120.10 GENERAL PROVISIONS

120.11 Title.

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Cooper Charter Township."

120.12 Purpose.

In the interest of the public health, safety and general welfare, the purpose of this Zoning Ordinance is to prevent the overcrowding of land and buildings, avoid undue concentration of population, provide adequate light and air with due consideration to the character of the zone and its peculiar suitability for particular uses and with the objective of conserving the value of property and encouraging the most appropriate use of the land.

The purpose and intent of the Sections of this Ordinance pertaining to the regulation of sexually-oriented businesses is to regulate the location and operation of, but not to exclude, sexually-oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually-oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, education, religious and other similar public and private uses. The regulation of sexually-oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually-oriented businesses and their products, or to deny sexually-oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimatize activities which are prohibited by Township Ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually-oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law., The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually-oriented businesses following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

120.13 Resolution.

Be it ordained by the Cooper Charter Township Board pursuant to the provisions of the State of Michigan Act, as amended, that the Ordinance heretofore enacted as the Zoning Ordinance of Cooper Charter Township is for: the establishment of zoning districts within which districts the use of land for agriculture, recreation, residence, industry, trade, soil conservation, water supply conservation and additional uses of land may be encouraged, regulated or prohibited, and for such purposes may divide portions of Cooper Charter Township into districts of such number, shape and area as may be deemed best suited to carry out the provisions of the Act; and to adopt within each district provisions designating and limiting the location, height, number of stories, size of dwellings, buildings and structures that may hereafter be erected or altered, including mobile homes, and the specific uses for which dwellings, buildings, and structures including mobile homes may hereafter be erected or altered; and for the regulation of the area of yards, courts, and other open spaces and the sanitary safety, and protective measures that shall be required for such dwellings, buildings and for the designation of the maximum number of families which may be housed in buildings, dwellings and structures, including mobile homes, hereafter erected or altered; to provide for a method of amending said Ordinance; to provide for the repeal of the Cooper Charter Township Zoning Ordinance adopted on November 25, 1947, as subsequently amended; to provide for the administering of the Ordinance; to provide for conflicts with other acts, Ordinances or regulations; to provide for the collection of fees for the furtherance of the purpose of this Ordinance; to provide for petitions and public hearings; to provide for appeals and for the organization and procedure of the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance.

120.14 Definitions.

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purpose of these regulations certain terms and words are defined as follows:

Accessory Use: A use of a building, a lot, parcel or building site, or portion thereof, which is customarily incidental and subordinate to the primary use of the principal building or lot, parcel or building site.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or

(2) Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A Commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of the material identified in paragraphs (1) and (2) above and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

Adult Cabaret: A nightclub, bar restaurant, or similar commercial establishment that regularly features:

(1) Persons who appear in a state of nudity;

(2) Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;

(3) Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

(4) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Foster Care Facility: A governmental or nongovernmental establishment having as its principal function the receiving of adults for foster care as defined in Act No. 287 of the Public Acts of 1972, as amended.

Adult Motel: A hotel, motel or similar commercial establishment that:

(1) Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the available of any of the above;

(2) Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or

(3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified anatomical Areas or by Specified Sexual Activities.

Agricultural Service Business: A business engaged in providing services exclusively for the support of agricultural operations.

Animal: An organism, other than a human or plant, that is characterized into one of the following categories:

(1) Domestic: This category includes those animals that have adapted well to human interaction, primarily excluding those utilized for production of food products. These would include those animals residing within the dwelling as pets, such as dogs, house cats, and certain types of other small domesticated animals (such as birds and reptiles), but generally excluding those listed in either the livestock or exotic categories. Such animals are deemed not to be a threat to humans, are nonpoisonous or not carriers of disease, are not likely to bite without provocation (or appropriately caged) and are in good health.

(2) Livestock: This category includes those other domesticated animals that are kept and/or raised for use or pleasure. These would include, but are not limited to, cattle, swine, horses, sheep, goats, turkeys, chickens, and ducks.

