The location and boundaries of the zoning districts are established as shown upon a map entitled "Ada Township Zoning Map," as amended from time to time. The zoning map shall be kept on public display at the township hall.

(78-132)

## Section 78-13 Interpretation of Zoning District Boundaries

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- A. *Map Interpretation.* Where uncertainty exists as to the boundaries of zoning districts shown on the zoning map, the following rules of construction and interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following lot lines shall be construed as following those lot lines.
3. Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
4. Boundaries indicated as following the shorelines of water bodies shall be construed as following such shorelines, and in the event of natural change in the location of a shoreline, shall be construed as moving with such shoreline.
5. Boundaries indicated as approximately following property lines, section lines, or other lines of the government survey shall be construed as following such property lines as of the effective date of this ordinance or applicable amendment.

(78-132 and new)

B. *Zoning of Vacated Areas.* Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included shall be subject to all applicable regulations of the district in which it is located.

(new)

C. *Boundaries Dividing a Lot of Record.* Where a zoning boundary line divides a property, each use, building, and structure on the lot of record shall comply with the requirements of the applicable district for where it is placed on the property.

(new)

## Section 78-14 Similar Land Use Determination

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(entire section new)

- A. *Intent.* Since every potential land use cannot be addressed in the Zoning Ordinance, each district may accommodate similar uses, as referenced in this section.
- B. *Determination.* All applications for a use not specifically addressed in a zoning district, or inquiries concerning a use, shall be submitted to the Zoning Administrator for review and a determination.
  1. Factors. The Zoning Administrator shall base the determination on the following factors:
    - a. The proposed use is not listed as a permitted or special land use in any other zoning district.
    - b. The use is consistent with the district purpose.
    - c. The use is similar to other allowed uses relative to its character, scale, and overall compatibility.
    - d. The use is not expected to create objectionable impacts to public health, safety, and welfare if it were established in the applicable zoning district.
    - e. The use would not be more appropriate within a different zoning district.
  2. Zoning Board of Appeals. The Zoning Administrator may, in their sole discretion, submit a proposed use to the Zoning Board of Appeals for a similar use determination if consideration of the review factors does not lead to a clear conclusion.
- C. *Compliance.* If a proposed use is determined to be similar to a permitted use within the district, the similar use shall comply with all the standards or requirements associated with the permitted use. If the named use is a special land use within the applicable zoning district, the similar use shall be reviewed per the applicable requirements for the named use.

- D. *Determination*. The determination of whether a proposed use is similar to another listed use shall be considered as an interpretation of the use regulations and is not determined to be a use variance. Once a use has been determined to be similar, it shall be specifically determined to be the named use with which it shares similarities.
- E. *Prohibited Use*. If a use is not specifically listed anywhere in this ordinance and is not determined to be similar to any other specifically listed uses, the use is prohibited.
- F. *Accessory Uses*. Accessory uses are permitted in conjunction with all permitted and special land uses. The Zoning Administrator shall review and determine allowable accessory uses to ensure they are customarily associated with the permitted or special land use and are incidental and subordinate to the principal use.

# Article 3. Agricultural and Rural Districts

## Section 78-15 Intent and Purpose

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This article outlines the Agricultural and Rural Zoning Districts and contains basic information pertaining to the land use regulation and spatial requirements for buildings and lots of record.

- A. *Agricultural Preservation District (AGP)*. This district is intended to preserve the integrity and viability of agricultural land uses in those portions of the township having land and soils best suited to agriculture, to minimize the fragmentation of large lots into multiple small lots, to minimize the extent of nonagricultural uses in the district that may interfere with or conflict with agricultural operations, and to minimize the need for additional public facilities and services that would occur from more intense development. A limited number of nonfarm residential uses are permitted, subject to standards contained herein intended to minimize conflict with agricultural uses and maintain the viability of agricultural uses. (78-151)
- B. *Rural Preservation 1 (RP-1)*. This district is intended to designate certain lands located north and east of the Grand River for single-family dwellings in a very low density, rural setting. The maximum residential development density permitted in this district is intended to ensure that the distinct natural and rural character existing in this area, as documented in the Ada Township Master Plan, is preserved. In addition, certain nonresidential uses that are compatible with the rural character of this area are also permitted. (78-156)
- C. *Rural Preservation 2 (RP-2)*. This district is intended for designating land in the northwestern portion of the township that is located west of the Grand River for single-family dwellings in a rural setting. In addition, certain nonresidential uses that are compatible with the rural character of this area are also permitted. (78-161)
- D. *Rural Residential (RR)*. This district is intended for designating certain portions of the township primarily for single-family dwellings in a more rurally-oriented, lower-density setting. In order to provide flexibility, certain other uses may be permitted as special uses. (78-171)

## Section 78-16 Use Requirements

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Land and/or buildings in the Agricultural and Rural Districts shall only be used in accordance with *Table* \_\_\_\_\_.

- A. *Permitted Use (P)*. This use is authorized by-right, subject to all other applicable provisions of the Zoning Ordinance.
- B. *Special Land Use (SU)*. This use is subject to review and permitting in accordance with Article \_\_\_\_\_.
- C. *Site Plan (SP)*. This use is subject to review and permitting in accordance with Article \_\_\_\_\_.
- D. *Other*. See referenced section for additional specific use requirements.

When the use is not indicated with any letter in the corresponding zoning district, the use is prohibited.

(new – OR DO WE JUST REFER TO BLACKED-OUT SQUARES??)

**Table \_\_\_\_ Schedule of Uses: Agricultural and Rural Districts**

Use	AGP	RP-1	RP-2	RR	Other (specific use requirements)
Farms	P	P	P	P	
Single-family dwellings	P	P	P	P	
Golf course, athletic grounds, parks, and cemeteries		SP	SP	SP	
Schools, churches, government buildings	SU	SU	SU	SU	Sec.____
Roadside market stands	P	P	P	P	Sec.____
Radio and television stations with or without towers	SU	SU	SU		Sec.____
Family day care homes	P	P	P	P	
Group day care homes	SU	SU	SU	SU	Sec.____
Adult day care homes	SU	SU	SU	SU	Sec.____
Adult foster care family homes	P	P	P	P	
Adult foster care group homes	SU	SU	SU	SU	Sec.____
Day care centers, only in conjunction with and as accessory to: a house of worship, public school, or private school	P	P	P	P	
Landscape contractor business, secondary to agricultural or single-family residential	SU	SU	SU		Sec.____
Antenna towers and communication services masts	SU	SU	SU	SU	Sec.____
Farm markets	SP	SU	SU	SU	Sec.____
Farm market ancillary activities	SU				Sec.____
Private heliports	SU	SU	SU	SU	Sec.____
Stables, public or private	P	P	P	P	
Kennels	P	P	P	P	
<b>OMIT the following:</b>					
<b>Forestry operations (omit definition too – basically a farm)</b>					
<b>Land divisions (it's NOT a use)</b>					
<b>PUDs (It's not a particular use but a set of standards)</b>					
<b>Open space preservation development (not a use)</b>					
<b>Temp. parking for special events (never used)</b>					

(78-152, 78-157, 78-162, 78-172)

## Section 78-17 Spatial Requirements

All lots of record shall meet the minimum area and width requirements of *Table \_\_\_\_\_*. New lots of record shall not be created, except in conformance with these requirements. All placement of buildings shall conform to the minimum spatial and dimensional requirements listed in *Table \_\_\_\_\_*. NA = not applicable. **OR BLACK OUT CELLS**

<b>Table _____ Lot Requirements: Agricultural and Rural Districts</b>					
<b>Requirement</b>		<b>AGP</b>	<b>RP-1</b>	<b>RP-2</b>	<b>RR</b>
Minimum Area (acres)	Single-Family	10	5	3	2
	Non-Residential	*	*	*	*
Minimum Width (ft.)	Single-Family	300	270	200	200
	Non-Residential*	*	*	*	*

\* Non-residential means any permitted or special land use that is not a dwelling; specific use requirements include minimum lot sizes for these uses.

(78-154, 78-159, 78-164, 78-174)

<b>Table _____ Principal Building Requirements: Agricultural and Rural Districts</b>					
<b>Requirement</b>		<b>AGP</b>	<b>RP-1</b>	<b>RP-2</b>	<b>RR</b>
Min. Front Setback (ft.)	Dwelling units	50	50	50	50
	Farm buildings with no animals or poultry	60	60	60	NA
	Farm buildings with animals and/or poultry	150	150	150	NA
Min. Side Setback (ft.)	Dwelling units	20 ea./50 total	20 ea./50 total	20 ea./50 total	25
	Farm buildings with no animals or poultry	60	60	60	NA
	Farm buildings with animals and/or poultry	150	150	150	NA
	All other uses				60
Min. Rear Setback (ft.)	Dwelling units	50	50	50	50
	Farm buildings with no animals or poultry	60	60	60	NA
	Farm buildings with animals and/or poultry	150	150	150	NA
Max. Height (ft.)	Dwelling units	35	35	35	35
	Permitted non-residential	*	*	*	NA

\* All other permitted non-residential buildings shall not exceed their usual customary heights, which shall be subject to the approval of the Zoning Administrator.

(78-154, 78-159, 78-164, 78-174)

## **Section 78-18 Other Development Standards**

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Other standards applicable to all development in these districts shall include, but are not necessarily limited to, the following:

- (1) General provisions contained in article I.
- (2) Landscaping requirements and standards contained in article XXV.
- (3) Sign regulations contained in article XXVI.
- (4) Off-street parking and loading regulations contained in article XXVII.
- (5) Public street access and private road and driveway standards contained in article XXVIII.

(78-155, 78-160, 78-165, 78-175)



# Article 4. Residential Districts

## Section 78-19 Intent and Purpose

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This article outlines the Residential Districts and contains basic information pertaining to the land use regulation and spatial requirements for buildings and lots of record.

- A. *R-1 Low Density Single-Family Residential (R-1)*. This district is established with the intention of limiting certain portions of the township exclusively for low density, single-family dwellings; particularly those areas which will not be served with public water and sewer utilities, and consequently will require the provision of complete on-site well and septic services. Certain complementary religious, educational and recreational facilities may also be permitted as special uses in this district. (78-201)
- B. *R-2 Single-Family Residential (R-2)*. This district is established with the intention of limiting certain portions of the township to use for single-family dwellings. Such areas generally are or will be served with the full complement of urban type services. Certain complementary religious, educational and recreational facilities may also be permitted as special uses. (78-221)
- C. *R-3 Medium Density Single-Family Residential (R-3)*. This district is established with the intention of limiting certain portions of the township to use for medium density single-family dwellings. Such areas generally are or will be served with the full complement of urban type services. Certain complementary religious, educational and recreational facilities may also be permitted as special uses. (78-241)
- D. *R-4 Medium Density Multiple-Family Residential (R-4)*. This district is established with the intention of limiting certain portions of the township to use for two-family and multiple-family developments. Certain related and complementary uses are also permitted. (78-261)
- E. *V-R Village Residential (V-R)*. This district is intended to provide opportunities for living in a compact, traditional village environment, in single-family dwellings on small lots, within walking distance of commercial support services. (78-291)

## Section 78-20 Use Requirements

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Land and/or buildings in the Residential Districts shall only be used in accordance with *Table* \_\_\_\_\_.

- A. *Permitted Use (P)*. This use is authorized by-right, subject to all other applicable provisions of the Zoning Ordinance.
- B. *Special Land Use (SU)*. This use is subject to review and permitting in accordance with Article \_\_\_\_\_.
- C. *Site Plan (SP)*. This use is subject to review and permitting in accordance with Article \_\_\_\_\_.
- D. *Other*. See referenced section for additional specific use requirements.

When the use is not indicated with any letter in the corresponding zoning district, the use is prohibited.