(3) Exotic: This category includes all other animals but can be further differentiated as either being native or non-native. In Michigan, native animals may include those found in the wild throughout the State or within some small areas. Some of these animals may be endangered or on a protected list (cannot be hunted), while others may be subject to game laws with duration of the hunting season limited by the State of Michigan Department of Natural Resources. Non-native would include those not found in Michigan. This category of animal may be regulated through a general Ordinance of the Township (NOTE: The State of Michigan has specific regulation for the importation of animals and may require an official interstate health certificate or a certificate of veterinary inspection issued by an accredited veterinarian from the state of origin).

Apartment House: A building used and/or arranged for rental occupancy or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service or utilities in common.

Aquifer: A glacial formation, group of glacial formations or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.

Basement: That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the adjacent ground.

Basement and Cellar: A basement is a portion of a building having part but not more than one-half of its height below grade. A cellar is a portion of a building having more than one-half of its height below the average grade of the adjacent ground. These definitions are not to be construed as including structures satisfying all Township building code specifications relating to residences.

Battery Management System: An electronic regulator that manages a utility-scale battery energy storage system by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault, and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.

Bed and Breakfast Inn: A private residence that offers overnight sleeping accommodations to guests on a temporary basis in the dwelling in which the innkeeper resides, including provisions for a morning meal for overnight guests only. The innkeeper is the real property owner and operator of the bed and breakfast.

Billboard: An outdoor sign, structure or symbol advertising services or products which are not made, produced, assembled, stored or sold upon or from the premises upon which the same is located.

Building: A structure erected on-site, a mobile home or mobile home structure, a pre-manufactured or pre-cut structure, above or below ground, having one or more stories and a roof designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Building, Accessory: A building subordinate to, and located on, the same lot or parcel with the principal building, the use of which is clearly incidental to that of the principal building or to the use of the land, and which is not attached by any part of a common wall or common roof to the principal building. An accessory building may be the principal building on an agricultural parcel or any parcel of ten (10) or more acres.

Building, Height: The vertical distance measured from the average grade at the building to the average elevation of the roof of the highest story.

Building Integrated Photovoltaics (BIPV's): A Private or Commercial Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

Building Line: A line beyond which the foundation wall or any enclosed porch, vestibule or other portion of a building shall not project.

Building Site: A portion of a lot or parcel which is a two dimensional condominium unit of land (i.e., envelope, foot print), along with any and all limited or general common elements designed for the construction of a principal condominium building in addition to accessory condominium buildings. All building sites shall have deeded access to a public or private street or road.

Building, Size: The measurement of the area (square footage) of a building shall be based upon the outside wall dimension. Where the roof line extends more than 1 foot from this line, or where the roof line extends with a wall support (carport, lean-to, porch, etc.), the measurement shall be from this roof eave to the ground below. (See Floor Area for residential dwellings)

Boardinghouse: A dwelling in which lodging or meals, or both, are furnished to three or more guests for compensation.

Care Home: Includes rest and nursing homes, convalescent homes and boarding homes for the aged, established to render nursing care for chronic or convalescent patients.

Cemetery: One or a combination of more than one of the following:

- A burial ground for earth interment.
- A mausoleum for crypt entombments.
- A crematory for the cremation of human remains.
- A columbarium for the deposit of cremated remains.

Child Care Organization: A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training and supervision, notwithstanding that educational instruction may be given, and includes organizations described as child caring institutions, child placing agencies, children's camps, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or day care homes as those terms are defined in Act No. 116 of the Public Acts of 1973, as amended.

Commercial Solar Energy System: A Solar Energy System where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

Common Elements: The portions of a condominium project other than the condominium units.

Compost, Agricultural: A fertilizer consisting of decayed organic matter utilized within an agricultural operation subject to the provisions of the Michigan Right-to-Farm Act and the Department of Agriculture's GAAMP's (Generally Accepted Agricultural and Management Practices).

Compost, Commercial and Industrial: A fertilizer consisting of decayed organic matter utilized within a non-agricultural operation, and excluding operations utilizing only residential waste for personal use on the same parcel in which it is generated.

Composting: A self-heating process carried on by bacteria and fungi that decompose organic matter in the presence of oxygen.

Condominium Project: A development plan or project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.

Condominium Unit: That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects.

Crematory: A building or structure within which the remains of deceased persons are or are intended to be cremated.

Direct Recharge Area: That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

District: An area within which certain uses of land and buildings are permitted and all others are prohibited; yards and other open spaces are required; lot, parcel or building site areas, building heights and other requirements are established; all of the foregoing being identical for the district in which they apply.

Dwelling: A building, which is occupied on a permanent basis wholly as the home, residence, or sleeping place by one family and complying with the following standards: (*required standards recommended to remain the same*)

(1) It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.

(2) It has a minimum width across any section of 20 feet and complies in all respects with the Township building code, including minimum heights for habitable rooms.

(3) It is firmly attached to a permanent foundation constructed on the site in accordance with the Township building code and co-extensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.

(4) It does not have exposed wheels, towing mechanism, undercarriage or chassis.

(5) The dwelling is connected to a private sewer and water supply or to such private facilities approved by the local health department.

(6) The dwelling contains storage area either in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure being of standard construction similar to or of better quality than the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than l5% of the minimum square footage requirement of this Ordinance for the zone in which the dwelling is located. In no case, however, shall more than 200 square feet of storage area be required by this provision.

(7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity with either a roof overhang of not less than six inches on all sides or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two exterior doors, with one being in the front of the dwelling and the other being in either the rear or side of the dwelling, contains [containing] permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Inspector upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in the within definition of "dwelling" as well as the character of residential development outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of said area; or, where said area is not so developed, by the character of residential development outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.

(8) The dwelling contains no additions or rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.

(9) The dwelling complies with all pertinent building and fire codes.

(10) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.

Dwelling, Multiple-Family: A building containing three or more dwelling units (an apartment house).

Dwelling, Semi-Detached: One of two buildings, arranged or designed as dwellings located on abutting lots, parcels or building sites, separated from each other by a party wall, without openings, extending from the basement floor to the highest point of the roof, along the dividing property line and separated from any other building or structure by space on all other sides.

Dwelling, Single-Family: A building containing not more than one dwelling unit.

Dwelling, Two-Family: A building containing not more than two separate dwelling units.

Dwelling Unit: A building or portion thereof arranged or designed for permanent occupancy by not more than one (1) family for living purposes and having kitchen and/or cooking facilities.

Escort: means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Essential Services: The term "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, gas regulator stations and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities of municipal departments or commissions or for the public health or safety or general welfare.

Excavations, Commercial: The digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for any of the following purposes: When primarily for carrying on a business or manufacturing operation for the purpose of sale, exchange, processing or manufacture, does not mean grading or filling incidental to improvement of the land.

Facilities and Services: Those facilities and services that are normally accepted as necessary for urban living such as paved streets, public and/or private water supply and sanitary sewer disposal, storm drainage system, schools, parks and playgrounds.

Family:

(1) One or two persons with their direct lineal ascendants and descendants, including adopted or legally cared for children, together with not more than two unrelated persons, occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

(2) Not more than four unrelated individuals living together in one house, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, with a demonstrable and recognizable bond characteristic of a cohesive unit.

(3) Notwithstanding the foregoing, certain types of living arrangements and occupancies shall not be considered within the scope of this definition, including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, and also not including a group of individuals whose association is temporary, transitional, and resort-seasonal in character or nature.

Family Day Care Home: A private home, as defined in Act No. 116 of the Public Acts of 1973, as amended, in which one but less than seven minor children are received for care and supervision for periods of 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; it includes a home which gives care to an unrelated minor child for more than four weeks per year.

Farmer's Market: Buildings and activities associated with the sale of agricultural products not produced on the property (Subject to special exception use approval in the "RD" Recreation District).

Farming: Agricultural activity or the raising of livestock or small animals as a source of income.

Floor Area: The total enclosed floor area of a structure used for residential purposes, excluding the floor area of basements, cellars, garages, accessory buildings, attics, breezeways and porches. For manufacturing, business or commercial activities, which in the case of the latter includes customer facilities, showcase facilities and sales facilities.

Floor Area, Usable: The area of all floors in a building computed by measuring the dimensions of the outside walls of a building excluding elevator shafts, stairwells, hallways, floor space used for basic utilities and sanitary facilities such as heating and cooling equipment and bathrooms, floor space used for merchandise storage, mezzanines, attics or portions thereof with headroom of less than 6.5 feet, verandas, porches, patios, carports, parking garages, terraces, atriums and decks.