(new - **OR DO WE JUST REFER TO BLACKED-OUT SQUARES??**)

**Table \_\_\_\_ Schedule of Uses: Agricultural and Rural Districts**

Use	R-1	R-2	R-3	R-4	V-R	Other (specific use requirements)
Single-family dwellings	P	P	P	P	P	
Two-family or multiple-family dwellings		SU??	SU??	SP OR SU??	SU??	Sec. ____ (with specific conditions)
Accessory dwelling units??		SU??	SU??	SU??	SU??	Sec. ____ (with specific conditions)
Parks, playgrounds, community centers, governmental, administration or service buildings, and other public service facilities owned and operated by a governmental agency	SU	SU	SU	SU	SU	
Cemeteries	SU	SU	SU	SU		
Family day care homes	P	P	P	P	P	
Group day care homes	SU	SU	SU	SU	SU	Sec. ____
Adult day care homes	SU	SU	SU	SU	SU	Sec. ____
Day care centers, only in conjunction with and as accessory to: a house of worship, public school, or private school	P	P	P	P	P	
Antenna towers and communication services masts	SU	SU	SU	SU		Sec. ____
Adult foster care family homes	P	P	P	P	P	Sec. ____
Adult foster care group homes	SU	SU	SU	SU	SU	Sec. ____
Continuing care retirement communities, senior citizen housing, assisted living and nursing home facilities				SU		
Nursery schools				SU		
Trade and vocational, music, dance, and performing arts schools				SU		
Professional offices				SU		
Funeral homes				SU		
Mobile home parks				SU		Sec. ____
Antenna towers and communication services masts				SU	SU	Sec. ____
Schools, churches, government buildings					SU	
Private heliports					SU	Sec. ____

(78-202, 78-222, 78-242, 78-262, 78-292)

## Section 78-21 Spatial Requirements

All lots of record shall meet the minimum area and width requirements of *Table \_\_\_\_*. New lots of record shall not be created, except in conformance with these requirements. All placement of buildings shall conform to the minimum spatial and dimensional requirements listed in *Table \_\_\_\_*. NA = not applicable.

**OR BLACK OUT CELLS**

Table ____ Lot Requirements: Residential Districts						
Requirement		R-1	R-2	R-3	R-4	V-R
Minimum Area (unless otherwise indicated)	Single-Family	1 acre	19,000 sq. ft.	(2)	(3)	7,000 sq.ft. min./10,000 sq.ft. max.
	Non-Residential(1)	(1)	1 acre(1)	(1)	(1)	15,000
Minimum Width (ft.) (unless otherwise indicated)	Single-Family	150	120	(2)	(3)	50 min./70 max.
	Non-Residential(1)	(1)	200(1)	(1)	(1)	120

(1) Non-residential means any permitted or special land use that is not a dwelling; specific use requirements include minimum lot sizes for these uses.

(2) In the R-3 District, the minimum lot area and width for a single-family dwelling shall be 15,000 square feet and 100 feet, respectively. In those cases where both public sewer and water are available, the minimum lot area and width shall be 13,500 square feet and 90 feet, respectively.

(3) In the R-4 District, minimum lot area and width requirements are as follows:

- Single-family dwelling: 15,000 square feet and 150 feet, respectively. In those cases where both public sewer and water are available, the minimum lot area and width shall be 13,500 square feet and 90 feet, respectively.

- Two-family dwellings: 28,000 square feet and 120 feet, respectively. In those cases where both public sewer and water are available, the minimum lot area and width shall be 18,000 square feet and 100 feet, respectively.

- Multiple-family: The minimum lot area for multifamily dwellings shall be 14,000 square feet per dwelling unit. In those cases where both public sewer and water are available, the minimum lot area for multifamily dwellings shall be 4,356 square feet per dwelling unit. Unless otherwise provided, the minimum lot area and width for all other permitted uses shall be 15,000 square feet and 100 feet, respectively.

(78-204 78-224, 78-244, 78-264, 78-294)

Table ____ Principal Building Requirements: Residential Districts						
Requirement		R-1	R-2	R-3	R-4	V-R
Min. Front Setback (ft.)	Dwelling units	40	35	30	25	(2)
Min. Side Setback (ft.)	Dwelling units	25/35 on street side of corner lots	10/25 total side yards	10/25 on street side of corner lots	(1)	7/10 on street side of corner lots
	All other uses					20
Min. Rear Setback (ft.)	Dwelling units	50	50	50	30	40
Maximum Height (ft.)		<b>35</b>	<b>35</b>	<b>35</b>	40	35

(1) In the R-4 District, side yard requirements are as follows:

- Single-family and two-family dwellings: the total side yards shall be not less than 25 feet and no side yard shall be less than ten feet.
- Multiple-family and all other permitted uses: Each side yard shall be not less than 20 feet. Multifamily buildings shall be located at least 20 feet from all other buildings.

(2) In the V-R District, front yard setback requirements are as follows: not less than 15 feet, nor greater than 25 feet. A house greater than one story in height shall have a front yard of not less than 20 feet. An attached garage with doors facing the front lot line shall have a front yard of not less than five feet greater than the front wall of the home.

(78-204 78-224, 78-244, 78-264, 78-294)

## Section 78-22 Other Development Standards

A. In the V-R (Village Residential) District, no attached or detached accessory building intended for storage of vehicles shall be hereafter erected except in compliance with the following standard: No attached garage or detached garage constructed in a side yard shall have more than two garage stalls, with a maximum width of 20 feet, with garage doors facing the front lot line.

(78-295)

B. Other standards applicable to all development in these districts shall include, but are not necessarily limited to, the following:

- (1) General provisions contained in article I.
- (2) Landscaping requirements and standards contained in article XXV.
- (3) Sign regulations contained in article XXVI.
- (4) Off-street parking and loading regulations contained in article XXVII.
- (5) Public street access and private road and driveway standards contained in article XXVIII.

(78-205, 78-225, 78-245, 78-266, 78-296)

# Article 5. Office and Commercial Districts

## Section 78-23 Intent and Purpose

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This article outlines the Office and Commercial Districts and contains basic information pertaining to the land use regulation and spatial requirements for buildings and lots of record.

- A. *Professional Office (PO)*. This district is intended for areas of limited size which because of proximity to commercial uses or major highways are not feasible for residential use, and where the use of the premises for professional offices will provide a suitable transitional residential area. (78-311)
- B. *Village Business (C-1)*. This district is intended for the Ada Village area to be a compact community activity center with a mix of retail establishments, service businesses, residential uses, governmental services and cultural facilities serving the needs of the entire community, with an emphasis on traditional building architecture, small-scale buildings and pedestrian traffic. In addition to meeting the convenience needs of the local community, businesses located in this district also serve a significant visitor and tourist clientele. (78-341)

**Should we replace C-1 with PVM, specifically the Village Core, Village Center, and portions of the Village Proper 1 Transect Zones?**

**Should we also prohibit PUDs within the C-1/PVM District?**

- C. *General Business (C-2)*. This district is intended for certain portions of the township for retail and various commercial uses. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts. (78-361)

## Section 78-24 Use Requirements

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Land and/or buildings in the Office and Commercial Districts shall only be used in accordance with *Table \_\_\_\_\_*.

- A. *Permitted Use (P)*. This use is authorized by-right, subject to all other applicable provisions of the Zoning Ordinance.
- B. *Special Land Use (SU)*. This use is subject to review and permitting in accordance with Article \_\_\_\_\_.
- C. *Site Plan (SP)*. This use is subject to review and permitting in accordance with Article \_\_\_\_\_.
- D. *Other*. See referenced section for additional specific use requirements.

When the use is not indicated with any letter in the corresponding zoning district, the use is prohibited.  
**(new – OR DO WE JUST REFER TO BLACKED-OUT SQUARES??)**

**Table \_\_\_\_ Schedule of Uses: Agricultural and Rural Districts**

Use	PO	C-1	C-2	Other (specific use requirements)
Retail businesses (not including motor vehicles with engine displacement of more than 150 cc)		P	P	
Business services (packaging, shipping, copying, photographic centers)		P	P	
Eating and drinking establishments including alcoholic beverages (not including drive-through services)		P	P	
Health care offices	SU	SU		
Commercial recreation facilities (such as bowling, indoor theaters, skating rinks, racquet clubs)			P	
Greenhouses			P	
Hotels and motels			P	
Car washes		SU	SU	
Auto repair excluding vehicle body work			SU	
Vehicle sales			SU	
Indoor entertainment facilities, such as movie theaters and bowling alleys		SU	SU	
Craft and artisan shops/studios		P	P	
Places of worship	SU	SU		
Assembly halls, private clubs, fraternal organizations		SU		
Performing arts studios and schools		P	P	
Business or trade schools			P	
Funeral homes		P	P	
Veterinary care offices, excluding non-patient pet boarding	P	SU	SU	
Residential, two-family and multiple-family		SU		
Residential units above the first floor		P		
Professional and administrative offices	P	P	P	

Banks	P	P		
Banks with drive-through	SU	SU		Sec. ____
Day care centers	SU	SU	SU	Sec. ____
Schools, elementary and secondary	SU	SU		Sec. ____
Parks, playgrounds, community centers, libraries, museums, post offices, fire stations, and government/public service facilities <del>owned by a government agency</del>	SU	SU		
Antenna towers and communication services masts	SU	SU		Sec. ____
Tailors, clothing rentals, dry cleaners, excluding on-site cleaning, laundering, and pressing.	P	P		
Personal care services (hair/nail salons, barbers, dietary centers, fitness centers, day spas)	SU	P	P	
Drive-through facilities (excluding restaurants)		SU	SU	
<b>OMIT the following:</b>				
<b>Single-family dwellings (permitted in PO and C-1 currently)</b>				
<b>Self-storage facilities such as frozen food lockers and mini-warehouses (permitted in C-2)</b>				
<b>Service establishments (permitted in C-2)</b>				
<b>Bus and taxicab stations (special use in C-2)</b>				
<b>Drive-in theaters (special use in C-2)</b>				
<b>Continuing care retirement communities, senior citizen housing, assisted living, and nursing home facilities (special use in C-1)</b>				

(78-312, 78-342, 78-362)

## Section 78-25 Spatial Requirements

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All lots of record shall meet the minimum area and width requirements of *Table \_\_\_\_*. New lots of record shall not be created, except in conformance with these requirements. All placement of buildings shall conform to the minimum spatial and dimensional requirements listed in *Table \_\_\_\_*. NA = not applicable.

**OR BLACK OUT CELLS**

Table _____ Lot Requirements: Agricultural and Rural Districts			
Requirement	PO	C-1	C-2
Minimum Area (square feet)	15,000	15,000	
Minimum Width (feet)	100	100	

(78-314, 78- 344, 78- )

Table _____ Principal Building Requirements: Agricultural and Rural Districts			
Requirement	PO	C-1	C-2
Min. Front Setback (ft.)	75	0*	25*
Min. Side Setback (ft.)	25	0/25 (1)	10/25* (3)
Min. Rear Setback (ft.)	40	10/25 (2)	10/25* (4)
Building Height Maximum (ft.)	30	35	35
Maximum building footprint size (square feet)		8,000	

(78-313, 78-314, 78-343, 78-344, 78-363)

(\* For C-1 front setback, 0 feet is proposed to provide better correspondence between the C-1 requirements and the PVM requirements. However, if the C-1 District is ultimately supplanted by the PVM requirements, then this matter will be moot

For the C-2 front, side, and rear setbacks, new distances are proposed as the current references to C-1 do not seem appropriate for this location.)

1. No side yard shall be required when directly abutting another C-1 zoned property; 25' shall be required when abutting other properties not zoned C-1. **The street side yard of a corner lot shall have a minimum 0 feet setback.**
2. A 10' rear yard shall be required when directly abutting another C-1 zoned property; 25' shall be required when abutting other properties not zoned C-1.
3. **A 10' side yard shall be required when directly abutting another C-2 zoned property; 25' shall be required when abutting other properties not zoned C-2.**
4. **A 10' rear yard shall be required when directly abutting another C-2 zoning property; 25' shall be required when abutting other properties not zoned C-2.**

## Section 78-18 Other Development Standards

Other standards applicable to all development in these districts shall include, but are not necessarily limited to, the following:

- (1) General provisions contained in article I.
- (2) Landscaping requirements and standards contained in article XXV.
- (3) Sign regulations contained in article XXVI.
- (4) Off-street parking and loading regulations contained in article XXVII.
- (5) Public street access and private road and driveway standards contained in article XXVIII.