Frontage: The length of the front property line of the lot, parcel, building site abutting a public street, road or highway, to which property owner has deeded access.

Funeral Home: A place of business used in the case of preparation for burial or transportation of a dead human body.

Garage Sales: The exchange of used personal items for money which brings the public to the property and is conducted in a garage, accessory structure, or yard of a residentially zoned property for a period not to exceed three consecutive days and to occur no more than once every three months.

Gasoline Service Station: Building, lot, parcel or building site, or portions thereof, used and limited in function to retail sale of gasoline, oil, grease, antifreeze, tires, batteries and automobile accessories, and such services such as lubrication, washing, polishing and other minor servicing to motor vehicles.

General Common Elements: The common elements of a condominium project other than the limited common elements.

Ground Mounted Solar Energy System: A Private or Commercial Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.

Groundwater Gradient: The slope (gradient) of the groundwater surface thereby defining the direction of groundwater movement.

Group Day Care Home: A private home, as defined in Act No. 116 of the Public Acts of 1973, as amended, in which more than six but not more than 12 minor children are given care and supervision for periods less than 24 hours a day, unattended by parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption; it includes a home which gives care for more than four weeks per year.

Hazardous Substance:

- Any substance that the Michigan Department of Natural Resources has demonstrated, on a case-by-case basis, poses an unacceptable risk to the public health, safety, or welfare, or the environment, having considered the fate of the material, dose-response, toxicity, or adverse impact on natural resources.

- Hazardous substance as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-520, 94 Stat. 2767.

- Hazardous waste as defined in part 111 of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994 as amended; MCL 324.1101 et seq.

- Petroleum as described in part 213 of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994 as amended; MCL 324.21301 et seq.

Height: The vertical distance measured from the average grade:

(1) At the base of the building to the top of a flat roof.

(2) At the base of the building to the mid-point of a sloped roof.

(3) At the base of a structure to the highest point.

Home Occupation: Any occupation or activity carried out for gain and conducted on a lot, parcel or building site, as an accessory use in a residential dwelling unit, subject to the conditions and limitations set forth in Section 120.340 of this Ordinance.

Hospital: Any institution, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two or more non-related persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent or a convalescent home, as previously defined.

Hotel: A building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals in which as a rule the rooms are occupied singly for hire [and] in which provision is not made for cooking in any individual apartment, except for the management.

Intensive Livestock Operation: Intensive Livestock Operation shall be defined and categorized as follows:

> Small Pastoral Livestock Operation. The raising and keeping of livestock or small animals in concentrations exceeding 300 animal units but not more than 999 animal units in an outside lot and/or pasture setting but without a covered manure storage facility meeting NRCS-FOTG specifications.*
>
> Confined Intensive Livestock Operation. The raising and keeping of livestock or small animals in concentrations exceeding 999 animal units but not exceeding 2,500 animal units maintained within confined shelters and having a covered manure storage facility meeting NRCS-FOTG specifications.*
>
> Large Confined Intensive Livestock Operation. The raising and keeping of livestock or small animals in concentrations exceeding 2500 animal units maintained within confined shelters and with a covered manure storage facility.*
>
> * For purposes of these definitions of intensive livestock operation, as set forth above, the determination of the number of animal units and acreage available for the intensive livestock operation shall include all land owned, controlled or which the Applicant, his/her or its partners, shareholders, and those having an interest in a limited liability company, have any common interest.

Junk Yard: Any building, lot, parcel or building site, or portion thereof, used for commercial, storage and/or sale of paper, rags, scrap metals, other scrap or discarding materials or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not to be used as a dump.

Kennel: Land and associated facilities where domestic animals are boarded for financial gain, which may also include those owned by the owner or occupant of the premises.

Landfill: Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of trash, refuse or waste material of any kind.

Large Turbine/Utility Grid System ("Large Turbine WECS") is designed to generate electricity from one or more towers (within an array) and is intended for sale or use in location through the electrical grid or export to the wholesale market. Large Turbine WECS includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: wind towers; wind turbines; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage systems; overhead and underground control; communications and radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosion control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures.

Limited Common Elements: The portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.