(78-316, 78-346, 78-364)



# Article \_\_. Specific Use Requirements

## Section 78-\_\_ Intent and Purpose

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- A. *Applicability.* Specific requirements apply to all land uses listed in this article. These requirements apply in addition to all the regulations of the zoning district in which the use is located, as well as all other applicable requirements in this ordinance.
- B. *Special Land Uses.* A use identified in this ordinance as a special land use shall be established only per the procedures and standards of Article \_\_\_\_\_. All standards listed in this article, in addition to the general standards for special land uses listed in Section 78-\_\_\_\_, shall be met.

(new)

## Section 78-\_\_ Adult day care homes

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In addition to applicable Special Use requirements, adult day care homes are subject to the following provisions:

- A. The use shall require approval of a special use by the Planning Commission, in accordance with applicable special use standards.
- B. The facility shall be located a minimum of 1,500 feet from any other adult day care home, group day care home, adult foster care home, substance abuse treatment facility or community correction facility.
- C. A fenced area of adequate size shall be provided for the safety of those in care while outdoors, subject to Planning Commission review and approval as part of the Special Use request.
- D. Identifying signs on the property shall comply with applicable requirements
- E. Off-street parking for family members and other persons associated with the services provided, and pickup and drop-off areas shall be located to provide for safe ingress and egress of vehicles and for the safety of persons using the facility, subject to Planning Commission review and approval as part of the Special Use request.
- F. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.

(78-152, 78-157, 78-162, 78-172)

## Section 78-\_\_ Adult foster care group homes

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In addition to applicable Special Use requirements, adult foster care group homes are subject to the following provisions:

- A. In the R-1, R-2, R-3 and R-4 Zoning Districts, the minimum lot area shall be 20,000 square feet, and the minimum lot width shall be 150 feet, for adult foster care group homes.
- B. The use shall require approval of a special use by the Planning Commission, in accordance with applicable special use standards.
- C. The facility shall be located a minimum of 1,500 feet from any other adult foster care group home, group day care home, substance abuse treatment facility or community correction facility.
- D. The facility shall have a maximum capacity of 12 persons.
- E. Identifying signs on the property shall comply with applicable requirements
- F. The size, design, architectural character, and exterior materials of the facility shall be compatible with the character of the surrounding area, subject to Planning Commission review and approval as part of the special use request.

G. Off-street parking shall be provided in a quantity sufficient to accommodate employee and visitor needs, and shall be located and screened by landscaping so as to be least visually objectionable from adjacent roads and properties, subject to Planning Commission review and approval as part of the Special Use request.

(78-152, 78-157, 78-162, 78-172, 78-202, 78-222, 78-242, 78-262)

## Section 78- Antenna towers and communication services masts

In addition to applicable Special Use requirements, antenna towers and masts for cellular phone and other personal communications services are subject to the following provisions:

A. The use shall require approval of a special use by the Planning Commission, in accordance with applicable special use standards, as well as the following:

1. The application for special use approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the zoning administrator.
2. A cellular phone or other personal communications services antenna tower shall be exempt from building height limits and the height limits contained in the height exceptions provisions of article I; provided, however, that the tower height shall be the minimum height necessary to serve its intended function.
3. It is not feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the township.
4. The tower will not have an adverse impact on significant views from properties within one-quarter mile of the tower site. For purposes of this section, a significant view is defined as a view from a residential property which has one or more of the following characteristics:
  - a. A view from a residence and its immediate perimeter which encompasses landscape features substantially free of human-made alteration, as a result of the unique topographic siting of the home.
  - b. A view which is a dominant feature of a residential building site, and which contributes significantly to the value of the residential building site, as evidenced by the siting of a home on the site, the size, number and orientation of windows on the home, and the location and orientation of improved outdoor spaces on the home site, such as patios and decks.

The fact that the proposed tower may be visible from a residence shall not alone be considered an adverse impact on a significant view.

5. The tower and any ancillary building housing equipment needed for operation of the tower shall be of a size, type, color and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the planning commission to accomplish screening of ancillary equipment buildings.
6. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the planning commission determines that it will not have significant adverse aesthetic impact on properties and residents of the surrounding area.
7. The applicant shall provide documentation of conformance with the following requirements, as applicable: Federal Aviation Administration, Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.432 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and the Gerald R. Ford International Airport Zoning Ordinance height and lighting requirements

Are there any updates to these requirements?

8. The owner/operator of the tower shall agree to permit use of the tower by other communications services providers, including local government agencies, on reasonable terms, so long as such use does not conflict with the owner/operator's use of the tower.

9. If, for any reason, the tower ceases operation or is abandoned, the township may order its removal from the site by the owner of the tower, within three months of notification by the township.
10. If the height required for the tower to serve its intended function decreases from the installed height, due to technological advancement, additional tower installations at other locations, or other factors, the tower shall be lowered to such decreased minimum height.

(78-152, 78-157, 78-162, 78-172)

## **Section 78- Banks with drive-through**

In addition to the applicable Special Use requirements, banks, savings and loans, mortgage lenders and other financial services with drive-through facilities are subject to the following provisions:

- A. Only one ingress/egress driveway, or one pair of one-way driveways, shall be permitted along any street.
- B. No portion of a drive-through facility, including roof canopy, service island, or access driveway serving the facility, shall be located nearer than 100 feet to an existing dwelling on an adjoining lot.
- C. Landscaping, fencing, earth berms or other measures shall be employed to ensure that adjoining properties are not affected by headlight glare from vehicles using the drive-through facilities.

(78-312)

## **Section 78- Day care centers**

In addition to the applicable Special Use requirements, day care centers are subject to the following provisions, subject to review and approval by the Planning Commission as part of the Special Use review:

- A. A fenced area of adequate size must be provided, to provide for the safety of those in care while outdoors.
- B. Off-street parking for all employees of the facility and off-street pickup and drop off areas shall be provided, subject to approval by the Planning Commission as part of the.

(78-312)

## **Section 78- Dwellings, Multiple-Family**

- A. Each multifamily development shall provide an adequately drained recreation area of not less than ten percent of the gross area of the development.

(78-165)

- B. In the \_\_\_\_\_ and R-4 Districts, no multifamily building shall contain more than eight dwelling units.

(78-264)

## **Section 78- Farm markets**

In addition to applicable Site Plan (in the AGP District) and Special Use (in RP-1, RP-2, and RR Districts) requirements, farm markets are subject to the following provisions:

- A. The use shall only be permitted on a lot or contiguous lots in the same ownership having a minimum area of 20 acres.
- B. A minimum of 40 percent of the land area of the subject property, or 10 acres, whichever is less, shall be in active use for the production of agricultural products offered for sale at the farm market.
- C. Any building or structure in excess of 100 square feet in area used for the display and sale of farm products shall be located a minimum of 50 feet from the front lot line, and 50 feet from a side lot line.
- D. A minimum of 50 percent of the products marketed and offered for retail sale on the farm market premises shall be produced on and by the affiliated farm operation. For purposes of this measurement, the following procedures shall be used:
  1. The affiliated farm operation means agricultural land under the same ownership or control (e.g., leased) as the land on which the farm market is located.
  2. The percentage of products produced on and by the affiliated farm shall be measured based on the amount of retail floor space used to display products during the affiliated farm's marketing season, or over

a five-year timeframe. If the use of this measure is not practical or feasible, the relative percentage of gross retail sales in dollars of products produced on and by the affiliated farm over a five-year period shall be used, and the farm market operator shall be required to record and maintain sales data in a manner that accurately measures this percentage.

3. For farm products that are processed on the farm market premises, at least 50 percent of the products' main or "namesake" ingredient must be produced on and by the affiliated farm. (For example, the apples used in preparing apple pies, the fruit in fruit preserves, the apple juice in fermented cider.)
- E. The maximum building floor area that may be used for the display and sale of products offered for retail sale at the farm market shall be 3,000 square feet.
- F. The farm market shall have driveway access to a public road meeting the requirements of the Kent County Road Commission.
- G. Area used for off-street parking of customer vehicles shall be located no less than 30 feet from a front or side lot line. Where feasible, off-street parking areas shall be located to the side or rear of the building used for the farm market, and shall be screened from view from the public road, by either existing or installed plant materials. Parking within the public road-right-of-way shall be prohibited.
- H. Farm products may be processed on the farm market premises, in accordance with applicable local, state and federal law, to produce value-added products that are offered for sale on the premises. Such processing may include, but is not limited to the following: wineries and cideries, with or without a tasting room, licensed in accordance with requirements of the Michigan Liquor Control Commission, cider press, preparation and sale of baked goods, fruit preservation, cheese production.
- I. Ancillary activities or uses intended for customer attraction, amusement, entertainment or recreation shall be limited to the following:
  1. Customer self-harvest or "u-pick" operations.
  2. Community-supported agriculture (CSA) operations, in which the farm operation may sell "subscriptions" or "memberships" to the general public, which entitles the subscriber or member to a share of the farm production.
  3. The creation and operation of a corn maze.
  4. Horse- or tractor-drawn wagon rides.
  5. Operation of a farm animal petting farm.

The conduct of any other ancillary activities or uses intended for customer attraction, amusement or recreation at a farm market is permitted only with approval of a Special Use by the planning commission, and are subject to the following provisions:

(78-152, 78-157, 78-162, 78-172)

## **Section 78- Farm market ancillary activities**

Farm market ancillary activities or uses intended for customer attraction, amusement, entertainment or recreation conducted at a farm market, shall be subject to applicable Special Use requirements, and the following provisions:

- A. Special events that are either open to the general public or limited to private groups only for cultural, educational, philanthropic or social activities may be held on the premises of the farm market, subject to the following limitations:
  - (1) The total number of such events shall be limited to no more than 20 per calendar year.
  - (2) Special events shall not be held between 11:00 p.m. and 9:00 a.m.
  - (3) Sufficient off-street parking to accommodate the number of vehicles generated by the special event shall be provided, in either a paved or gravel-surfaced parking area, or a mowed field or lawn area.

- B. A special event shall not involve any uses or activities which generate noise that is discernible beyond the property lines of the farm market premises.
- C. The limits specified above shall not be applicable to students in group visits sponsored by public or private elementary or secondary schools.
- D. A special use permit application may be submitted for an individual special event or ancillary activity, or for any number of special events or ancillary activities, subject to the above limitations.

(78-152)

## Section 78- Group day care homes

In addition to applicable Special Use requirements, group day care homes are subject to the following provisions:

- C. The facility is not closer than 1,500 feet to another adult day care home, a group day care home, adult foster care home, substance abuse treatment facility or community correction facility.
- D. A fenced area of adequate size must be provided, to provide for the safety of those in care while outdoors.
- E. Identifying signs on the property shall comply with applicable regulations of this chapter.
- F. Off-street parking shall be provided for family members and other persons associated with the services provided. Pickup and drop off area for vehicles must be located so as to provide for safe ingress and egress of vehicles and safety of persons using the facility.
- G. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.

(78-152, 78-157, 78-162, 78-172)

## Section 78- Landscape contractor business

In addition to applicable Special Use requirements, landscape contractor businesses are subject to the following provisions:

- A. Such businesses shall be secondary to primary agricultural or single family residential uses.
- B. Minimum parcel size shall be 20 acres.
- C. All buildings and all areas used for storage or operation of machinery, equipment, motor vehicles, trailers and stockpiled materials shall be located a minimum of 200 feet from a dwelling unit on any surrounding property.
- D. All machinery and equipment, except for motor vehicles and trailers used in the conduct of the business, shall be stored within a completely enclosed building.
- E. Motor vehicles, trailers, and stockpiled materials such as topsoil, wood mulch, bark or stone shall be stored in locations which minimize views of such materials from adjoining properties and adjoining public roads. Permanent landscape screening shall be installed as needed to accomplish this objective.
- F. Vehicular access shall be located to provide safe access to the site. Where practical, vehicular access on a corner lot shall be provided from the road having the least traffic volume.
- G. Retail sales on the premises to the general public of materials other than nursery stock field-grown on the premises shall be prohibited.
- H. Processing of raw materials on the site, such as shredding of topsoil, wood or bark, shall be prohibited.
- I. For purposes of this use, the term "landscape contractor" shall refer to a business that installs or maintains landscape materials, including trees, shrubs, lawns, perennial and annual plantings and similar materials.

(78-152, 78-157, 78-162)

## Section 78- Mobile Home Parks

Mobile home parks shall be subject to the following requirements as part of the required Special Use process:

- A. The applicable Special Use and Site Plan Review Standards of this Chapter.
- B. *Minimum area and minimum densities.* Each mobile home park shall be at least ten acres in size. Each mobile home park shall contain a minimum of 50 mobile home lots at first occupancy and may have a

maximum of six single-wide mobile homes per gross acre or four double-wide mobile homes per gross acre.

- C. *Buffer zones.* All mobile home yards shall have a minimum 50-foot buffer from any street right-of-way line that borders the park and a 50-foot buffer where the park boundary is adjacent to neighborhood properties. There shall be a greenbelt planting strip with a width of no less than 20 feet along all property lines. Such planting strip may be located within the 50-foot buffer area. The greenbelt planting strip shall contain at least one straight or staggered row of trees, spaced not more than 20 feet apart and at least three rows of shrubs at least three feet high at planting spaced not more than eight feet apart with a mature height of not less than 12 feet. Alternative screening devices may be utilized if they provide screening as effectively as the required landscaping described above and if approved by the planning commission.
- D. *Minimum lot area and width.* Each mobile home lot shall have:
  - (1) A minimum lot area of 4,350 square feet; and
  - (2) A minimum width of 50 feet at the front setback line.
- E. *Minimum mobile home size.* No mobile home in any mobile home park shall contain less than 600 square feet of living area nor have outside dimensions of less than 12 feet in width and 50 feet in length.
- F. *Yard requirements.* The front yard of each mobile home lot shall be no less than 20 feet as measured from the nearest edge of the street pavement to the nearest wall of the mobile home. The rear yard of each lot shall be no less than 15 feet. The nonentry side of a mobile home shall have a side yard of no less than ten feet and the entry side shall have a side yard of no less than 26 feet. In no event shall a mobile home be closer than 30 feet to another mobile home. In the case of a double wide mobile home, side yard requirements shall be met by the provision of larger lots sufficient in size to meet these requirements.
- G. *Corner lots.* Where a mobile home lot is bounded by two streets, the front yard requirement shall be met for each street. No fence, structure or planting over 30 inches in height shall be located on any corner lot within the required front yards.
- H. *Street requirements.* If two-way traffic is to be accommodated the street pavement width shall be no less than 22 feet. If only one-way traffic is to be accommodated the street pavement width shall be not less than 15 feet.
- I. *Parking.* Off-street parking shall be provided with two parking spaces for each mobile home. Each parking space shall be no less than 200 square feet in area and shall be paved and properly drained. Each parking area shall be conveniently located in relation to the mobile home for which it is provided. In addition to the two required off-street parking spaces, one additional parking space is permitted on the mobile home lot provided it is a well-drained paved area containing at least 200 square feet of area.
- J. *Access from major streets.* Each mobile home park shall have a minimum of two access streets that enter from a state highway, primary or local street, subject to review and approval by the zoning administrator, and shall provide a continuous route of travel throughout the park.
- K. *Mobile home sale prohibited.* The business of selling new or used mobile homes as a commercial operation on the same site, and/or in connection with, a mobile home park is prohibited. Mobile homes located on lots within the mobile home park may be sold by the owner or operator of the park provided no more than two are offered for sale at any one time. This section shall not prohibit the sale of a new or used mobile home by a resident of a mobile home park.
- L. *Underground utilities.* All public and private utilities shall be installed underground.
- M. *Site improvements.* Each mobile home shall be provided with a mobile home pad of six inch thick concrete running the full length and width of the mobile home. In lieu of such pad, concrete piers six inches thick may be provided if they run the full length of the mobile home and are not spaced more than ten feet apart. Each such pad or pier shall be equipped with hurricane anchors or tie down equipment which shall be connected to the mobile home to secure the home during high winds. Skirting shall be installed along the base of each mobile home sufficient to completely screen the undercarriage and supports from view.
- N. *Sidewalk.* Paved sidewalks shall be provided throughout each mobile home park. Sidewalks shall be:
  - (1) A minimum of 36 inches in width;
  - (2) Raised a minimum of six inches above road grade in front of each site;
  - (3) Adjacent to each street; and
  - (4) Laid out such that they connect the recreation area, common open spaces, and the community building with mobile home sites.

- O. *Streets and parking areas.* All streets and parking areas in a mobile home park shall be paved and properly drained.
- P. *Refuse disposal.* Each mobile home park shall provide a system of garbage and rubbish storage, collection and disposal, subject to review and approval by the zoning administrator.
- Q. *Lighting.* Each mobile home park shall be provided with sufficient lighting to illuminate all parking bays, streets and sidewalks.
- R. *Central television antenna.* Each mobile home park shall have a master underground television antenna/access system. Exterior antennas shall not be permitted on individual mobile home lots.
- S. *Ground cover.* All exposed ground surfaces in the mobile home park shall be provided with turf, designated landscape planting areas, and/or decorative hardscape such as ornamental stone.
- T. *Drainage.* An adequate storm drainage system, including storm sewers, drain inlets, maintenance access holes, culverts, bridges, and other appurtenances, as needed, shall be provided. The requirements for each mobile home park shall be established by the township engineer.
- U. *Recreation vehicle storage.* All mobile home yards shall contain a storage area for the storage of campers, trailers, motor homes, boats, snowmobiles and other recreation vehicles. The storage of these vehicles in the mobile home park is specifically prohibited except in the storage area. The storage area shall be screened around its perimeter by solid type fence at least five feet in height or by some other screening device which is approved by the planning commission.
- V. *Recreation area.* Each mobile home park shall include a recreation area or areas of not less than ten percent of the gross park area. This area may be located within the required 50-foot buffer area but not within the required 20-foot greenbelt planting strip. All recreation areas shall be well drained, accessible to all residents of the mobile home park, improved with playground equipment, and other facilities maintained for various age groups. In no case shall any playground equipment be located closer than 50 feet to any mobile home.
- W. *Community building.* Each mobile home park shall have a community building or buildings to provide common facilities, such as laundry and toilet facilities, and a tornado shelter or shelters of sufficient size to provide a refuge for all mobile home park residents. Such buildings may also house offices and other facilities necessary for the management of a mobile home park.
- X. *Water and sewer service.* Each mobile home in a mobile home park shall be provided with water and sewer service approved by the county health department and the township engineer. Each mobile home park shall be connected to public water and/or sewer systems as these systems become available.
- Y. *Retail sales.* A building or portion thereof for retail sales of groceries and sundries may be permitted, subject to planning commission approval, provided the retail sales area/building is located within the central area of the park and is not adjacent to a public street; and provided further that there shall be no signs of any type advertising such business, any article being sold within, or any item. Such business shall be intended only for the occupants of the park

(78-262)

## Section 78- Private heliports

In addition to applicable Special Use requirements, private heliports are subject to the following provisions:

- A. The proposed heliport and all appurtenant facilities and equipment shall be constructed, operated and maintained in accordance with the applicable State and Federal rules, regulations and guidelines
- B. The proposed heliport and all appurtenant facilities and equipment shall conform to National Fire Protection Association Standard 418, Standards for Heliports, 2006 Edition, with the exception that Sec. 9.1.2, exempting certain heliports from the requirement to be equipped with portable fire extinguishers, shall not apply. Portable fire extinguishers shall be required at all heliports, at a location and stored in a manner approved by the fire chief.
- C. The touchdown and lift-off area (TLOF), as defined in Federal Aviation Administration Advisory Circular 150/5390-2B, or any successor advisory circular, shall be a minimum of:
  - (1) 300 feet from any adjoining property boundary.
  - (2) 500 feet from any building on property in the surrounding area, other than property owned by the applicant.
  - (3) 2,650 feet from the TLOF of any other heliport facility in Ada Township.



- D. The use shall be located on a lot or lots in common ownership having a minimum lot area of 20 acres.
- E. The facility shall not be used for arrival or departure of a helicopter between the hours of 10:00 p.m. and 7:00 a.m.
- F. The facility shall be limited to private, not-for-hire personal use, and shall not be used for any commercial or business use.
- G. The facility shall be accessory to and ordinarily located on a lot occupied by the principal dwelling of the facility owner. The planning commission may approve a location on a lot that is adjacent to or separated by a public or private road right-of-way from the owner's dwelling lot, if it determines that such a location best conforms with the special use approval standards in article XXI of this chapter.
- H. A helicopter shall not remain in operation on the ground for a period of time greater than that necessary for startup/shutdown, loading and otherwise essential ground operations (generally no longer than five minutes).
- I. As a condition of special use permit approval, the planning commission may impose limits on:
  - (1) The size and type of rotorcraft permitted to use the facility.
  - (2) The frequency of helicopter operations permitted at the facility.
  - (3) the location, design, type, size, and use of any exterior lighting, buildings, fuel storage or other equipment or facilities associated with the heliport.
- J. The above provisions shall not apply to emergency operations conducted by law enforcement and public safety agencies or emergency medical service providers.

(78-152, 78-157, 78-162, 78-172)

## Section 78- Radio and television stations with or without towers

In addition to applicable Special Use requirements, radio and television stations are subject to the following provisions:

- A. All buildings shall be at least 100 feet from all property lines.
- B. All masts, towers, aerials and transmitters shall be at least a distance equal to the height of such structures from all property lines.

(78-152, 78-157, 78-162)

## Section 78- Roadside market stands

Roadside market stands are subject to the following provisions:

- A. Retail sales conducted on the premises shall be limited to agricultural products grown or produced on the premises.
- B. A building or structure used for the display and sale of farm products shall not exceed 1,200 square feet in area.
- C. Any building or structure in excess of 100 square feet in area used for the display and sale of farm products shall be located a minimum of 50 feet from the front lot line, and 20 feet from a side lot line.
- D. The operation of a roadside market stand may not include ancillary activities or uses intended for customer attraction, amusement, entertainment or recreation, including, but not limited to corn mazes, petting farms, zoos, or wagon rides.

(78-152, 78-157, 78-162, 78-172)

## Section 78- Schools, churches, government buildings

In addition to applicable Special Use requirements, schools, churches, and government buildings are subject to the following provisions:

- A. The size, nature and character of the proposed use shall be harmonious and compatible with adjoining properties and the surrounding neighborhood.
- B. The proposed use shall provide adequate open space between it and adjoining properties.
- C. Adequate parking facilities shall be provided for the proposed use.



D. No traffic congestion or hazards shall be caused by the proposed use.

(78-152, 78-157, 78-162, 78-172)

# Article 22. General Definitions

## Section 78.-- Construction of Language

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A. The following listed rules of construction shall apply to the text of this ordinance.