Lot: A single unit or division of land contained in a platted subdivision, whether it be numbered, lettered or otherwise designated, which has deeded frontage on a public or private street or road.

Lot, Corner: A corner lot shall have two front yards, with setbacks determined based upon primary or secondary road frontage.

Lot, Parcel or Building Site Area: The total horizontal area included within lot, parcel or building site property lines; where the front lot, parcel or building site property line is the centerline of a public street, the area shall not include that part which is in the public right-of-way.

Lot, Parcel or Building Site Coverage: That portion of a lot, parcel, or building site, expressed as a maximum percentage, that is occupied by buildings or structures. This coverage shall not include impervious surfaces four inches in height such as paved driveways and patios.

Lot, Parcel or Building Site Depth: The mean horizontal distance from the front street property line to the rear lot, parcel or building site property line.

Supplement

Lot, Parcel or Building Site, Front of: The side or sides of an interior or through lot, parcel or building site which abuts a street; in a corner lot, parcel or building site, the side or sides abutting either street may be considered as the front property

line, provided that the side selected as the front has the required minimum lot frontage.

Supplement 13 – Ord. No. 274, 275 and 276

Lot, Parcel or Building Site, Frontage: That portion of a lot, parcel or building site extending along the street line.

Lot, Parcel or Building Site, Interior: A lot, parcel or building site other than a corner lot, parcel or building site.

Lot, Parcel or Building Site Width: The mean horizontal distance between the side property lines as measured at right angles to the said sidelines of the lot, parcel or building site. Where said sidelines are not parallel, the width shall be the average horizontal distance between the sidelines.

Mobile Home: Mobile home means any vehicle or similar portable structure which was constructed with wheels so as to permit its being used as a duly licensable conveyance upon the public street, whether or not its wheels have been removed, and constructed to permit occupancy as a dwelling.

Motel: A group of attached or detached dwellings not more than thirty-five (35) feet in height containing guest rooms which are provided for transient occupancy only, including auto courts, motor lodges and tourist homes.

Nonconforming Uses: The use of a building or of land lawfully existing at the time this Ordinance became effective but which does not conform with the present use regulations of the district in which it is located.

Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

(1) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

(2) Material as defined in section 2 of Act No. 343 of the Public Acts of 1984 being section 752.362 of the Michigan Compiled Laws.

(3) Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

(4) Any display of an individual's genitals or anus, or of a female individual's breast, which occurs as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.

Nursing Home: (See "Care Home")

Office Building: Rooms or buildings used for general office purposes.

Organic Matter or Material (Utilized in Composting): Biological material that may be applied to cropland as listed and/or regulated by the USDA, MDA and MDEQ.

Parcel: A continuous area, tract or acreage of land which has not been divided or subdivided (i.e., platted) pursuant to, and/or in accordance with the Land Division Act, Act No. 288 of the Public Acts of 1967, and as of thereafter amended.

Parent Parcel: A tract or acreage of land, which has not been divided or subdivided (i.e., platted) pursuant to, and/or in accordance with the Land Division Act, Act No. 288 of the Public Acts of 1967, and as of thereafter amended.

Parent Tract: A continuous tract, parcel(s) or acreage in the same ownership name, as of the enactment of the Land Division Act, Act No. 591 of the Public Acts of 1996, effective March 31, 1997.

Parking Space, Automobile: That area required for the parking or storage of one automobile including necessary aisle or driveway space providing access thereto.

Personal Service Business: A business devoted to the provision of services of a personal nature, primarily devoted to beauty, health or well-being. Personal service businesses are considered retail services offered for a fee, including fitness centers, spa treatments, nail salons, tattoo parlor or similar uses, but excluding those defined as a sexually oriented business.

Potable Water: Water that is satisfactory for drinking, culinary and domestic purposes, meeting current drinking water standards.

Principal Building: A building, which is primarily occupied or devoted to the principal use of the lot, parcel or building site, i.e., occupied by or devoted to accessory use.

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Private Solar Energy System: A Solar Energy System used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

Private Street or Road: A street or road which is and has not been dedicated for the public use and accepted by the Kalamazoo County Road Commission.

Property Line: The boundary line, whether it be front, side or rear, of a lot, parcel or building site.