1. The specific shall prevail over the general. (new)
2. Except with respect to the definitions which follow in **Section 78.51**, the headings which title an article, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this ordinance or as enlarging or restricting the terms and provisions of this ordinance in any respect. (new)
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive. (78-51)
4. Unless the context clearly indicates to the contrary: (78-51)
  - a. Words used in the present tense shall include the future tense;
  - b. Words used in the singular number shall include the plural number; and
  - c. Words used in the plural number shall include the singular number.
5. A "building" or "structure" includes any part thereof. (78-51)
6. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity or equivalent entity or a combination of any of them as well as a natural person. (78-51)
7. The word "used" or "occupied," as applied to any land, building or structure, shall be construed to include the words "intended," "arranged," "designed to be used," or "occupied." (78-51)
8. The word "erected" or "erection" as applied to any building or structure, shall be construed to include the words "built," "constructed," "reconstructed," "moved upon," or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like. (new)
9. The word "township" means Ada Township, Kent County, Michigan. (new)
10. The words "township board" mean the Ada Township Board. (new)
11. The words "planning commission" mean the Ada Township Planning Commission. (new)
12. The words "board of appeals" mean the Ada Township Zoning Board of Appeals. (new)
13. The words "zoning administrator" mean the Ada Township Zoning Administrator or a designated representative. (new)
14. The words "legal record" mean the circumstance where the legal description of a lot or parcel of land has been recorded as part of a document on record in the office of the Register of Deeds, Kent County, Michigan. (new)

B. The words "building permit" mean the Ada Township Zoning Permit issued under the rules and regulations of the Ada Township Zoning Ordinance. (new)

C. For the purpose of their use in this ordinance, the following terms and words are hereinafter defined, and when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition. The words "building permit" mean the Ada Township Zoning Permit issued under the rules and regulations of the Ada Township Zoning Ordinance. (78-51 and new)

## Section 78.-- Definitions

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**Addition.** Any construction which increases the size of a building or facility in terms of site coverage, height, length, width or gross floor area, such as a porch, attached garage, or a new room or wing. (new)

**Altered or Alteration.** Any change, addition or modification in the construction of any building or structure, including, without limitation, any change in the supporting members, bearing walls, columns, posts, beams, girders or roof structure, any architectural change of the interior or exterior of a building or structure which may affect its structural integrity, or any addition to or diminution of a structure or building. (78-51 and new)

**Ambient Sound Level.** The sound pressure level exceeded 90 percent of the time. (78-51)

**Automobile or trailer sales area.** Any space used for display, sale or rental of motor vehicles or trailers in new, or used and operable condition. (78-51)

**Automobile storage.** Any storage of inoperable, unused and/or unlicensed vehicles not incidental to a service station. (78-51)

**Basement.** That portion of a building between the floor and the ceiling, which is partly below and partly above grade, but so located that the vertical distance from the grade to the floor, below is greater than the vertical distance from the grade to the ceiling. (78-51)

**Bed and Breakfast.** A house, or portion of a house, where short-term lodging rooms and breakfast and light snacks are provided to overnight guests and where the operator lives on the premises. (new)

**Billboard** (see **Sign, Off-Premise**)

**Board of zoning appeals.** The Zoning Board of Appeals of the Township of Ada. (78-51)

**Buffer.** A strip of land which provides visual separation and aesthetic relief between potentially incompatible uses or provides protection to natural resources through the use of landscaping, preservation of existing vegetation, berms, or screening, or a combination of materials. (new)

**Building.** A permanent independent structure with a roof, supported by walls, columns or other supports that is designed for the shelter, housing or enclosure of persons, animals, possessions or property of any kind, or to conduct business activities. Shipping containers, cargo containers, semi-trailers, and soft-sided structures shall not be permitted as temporary or permanent structures, whether accessory or principle. (78-51 and new)

**Building or Use, Accessory.** A building or use on the same lot as, and of a nature customarily and clearly incidental and subordinate to, the main use of the land, lot, building or structure. Accessory buildings or uses shall be subordinate in area, extent or purpose to the principal building or use served and shall be ancillary to the principal building or use served. (78-51)

**Building, Agricultural.** Any building, other than a dwelling, which is customarily used in connection with the agricultural activities conducted on the farm. – KEEP OR OMIT? (New to Ada, from Holland Charter Twp. ordinance)

**Building Footprint.** The area of a building measured around the exterior of a building foundation, not including upper stories. (new)

**Building Height.** The vertical distance above grade to the highest point of the coping of a flat roof; or to the deck line of a mansard roof; or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. (78-51) Check crimestoppers list!!

**Building inspector.** The person appointed by the township board to serve as the building inspector. (78-51)

**Building, Principal.** A building where the main or principal use is conducted on the lot where the building is located. (new)

**Business Center.** Any two or more uses, activities, or enterprises having one or more of the following characteristics:

- (1) They are located in the same building; or
- (2) They are located in multiple buildings on one lot; or
- (3) They are located in multiple buildings on multiple lots, have shared parking and driveway access to a public street, and the buildings have a unified or consistent architectural style, character and appearance.

In the event that any two or more uses fall within more than one of the above categories, for purposes of determining the maximum number and size of freestanding signs, the uses shall be considered as being within a business center comprised of the largest grouping of businesses resulting from any of the characteristics identified above. (78-742)

**Cemetery.** One (1) or a combination of more than one (1) of the following: a burial ground for earth interments, a mausoleum for crypt entombments, or a columbarium for the inurnment of cremated remains. For the purposes of this ordinance, a cemetery does not include a crematorium. (new)

**Commission (or Planning Commission).** The planning commission of the Township of Ada. (78-51)

**Condominium, Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act, P.A. 59 or 1978, as amended. (new)

**Condominium Project, Site.** A development in which ownership is divided under the authority of the Condominium Act, P.A. 59 of 1978, as amended, and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area elements, constitutes the equivalent of a lot. (new)

**Condominium Unit.** The portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed, as defined in the Condominium Act, P.A. 59 of 1978, as amended. (new)

**Contractors Facility.** An office and warehouse facility accommodating a construction contracting business. (new)

**Cul-De-Sac.** A circular vehicle turn-around area constituting the terminus of a street that has only one outlet to another street. (new)

**Day Care Center.** A facility, other than a private residence, receiving minor children for care for periods of less than 24 hours in a day, and where the parents or guardians are not immediately available. It includes a facility which provides care for not less than two weeks, regardless of the number of hours of care per day. These facilities are generally described as day care centers, day nurseries, preschools or drop-in centers. This definition shall not include a Sunday school or nursery operated by a religious institution where children are cared for during short periods of time while the persons responsible for such children are attending religious services. (78-51)

#### **Day Care**

1. **Day Care Home, Family (1-6 Children).** A private home in which one (1), but fewer than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a

parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care homes include a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year. (78-51 and new)

2. **Day Care Home, Group (7+ Children).** A private home in which more than six (6), but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year. (78-51)

**Decibel.** A unit of measurement used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute. (78-51 and new)

**Development.** Any human made change to improved or unimproved land for any purpose, including but not limited to construction of buildings or other structures, mining, dredging, filling, paving or excavation. (78-51)

### **Dwelling.**

1. **Dwelling, Accessory.** A dwelling subordinate to the principal single-family dwelling that contains an independent living area, including sleeping quarters, a bathroom, living area, and kitchen facilities, but shall be internally accessed through the principal dwelling. (new) **Allow or Omit entirely?**
2. **Dwelling, Multi-Family.** A structure containing three (3) or more dwelling units on a single lot designed for occupancy by three (3) or more families living independently of one another. (78-51 and new)
3. **Dwelling, Single-Family.** A freestanding dwelling unit that is physically separate from any other dwelling. (78-51 and new)
4. **Dwelling, Single-Family Attached.** A structure containing one dwelling unit on a single lot and connected along a property line to another dwelling unit on an adjoining lot by a common wall or other integral part of the principal building such as a breezeway or carport. (78-51 and new)
5. **Dwelling, Two-Family.** A structure containing two (2) dwelling units on a single lot designed for or used by two (2) families living independently of one another, may also be referred to as a duplex. (78-51 and new)

**Dwelling Unit.** A building or portion of a building, designed for use and occupancy by one family, having permanent provisions for living, sleeping, cooking and sanitation. A recreational vehicle, travel trailer, portable building, tent or other transient residential use, such as hotels/motels and bed and breakfasts, are not considered a dwelling. (78-51 and new)

**Easement.** A designated area surveyed, legally described, and recorded, which authorizes a person, government, agency or public utility company to use public or private land owned by another for a specific purpose. (new)

**Easement, Private Road (or Private Street).** A designated area surveyed, legally described, and recorded, applied to a private road, which authorizes vehicle travel and the installation and maintenance of public utilities. (new)

### **Add Essential Services from existing Ada Twp Zoning Ord.**

**Family.** An individual or group of two (2) or more persons domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character that are living as a single housekeeping unit. This definition shall not include any society, club, profit or not-for-profit group housing, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature. (new)

**Farm.** Any tract of land devoted to general commercial agricultural activities such as field crops, orchards, nurseries, and animal husbandry. (78-51 and new)

**Farm building.** Any building, except a dwelling unit, which is essential or customarily used for the storage or housing of farm implements, produce, animals or other farm purposes. (78-51)

**Farm Market.** A facility located and activities carried out on a farm for conducting retail sales of farm products directly to customers. (78-51 and new)

**Fence.** A barrier intended to mark a boundary, create an enclosure, or prevent access. (new)

**Floor Area.** The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts or courts. For all buildings, except dwelling units, where the principal use thereof shall include the basement, the basement floor area shall be included except that part which contains heating or cooling equipment and other basic utilities. (78-51)

**Forestry operations.** The harvesting of timber for commercial purposes, including the harvesting of Christmas trees. (new)

**Foster Care, Adult Foster Care Family Home (1-6 Adults).** A private residence providing foster care to six or fewer persons age 18 or older. (78-51)

**Foster Care, Adult Foster Care Group Home.** A residential facility providing foster care to seven or more persons, but not more than 12 persons, age 18 or older. (78-51)

**Funeral Home.** A building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, including the storage of caskets, funeral urns, funeral vehicles and other funeral supplies, and may include cremator furnaces or cremation retorts for ashes. (new)

**Garage, private.** A detached accessory building or portion of a principal building used for the parking and storage of automobiles, recreational vehicles and/or incidental personal property of the occupants of the premises, and where no service for compensation occurs. (78-51 and new)

**Governmental Facility.** Buildings, structures and facilities that may include administrative offices, public works services, law enforcement, fire protection, libraries, museums, cemeteries, recreational centers and storage areas for public equipment and materials for local, county, state and federal public agencies. (new)

**Grade.** The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building. (78-51)

**Greenhouse.** A retail or wholesale business whose principal activity is the display and sales of plants grown on the site within an enclosed building (greenhouse) or outdoors (nursery). (new)

**Heliport.** An area of land or water or a structure surface that is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas that are used, or intended for use, for heliport buildings and other heliport facilities. (78-51)

**Heliport, private use.** A privately-owned heliport that is available for use only by the owner of the facility, or by others with the prior permission of the facility owner. (78-51)

**Heliport, public use.** A heliport that is owned and/or operated by a public or private entity and this is available for use of the general public without a prior request to use the heliport. (78-51)

**Henhouse or poultry coop.** A structure providing shelter for poultry which is completely enclosed. (78-51)

**Home occupation.** An occupation or profession which is carried out by occupants of a dwelling unit in a residential district as a secondary use which is incidental to the use of the dwelling unit for residential purposes, utilizing equipment typically found in a home, and which is otherwise in compliance with this chapter. (78-51 and new)

**Hotel/Motel.** A building or group of buildings under single management and ownership that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests. (new)

**Junk yard.** A place where waste, discarded or salvaged materials are placed, bought, sold, stored, or handled, including house wrecking yards, used lumber yards, and places or yards for use of salvaged materials and equipment, but excluding such uses when conducted entirely within a completely enclosed building, and establishments for the sale, purchase, or storage of used automobiles in inoperable condition, salvaged machinery, used furniture and household equipment, and the processing of used, discarded or salvaged materials as part of manufacturing operations. (78-51)

**Kennel.** Any premises on which more than three dogs, cats or other household pets, four months of age or older, are kept either temporarily or permanently for the purpose of boarding or breeding. (78-51)

**Land division.** A partition or splitting of a parcel or tract of land for the purpose of sale, lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, which is not subject either to the platting requirements of the Land Division Act, the Condominium Act, or the PUD provisions of the township zoning ordinance. (78-51)

**Lease unit boundary.** The boundary around property leased for purposes of a wind energy system, including adjacent parcels to the parcel on which the wind energy system tower or equipment is located. For purposes of setback, the lease unit boundary shall not cross road rights-of-way. (78-51)

**Loading Space.** An off-street portion of a lot of record designated for the temporary parking of commercial vehicles while loading or unloading materials used, sold or made on the premises. (new)

**Lot or Lot of Record.** A piece or parcel of land in the same ownership, separately described on a deed or other instrument recorded in the office of the Register of Deeds, whether by metes and bounds, and assigned a parcel number. (78-51 and new)

**Lot, Apartment house (PVM).** A lot located and designed to accommodate a detached building which resembles a large house but which contains multiple dwellings above and beside each other. (78-473)

**Lot, Civic building (PVM).** A lot located and designed to accommodate or which has accommodated a building which contains or has contained public or civic uses such as community services, education, government, places of worship, or social services. A civic building is or was originally designed for a specific civic function. Civic buildings should be sited in locations of particular importance, such as anchoring a major public space or terminating a vista. (78-473)

**Lot, Civic space (PVM).** A lot located and designed to accommodate a civic space, which depending on its transect zone may be a green, square, plaza, neighborhood park, playground, community garden, above-ground stormwater management area, or natural area worthy of preservation. (78-473)



**Lot, corner.** A lot located at the intersection of two or more streets, where the interior angle of the intersecting streets is 135 degrees or less. Also, a lot located on a curved street or streets if tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of 135 degrees or less. **The front lot line of a corner shall be the narrowest/shortest of the two lot lines adjacent to a public or private street, right-of-way, and/or private road easement.** (78-51)

**REDO FIGURE (no longer 22-1 AND secondary frontage lot lines become side lot lines)**

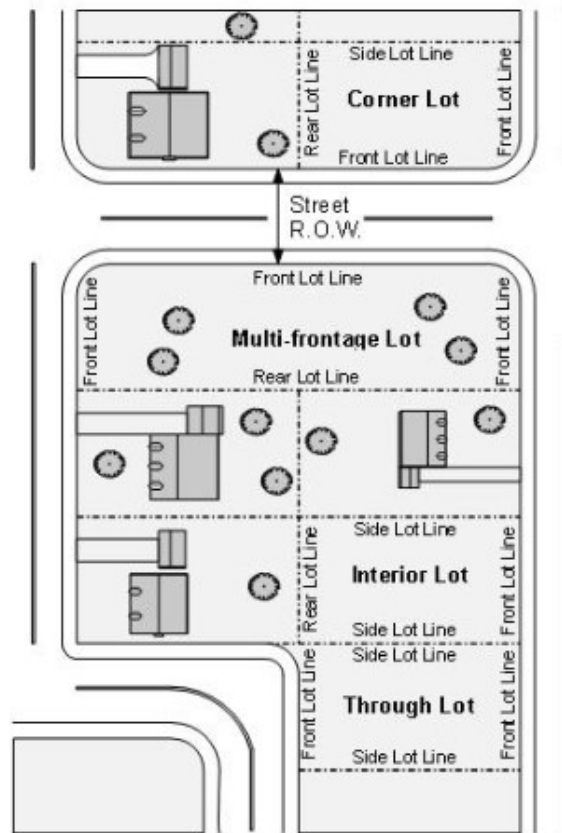


Figure 22-1

**Lot, Double Frontage (or through lot).** Any lot, excluding a corner lot, which fronts on two streets that do not intersect.

1. Lot Lines. Through lots shall have two (2) front lot lines, and two (2) side lot lines.
2. Setbacks. Buildings shall be subject to two (2) front setbacks and two (2) side setbacks.
3. Yards. Through lots shall have two (2) front yards and two (2) side yards.

(78-51 and new)

**Lot, Duplex (PVM).** A lot located and designed to accommodate a detached building with small side yards and a large front yard and containing two dwellings. (78-473)

**Lot Frontage.** The length of the front lot line measured at the public street right-of-way or private street easement. (new)

**Lot, Rowhouse (PVM).** A lot located and designed to accommodate a residential building with common walls on both side lot lines and a private garden to the rear. (78-473)

**Lot, Village blockfront (PVM).** A lot that is:

- (1) Located and designed to accommodate buildings with offices or multiple dwellings on upper stories and various commercial uses on the ground story.



- (2) Typically contains a mixed-use building that:
  - a. Is up to three stories in height.
  - b. Has a ground floor often containing retail/commercial uses, a lobby for access to the upper floors, and commercial, office or residential uses on upper floors.
  - c. A façade that is typically "transparent" with ample window space on the ground and upper floors to allow "eyes on the street."
  - d. Have little or no side yard and minimal front yard setbacks, thus creating a continuous street wall.
- (3) Typically not large enough to accommodate on-site parking and often requires shared parking, with on-street short-term parking. (78-473)

**Lot, Village shop (PVM).** A lot that is located and designed to accommodate buildings that:

- (1) House commercial uses but resemble a residential building.
- (2) Village shop lot and buildings are developed on compact, walkable blocks that may or may not have an alley system for access.
- (3) Are one or two stories in height.
- (4) Have vertically oriented windows to provide transparency on the upper stories.
- (5) Have only slight setbacks from the sidewalk.
- (6) Have parking located in the rear with access from an alley or a front drive. Shared parking exists and is centrally located to serve long term parking needs. Short term parking is available on the street.  
(78-473)

**Lot, Village house (PVM).** The village house lot and corresponding building:

- (1) Are Developed in compact and walkable blocks with the narrowest residential lots permitted.
- (2) Contain single-family units.
- (3) The village house building can be up to three stories if the third story is located within the roof structure.
- (4) The base of the building is slightly elevated above grade. The raised building allows residents some privacy, while still allowing a clear view of activities on the street.
- (5) The buildings are slightly set back from the property line and street.
- (6) These buildings often have a pitched roof or a pitched roof with dormers. Parking is located in the rear of the lot. Private garages and accessory dwelling units are located so they cannot be visible from the street. Access is from an alley or a shared driveway from the street. On-street parking can serve as visitor parking.  
(78-473)

**Lot Area.** The area of land included within a lot as defined by lot lines but excluding any public or private street, right-of-way, and/or private road easements. (78-51 and new)

**Lot Coverage.** The lot area, stated as a percentage of the total, covered by all buildings and areas under roof, and driveways, parking lots, patios, and other impervious surfaces. (new)

**Lot Depth.** The distance between the front and rear lot lines, measured along the median between the two side lot lines. (78-51)

**Lot Lines.** The lines bounding a lot, as defined below:

1. **Lot Line, Front.** The line separating the lot from the street right-of-way or road easement.
2. **Lot Line, Rear.** The lot line opposite and most distant from the front lot line.
3. **Lot Line, Side.** The lot lines connecting the front and rear lot lines of a lot or connecting the front lot lines of a through lot. (new)

**Lot Width.** The horizontal distance between side lot lines measured at the two (2) points where the required setback intersects the side lot lines or along the front property line on a curvilinear lot. (new)

**Manufacturing and Processing.** Activities involving production such as assembly, fabrication, and conversion of already processed raw materials into products. (new)

**Manufactured Home.** A factory-built, single family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act. It is transportable in one or more sections, built on a permanent chassis or foundation and used as a dwelling. It is not constructed with a permanent hitch or other device allowing its transport, other than for its delivery to a permanent site and does not have wheels or axles permanently attached to its body or frame. (new)

**Mobile Home Park.** A single lot of record that contains two (2) or more manufactured homes for use as dwelling units where home sites are leased to individuals who retain customary leasehold rights. (new)

### **MODULAR, MOBILE, MANUFACTURED ?????? Discuss with Cascade and Attorneys**

**Nonconforming Building, Structure, Lot or Use.** A structure, building, lot, or use lawfully existing at the time of adoption of this chapter, or any amendment thereto, which does not conform to one or more of the zoning regulations of the zoning district in which it is located. (78-51 and new)

**Offices (including Medical Offices).** Establishments occupied by business or agencies that provide administrative, professional, health care/medical, dental, or government services to individuals and/or businesses, or are engaged in the production of intellectual property. (new)

**Ordinary High Water Mark.** The line between upland and bottomland that persists through successive changes in the water level, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural visible markings or changes in the character of soils, or vegetation due to the prolonged presence of water and which distinguishes between predominantly aquatic terrestrial land. (78-51)

**Parking area, space, or lot.** An off-street area, the principal use of which is for the parking of motor vehicles, whether for compensation or as an accommodation. Parking area shall include access drives within the actual parking area. (78-51)

**Place of Worship.** A building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, day care, counseling and kitchens. (new)

**Planned Unit Development (PUD).** Zoning requirements designed to accomplish the objectives of this chapter through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area, as authorized by this chapter and the Zoning Enabling Act. A land development designated as a PUD involves the development of one or more tracts of land in which a comprehensive, unified plan for development of the land is prepared which, subject to the approval of the township, allows the opportunity for flexibility in the location, size and number of buildings, mixing of a variety of land uses and departure from traditional zoning ordinance requirements and standards. PUDs are characterized by defined and coordinated vehicular and pedestrian circulation systems, unified landscaping and buffering improvements, coordinated signage, and other functional and visual elements which result in overall unified, coordinated physical developments. (78-51)

**Plat.** A map of a subdivision of land, recorded with the County Register of Deeds, pursuant to the Subdivision Control Act, PA 288 of 1967, Land Division Act, PA 591 of 1996 (MCL 560.101 et seq.), as amended. (new)

**Poultry.** Domesticated birds kept for eggs or meat. (78-51)

**Poultry Coop (henhouse).** A structure providing shelter for poultry which is completely enclosed. (78-51)

**Poultry Run or Pen.** A fenced or other type of enclosure that is mostly open to the elements, for the purpose of allowing poultry to leave the coop while remaining in a predator-safe environment, and is typically attached to the coop. (78-51)

**Principal Use.** The primary use of a lot. (78-51)

**Private Road (private street).** A privately-maintained street within a private right-of-way or easement used for travel by vehicles, which affords traffic circulation, and which provides access to more than one (1) lot, and services as the principal means of access to abutting property. (78-51 and new)

**Public Street.** A publicly maintained thoroughfare used for travel by vehicles which affords traffic circulation and serves as principal means of access to abutting property, not including alleys (i.e., road). (new)

**Public Utility.** Any firm or corporation furnishing transportation, water, gas, electricity, telephone, cable television, communication, steam, telegraph, sewage disposal or other similar service, including the township, to the public. (78-51 and new)

**Recreation Vehicle.** Any of the following: travel trailers, motor homes, pick-up or recreation campers, boat, boat trailer, snowmobile, snowmobile trailer, motorcycle or motorcycle trailer, all-terrain vehicle, all-terrain vehicle trailer, or similarly licensed vehicles, trailers, or equipment, which are self-propelled or towed by a vehicle. (78-51 and new)

**Recreational Facility.** A facility providing indoor and/or outdoor recreational opportunities including, but not limited to: gymnasium, swimming pool, ice or roller rink, tennis/racquet/paddle courts, batting cages, bowling alley, and similar uses as determined by the Zoning Administrator. (new)

**Restaurant.** A business establishment where food is prepared and served or sold for consumption on the premises or taken from the premises for consumption without further preparation, heating, or the like. (78-51)

**Retail.** Stores and shops that sell and/or rent goods and merchandise to the general public. (new)

**Roadside Market Stand.** An accessory building or structure designed for the display and/or sale of seasonal agricultural products grown on the premises, with no space for customers within the structure itself. (78-51 and new)

**School, Business, Trade, Vocational.** Facilities that provide instruction, education, and/or training, including tutoring and vocational training in fields such as, but not limited to: business and vocational disciplines, science, technology, trade skills, and engineering. (new)

**School, Nursery.** See Day Care Centers. Allow in residential?.

**School, Performing and Visual Arts.** Facilities that provide instruction, education, and/or training in fields such as: music, dance, acting, painting, sculpture, and related disciplines. (new)

**School, Private.** A private academic educational institution, including any combination of grades from kindergarten through 12<sup>th</sup>, and associated facilities. May also include provision of room and board for students. (new)

**School, Public.** A public academic educational institution, including any combination of grades from kindergarten through 12<sup>th</sup>, and associated facilities. (new)

“public school,” “private school,” “school,” “vocational/technical school” (sp use LI district), “trade and vocational schools” (sp. use R-4), “business or trade schools” (perm. use C-2), “schools for music, dance, and the performing arts” (perm. use C-1 district, sp. use R-4),

~~**Service Station.** An establishment where motor vehicle fuel is dispensed for retail sale. This use may also collectively include minor vehicle repair services (see Vehicle Repair, Minor); retail sales of convenience items (see Retail), restaurant (see Restaurant and Restaurant with Drive Through) and a single bay vehicle wash (see Vehicle Wash), but not overnight vehicle storage. — Fulton Street gas station – how approved?~~

**Setback.** The minimum horizontal distance that buildings and any structure 30 inches in height or greater shall be separated from a public street right-of-way or private street easement, lot line, or permanent water body. (See Sec. \_\_\_\_\_ for allowed projections into setback areas.) (78-51 and new)

1. **Setback, Front.** The line marking the required setback from the public street right-of-way or private street easement, which establishes the required front yard.
2. **Setback, Rear.** The line marking the required setback distance from the rear lot line, which establishes the required rear yard.
3. **Setback, Side.** The lines marking the required setback distance from the side lot lines, which establishes the required side yards.

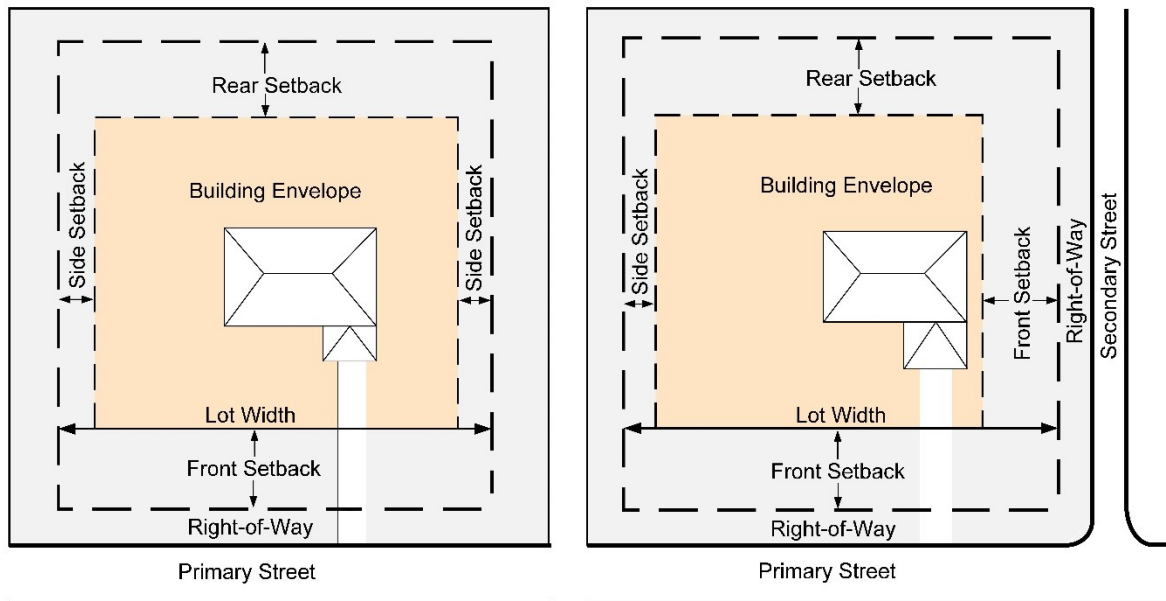


Figure 22-2

**REVISE DRAWING – Secondary frontages do not use front setback!**

**Shadow Flicker.** Alternating changes in light intensity caused by the moving blades of a wind energy system casting shadows on the ground and stationary objects, such as, but not limited to, a window at a dwelling. (78-51)

**Sign.** Any object or device containing letters, numerals, figures, devices, designs, pictures, trademarks, and/or other means of communication, erected on or otherwise affixed to a building or any other structure, or on a vehicle

or trailer, to advertise, announce, communicate, identify, declare, demonstrate, direct, display, and/or instruct potential users of a use, product, service, and/or activity, or to bring attention to a message. (78-742 and new)

**Sign, Billboard (off-premise sign).** A sign direction attention to a business, use, activity, or product, not located, sold, manufactured, or processed on the premises on which the sign is located. (78-742)

**Sign, Business Center.** Any two or more uses, activities or enterprises having one or more of the following characteristics:

- (1) They are located in the same building; or
- (2) They are located in multiple buildings on one lot; or
- (3) They are located in multiple buildings on multiple lots, have shared parking and driveway access to a public street, and the buildings have a unified or consistent architectural style, character and appearance.

In the event that any two or more uses fall within more than one of the above categories, for purposes of determining the maximum number and size of freestanding signs, the uses shall be considered as being within a business center comprised of the largest grouping of businesses resulting from any of the characteristics identified above. (78-742)

**Sign, Community Special Event.** A sign displayed only for a limited time, to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are nonprofit and whose purpose is charitable, philanthropic, religious or benevolent. (78-742)

**Sign, Driveway Entry.** A sign located near the front property line intended to provide direction for vehicular circulation into or out of a drive-in business. (78-742)

**Sign, Freestanding Ground-Mounted.** A sign structurally separated from a building and a base mounted directly on the ground. (78-742 and new)

**(see crimestoppers list for elimination of freestanding signs from 78-743!)**

**Sign, Identification.** A sign located adjacent to a building entryway identifying the names of the occupants or residents whose premises are accessed by means of the entry. (78-742)

**Sign, Pedestrian.** A sign held or worn by a person standing, walking or otherwise located outdoors on either public or private property, for the purpose of displaying the sign to passing motorists or pedestrians on a nearby public road or sidewalk, and calling attention to a business, product, service or event. (78-742)

**Sign, Projecting (blade sign).** Any sign attached to a building wall with the display face of the sign at an angle of 30 degrees or more to the building wall. (78-742)

**Sign, Temporary.** *Temporary sign* shall mean a sign intended to be displayed for a limited period of time, and which is not permanently attached to a building wall or to the ground. (78-742)

**Sign, Wall.** Any sign painted on, incorporated in, or attached directly to a building wall, with the exposed face of the sign in a plane parallel to the building wall, and projecting not more than 15 inches from the wall. (78-742)

**Site Plan.** A plan of a proposed project that shows all relevant physical features necessary to determine if it meets the requirements of this ordinance. (new)

**Special Event.** A temporary and non-commercial community event, such as a festival, fair, athletic tournament, or sporting event. (new)

**Special Land Use.** A use of land which can be permitted within a zoned district if certain conditions exist to assure compatibility with surrounding property and within conformance to the provisions of all township ordinances. Special land uses can be approved with stipulations to assure that nuisances are not generated as a result of the land use. (new)

**Stable, private.** A building used for the housing of horses or other domestic animals for the use of the owner or their immediate family. (78-51)

**Stable, public.** A building used for the housing of horses or other domestic animals for hire by the public. Breeding, boarding, or training of/with equines may also be conducted. (78-51 and new)

**Story.** The portion of a building included between the surface of any above floor grade and the surface of the floor next above it, or if there is no floor above it then the space between any floor and the ceiling next above it. A story shall have vertical walls. (new)

**Structure.** Anything constructed, erected, or placed in or upon the ground, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground. Structures may include but are not limited to: buildings, elevated decks, radio towers, signs and storage bins, but exclude sidewalks and paving on streets, driveways, parking areas or patios placed at grade. (78-51 and new)

**Swimming Pool.** A structure located inside, outside or partly in each, designed to hold water to a depth of greater than 24 inches when filled, and intended to be used for swimming purposes. (new)

**Theater.** A building or part of a building used to show motion pictures or a facility used for drama, dance, musicals, or other live performances. (new)

**Township Board.** The Ada Township Board. (78-51)

**Tree, Canopy.** A deciduous shade tree. (new)

**Tree, Evergreen.** A tree with foliage that persists and remains green throughout the year. (new)

**Tree, Ornamental (understory tree).** A small deciduous tree utilized for ornamental/landscape enhancement because of its foliage and/or flowers. (new)

**Utility grid wind energy system.** A facility used for generating electric power by use of wind, consisting of one or more towers, including accessory uses such as, but not limited to, a SCADA tower and an electric substation, in which the primary purpose of the system is to generate electric power for transfer to the electric utility grid rather than for use on the site on which the system is located. (78-51)

**Variance.** An allowed modification to the spatial and dimensional requirements of this ordinance, as authorized by the Zoning Board of Appeals under the provisions of this ordinance. (new)

**Vehicle.** Every device in, upon or by which any person or property is or may be transported or drawn upon a street, excepting devices propelled by human power or used exclusively upon stationary rails or tracks. (new)

**Wetland.** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is ~~any of the following: (1) Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream; (2) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than five acres in size; (3) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and five acres or less in size if the Michigan Department of Environmental Quality determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner.~~ (78-51)

**Wind Energy System.** a land use for generating power by use of wind; utilizing wind turbine generators, including the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the electric utility grid. (Also see utility grid wind energy system.) (78-51)

**Yard.** A required open space, ~~other than a court,~~ unoccupied and unobstructed by any building or structure or portion thereof from 30 inches above grade of the lot upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. Yard measurements shall be the minimum horizontal distance. (78-51) (Add allowed projections here?)

**Yard, Front.** A yard extending across the full width of the lot, between the front lot line, generally adjacent to a street, and the front wall of the building or structure. The width of the required front yard shall be measured from the nearest point of the front lot line to the nearest part of the main building. (78-51 and new)

**Yard, Rear.** A yard extending across the full width of the lot, between the rear lot line and the rear wall of the main building. The width of the required rear yard shall be measured from the nearest point of the rear lot line to the nearest part of the main building. (78-51 and new)

**Yard, Side.** A yard between a main building and the side lot line extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building. (78-51)

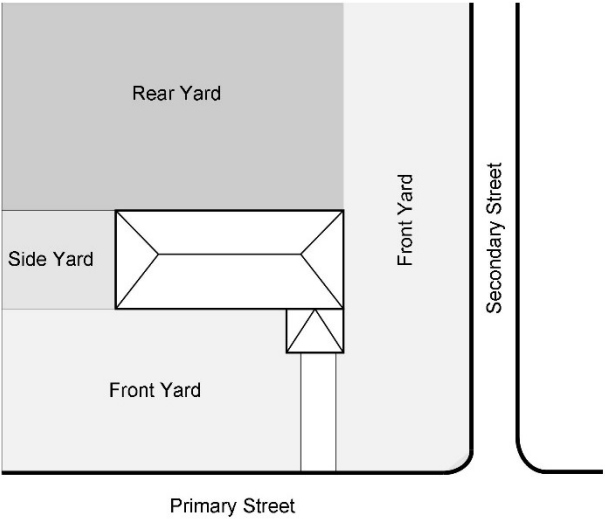
**Zoning Enabling Act.** Public Act No. 110 of 2006 and all subsequent amendments. (78-51 and new)

**Zoning Administrator.** A Township official authorized to administer, interpret, and enforce the Ada Township Zoning Ordinance. (new)

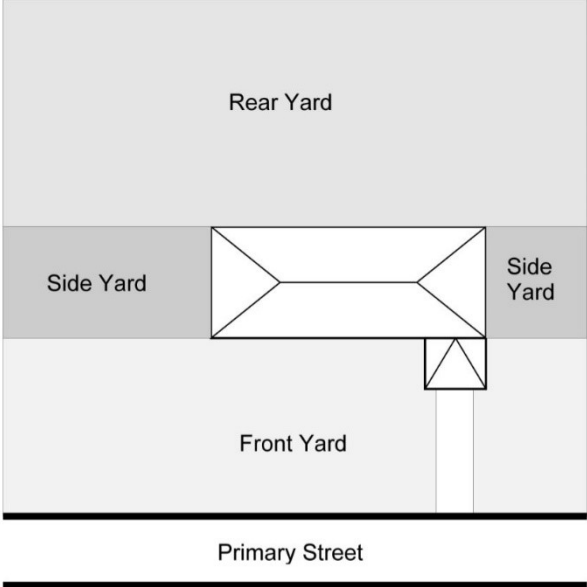
**Zoning District.** A designation on the Official Township Zoning Map in which requirements for the use and dimensions of the land and buildings are prescribed. (new)



**REDO Figure 22-4 – no front yard on corner side yards adj. to secondary street.**



*Figure 22-3 Corner Lot*



*Figure 22-4 Interior Lot*



# PROPOSED

## MEETING DATES FOR FISCAL YEAR 2025-2026

Draft 12/27/24

**PLANNING COMMISSION** - 5:30PM, 3<sup>RD</sup> Thursday of the Month  
\*2<sup>nd</sup> Thurs of the month due to Juneteenth

<u>Meeting Dates - 2025</u>	<u>Agenda Deadline (5 weeks)</u>
April 17	March 13
May 15	April 10
June *12	May 8
July 17	June 12
August 21	July 17
September 18	August 14
October 16	September 11
November 20	October 16
December 18	November 13
<u>Meeting Dates – 2026</u>	
January 15	December 11
February 19	January 15
March 19	February 12



**MEMORANDUM**

Date: 01.06.2024

**TO:** Ada Township Planning Commission  
**FROM:** Department of Planning  
**RE:** Planning Commission Bylaws – Request for Approval

Overview

Attached to this Report is a copy of the Planning Commission Bylaws, with recommended changes noted in red text. The changes were made after Staff discussion with the Planning Commission Chair, and are intended to enhance efficiencies with the Commission meeting process. Recommendations include slight modifications to the meeting cancellation and Agenda preparation processes, as well as other minor changes.

Recommendation:

Staff respectfully requests Planning Commission approval of the Bylaws.

**BYLAWS  
OF THE  
ADA TOWNSHIP PLANNING COMMISSION**

A Resolution to adopt bylaws for the conduct of Planning Commission meetings.

At a Regular Meeting of the Ada Township Planning Commission (the "Commission"), held on \_\_\_\_\_, 202\_\_ at 5:30 p.m., there were:

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Whereas, Section 5 19 of P.A. 33 of 2008 (MCL 125.3819), known as the Michigan Planning Enabling Act, states that the Commission shall adopt bylaws for the transaction of business; and

Whereas, Section 58-37 of the Township Code of Ordinances similarly provides that the Commission shall adopt bylaws for the transaction of business; and

Whereas, Public Act 267 of 1976, as amended, (MCL 15.261 et. seq.), known as the Open Meetings Act sets forth certain requirements with respect to the conduct of Commission meetings.

Now therefore be it resolved that the following bylaws for the conduct of Commission meetings and business are hereby adopted.

**SECTION 1: MEMBERSHIP AND OFFICERS**

**A. Membership:** The Commission shall consist of seven (7) members, hereinafter called "Commissioners", who are appointed and serve in accordance with the Ada Township Planning Commission Ordinance (Chapter 58 – Article II).

**B. Officer Selection and Tenure:** At the March meeting each year, the Commission shall elect by a majority vote a chairperson, a vice-chairperson, and a secretary from among the Commissioners. All officers shall serve a term of one year beginning at the following regular meeting, or until their successors are selected and assume office, except as noted in B and C, below. All officers shall be eligible for re-election for consecutive terms for the same office, or for other offices. All vacancies in offices shall be filled immediately by the regular officer elections procedure.

**C. Duties of Chairperson:** The Chairperson shall preside at all meetings, call special meetings as provided herein, appoint committees, and perform such other duties as may be ordered by the Commission.

**D. Duties of Vice-Chairperson:** The Vice-Chairperson shall act in the capacity of the Chairperson in his or her absence. In the event the office of Chairperson becomes vacant, the Vice-Chairperson shall succeed to the office of the Chairperson for the unexpired term, and the Commission shall select a successor to the office of Vice-Chairperson for the unexpired term.

**E. Duties of Secretary:**

1. The Secretary shall work with Township staff to coordinate the preparation and maintenance of records of Commission actions, including the following:

a. **Attendance Record:** The Secretary shall maintain a record of meeting attendance for each Commissioner and shall report those records annually to the Planning Commission, for inclusion in the annual report to the Township Board. The Secretary shall submit an attendance record to the Chairperson when any Commissioner fails to meet the expected attendance record at regular meetings, as set forth in these bylaws.

b. **Minutes:** The Secretary shall be responsible for reviewing the draft minutes of each meeting and, following their approval by the Commission, shall have them recorded in suitable permanent records maintained by the Township Clerk. The minutes shall contain a synopsis of the meeting, including a record of attendance, complete restatement of all motions and record of votes, and conditions or recommendations made on any action taken by the Commission.

2. The Secretary shall preside at meetings where both the Chairperson and Vice-Chairperson are absent.

3. The Secretary shall perform such other duties as the Planning Commission may determine.

4. If the Secretary is absent from a meeting, the Chairperson shall appoint a temporary secretary from among the members to fulfill the duties of the Secretary during the absence of the Secretary.

**F. Township Board Representative:** The Township Board representative on the Commission shall, with the assistance of Township staff, present the recommendations of the Planning Commission to the Township Board, and shall from time-to-time report to the Planning Commission on actions taken by the Township Board.

**G. Zoning Board of Appeals Representative:** The Planning Commission representative on the Zoning Board of Appeals shall from time-to-time report on the

actions of the Zoning Board of Appeals to the Planning Commission and shall update the Zoning Board of Appeals on actions by the Planning Commission that relate to the functions and duties of the Zoning Board of Appeals.

## **SECTION 2. MEETINGS**

**A. Regular Meetings:** Meetings of the Planning Commission shall be held on the third Thursday of every month at 5:30 p.m. in the Township Hall or other announced site, **unless otherwise cancelled as specified below.** All meetings shall be held in accordance with the Open Meetings Act. When the regular meeting date falls on a legal holiday, the Planning Commission shall select a suitable alternate day in the same month, in accordance with the Open Meetings Act. Similarly, when the regular meeting date falls near a legal holiday, the Commission may, at its discretion, select a suitable alternate day in the same month, in accordance with the Open Meetings Act. **In either instance, the Planning Commission may also opt to cancel the meeting. Planning Department Staff, after consulting with the Chairperson, may also cancel meetings due to a lack of applicants or other pending matters for review.**

**B. Special Meetings:** Special meetings may be called by the Chairperson or upon written request to the Secretary by at least two Commissioners. The business the Planning Commission shall be conducted at a public meeting held in compliance with the Open Meetings Act. All costs of special meetings held to consider requests of applicants for approvals under the zoning ordinance (or for such other purposes as may be necessary) shall be paid by the applicant for such requests.

Notice of special meetings shall be given to Commissioners at least seventy-two hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

**C. Public Records:** All meetings, minutes, records, documents, correspondence, and other materials of the Planning Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

**D. Quorum:** Four (4) members of the Planning Commission shall constitute a quorum for transacting business and taking official action for all matters. However, when a motion involves the adoption or amendment of any part of the Master Plan, Five (5) member of the Planning Commission shall constitute a quorum. Whenever a quorum is not present, those Commissioners present may adjourn the meeting to another time and day, in accordance with the provisions of the Open Meetings Act, or hold the meeting to consider the matters on the agenda. No action taken at a meeting without a quorum shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present.

**E. Voting:**

1. An affirmative vote of a 2/3 majority of the Planning Commission is required to adopt any part of the Master Plan or amendments to the Master Plan. Unless otherwise required by law, other actions or motions placed before the Commission shall be adopted by a simple majority vote of the Planning Commission.
2. Voting shall be by voice vote, provided that a roll call vote shall be required if requested by any Commissioners or directed by the Chairperson. All Commissioners, including the Chairperson, shall vote on all matters, except where a member has a conflict of interest (as defined in Section 4). The Chairperson shall vote last on a roll call.
3. A written notice of the decision of the Commission on all applications for land use approvals shall be sent to the applicant, and to the originators of any request for the Commission to study a special ~~problem~~ **topic**.

**F. Agenda:** Township Staff shall be responsible for preparing an agenda for Planning Commission meetings, ~~with approval by~~ **and may consult with** the Chairperson **to prepare meeting agendas as appropriate**. The order of business for meetings shall generally be as follows, provided that the Chairperson may make minor adjustments to the order of business, to best accommodate special circumstances and scheduling needs of those in attendance:

1. Call to Order
2. Roll Call
3. Approval of Minutes of the Previous Meeting
4. Approval of Agenda
5. Scheduled Public Hearings (See G, below)
6. Unfinished Business
7. New Business
8. Reports from Commissioners, Committees and/or Staff
9. Public Comment on Items Not on the Agenda
10. Written Communications entered on the record.
11. Adjournment

**G. Public Hearings:** All public hearings held by the Commission must be held as part of a regular or special meeting of the Commission. Public hearings shall be held in accordance with the following rules of procedure, which have been adopted by the Township Board for use by all Township boards and commissions. In the event that the Township Board has adopted amendments to these rules of procedure which have not

been incorporated into these bylaws, the most recent such rules adopted by the Township Board shall govern the conduct of public hearings by the Planning Commission:

1. Opening of the Public Hearing
  - a. The Chairperson or Township staff announces the application.
  - b. Introductory comments on the application by the Chairperson or Township staff.
2. Presentation by the Applicant.

The Chairperson may place reasonable limits on the amount of time permitted for presentation by the applicant.
3. Summary comments by Township staff and/or consultants.
4. Public comment and/or questions.
  - a. All persons commenting shall state their names and addresses for the record.
  - b. No person may speak more than once until all those wishing to comment have been heard, after which the Chairperson may provide an opportunity for additional comments or questions.
  - c. The Chairperson may place reasonable limits on the amount of time permitted for each person to speak.
  - d. All comments by the public, Township staff, the applicant and Commissioners shall be directed to the Chairperson.
  - e. Questions and/or comments by members of the Planning Commission.
5. Closure of the Public Hearing.
6. Deliberations and Decision by the Commission.

If it is found that a decision cannot be reached on a matter, the decision should be continued. The Chairperson shall announce the date, time, and location of the future meeting at which the decision will be made.

**SECTION 3. ATTENDANCE, ABSENCES, REMOVALS, RESIGNATIONS AND VACANCIES**

- A. Commissioners are expected to attend at least ten (10) regular Commission meetings in any preceding 12-month period. If any Commissioner fails to fulfill this

expectation, the Chairperson shall meet with the Commissioner to discuss the reasons for the Commissioner's lack of regular meeting attendance. Continued lack of regular meeting attendance may be cause for the Chairperson or the Commission to request the Commissioner to resign or request the Township Supervisor to remove the Commissioner.

B. To be excused from attendance at a Commission meeting, a Commissioner shall notify the Chairperson or Township staff prior to the meeting. If a Commissioner fails to provide advance notice of a meeting absence on two or more occasions in any preceding 12-month period, the Chairperson or the Commission may request the Commissioner to resign or request the Township Supervisor to remove the Commissioner.

C. A Commissioner may be removed by the Township Supervisor for just cause, after a hearing before, and with the approval of the Township Board.

D. A Commissioner may resign by sending a letter of resignation to the **Planning Department Staff**, Township Supervisor, Township Board, or the Planning Commission Chairperson.

E. Vacancies shall be filled by the Township Supervisor, with the approval of the Township Board, within one month of resignation or removal of a Commissioner. Successors shall serve out the unexpired term of the member being replaced.

#### **SECTION 4. CONFLICT OF INTEREST**

A. Commissioners shall declare a conflict of interest and abstain from deliberation or voting on a matter when:

1. A family member, spouse, member of his or her household, or other relative is involved in any request for which the Commission is asked to make a decision.
2. The Commissioner has a business or financial interest in the property involved in the request or in the outcome of the matter at issue or has a business or financial interest in the applicant's company, agency, or association.

B. In the case where 1) a Commissioner owns or has a financial interest in property that is located within 300 feet of property that is the subject of a request placed before the Commission for decision; or 2) for any other reason, a Commissioner believes that there may be a reasonable appearance that he/she has a conflict of interest, the Commissioner should state the nature of the potential conflict to the Commission, and whether he/she believes he/she can impartially consider the request before the Commission. The balance of the Commission shall then determine by majority vote whether a conflict exists.



C. When a Commissioner has declared a conflict of interest, or when the Commission has determined that a potential conflict disclosed by a Commissioner does constitute a conflict, the Commissioner shall remove himself/herself from the table, and shall refrain from any participation in the matter, including offering information, responding to questions, or discussing the request as a Commissioner or private citizen.

D. A Commissioner shall not appear before the Commission as the representative for any application for approval being considered by the Commission, including any property in which the member has an ownership interest.

E. Actions of the Planning Commission are taken by members collectively acting as a single Board, not by individual members. In consequence, private conversations outside of the public meeting forum between individual Commissioners and applicants with respect to pending business are to be avoided.

## **SECTION 5. AMENDMENTS**

These bylaws may be amended at any regular or special meeting by a 2/3 vote of the members of the Commission.

## **SECTION 6. INTERPRETATIONS AND CONFLICTS**

Should any provision of these bylaws conflict with either the Michigan Planning Act, the Michigan Zoning Enabling Act, the Ada Township Zoning Ordinance, or the Ada Township Planning Commission Ordinance (being Article 1 of Chapter 58), the conflicting provision of these bylaws shall yield to those statutes or ordinances and the relevant provision of those statutes or ordinances shall govern.

Upon a vote for the adoption of said resolution, the vote was:

AYES: 5

NAYS: 0

The resolution was thereupon declared adopted.

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Steve Kluting, Secretary  
Ada Township Planning Commission