Professional Office: Rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, etc., but not including medical or dental clinics.

Public Place: Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Recharge Pond/Lagoon: A natural or manmade recharge area or pond designed and maintained to recharge storm water, cooling water and/or treated water to the groundwater at a rate greater than that occurring naturally. (Please note that for certain discharges, a DNR discharge permit is required.)

Recreational Vehicle: A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes.

Regulated Substances: Substances to be regulated, hereinafter referred to as Regulated Substances, are chemicals and mixtures of chemicals which are health hazards. Regulated substances include:

- [The] Those list of substances as defined and listed by the Michigan Occupation Safety and Health Administration, as regulated under Title III of the Superfund Amendments and Reauthorization Act (SARA) and as currently reported on MIOSHA safety data sheets.

- ♦ Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

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Residential Contractor's Office: A general contractor or builder conducting business out of an enclosed structure, which does not require outdoor storage of equipment or vehicles.

Riding Stable: A commercial venture wherein horses are let for hire and/or where riding lessons are provided for a fee.

Roof or Building Mounted Solar Energy System: A Private or Commercial Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.

Rural Service Enterprise: Small-scale service business activities that are primarily performed at the customers property, while supporting economic development within rural areas without substantial commercial impacts on the rural agricultural character.

Setback: The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the property lines of the lot, parcel or building site upon which the same is situated from adjacent buildings or structures or from public or private rights-of-way.

Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration;

(1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

Sexually-Oriented Business: A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) nude model studio; and (9) sexual encounter center.

Shopping Center: A group of five or more commercial establishments planned, developed and managed as a unit, with off-street parking provided on the same property and related in location, size and type of shops in the center.

Shooting Ranges (club): A non-profit private club or organization designed and operated for sport shooting that is open only to its members and their guests.

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Shooting Ranges (commercial): An indoor area designed and operated for indoor sport shooting, that may or may not be a private club or organization, but which is also open commercially to the general public.

Sign: Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing which displays numerals, letters, words, trademarks or other representations used for direction, or designation of any person, firm, organization, place, product, service, business or industry which is located upon any land, on any building, in or upon a window, or indoors in such a manner as to attract attention from outside the building.

Sign Area: The sign area is the surface of the structure used to convey the message, exclusive of the necessary supports or any appurtenances required by the building code. The area of open sign structures, consisting of letters or symbols, without a solid surface in between, shall be calculated on the basis of the total area within the perimeter of the group of letters and/or symbols. The area of a double-face sign, which is constructed back to back as a single unit, shall be calculated according to the surface area of one side only.

Sign, Outdoor Advertising: A sign which calls attention to a business, commodity, service, entertainment or other activity conducted, sold or offered elsewhere than on the premises upon which the sign is located.

Small Turbine/On-site System ("Small Turbine WECS"): A system intended to supply or supplement the energy needs of a single private property owner, with a single tower that may or may not be connected to the utility grid.

Solar Energy System (SES): Any part of a system that captures and converts solar radiation or energy for the purpose of transforming it into any other form of usable energy, including but not limited to the collection and transfer of heat created by solar energy to any other medium by any means.

Solar Energy System, Commercial: A SES for the primary purpose of sale or for use in locations through the electrical grid or export to the wholesale market. A solar energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.

Solar Energy System, Private: A SES designed for the sole purpose of supplying or supplementing energy needs of a single private property owner.

Special Exception: The granting to a petitioner, by the Township Planning Commission certain uses of land and/or buildings, because of their particular nature and due to certain circumstances to become established as provided in Section 120.420 of this Ordinance.

Special Exception Uses: Uses of land and/or buildings, because of their particular nature and due to certain circumstances are designed as special exceptions and may be permitted within those districts as specified in Section 120.420 of the Ordinance.

Specified Anatomical Areas are defined as:

(1) Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities means and includes any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(3) Masturbation, actual or simulated; or

(4) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

State-Licensed Residential Facility: A structure constructed and used for residential purposes that is licensed as an adult foster care facility pursuant to Act No. 218 of the Public Acts of 1979, as amended, or as a child care organization pursuant to Act No. 116 of the Public Acts of 1973, as amended, and which provides resident services for 6 or less persons under 24-hour supervision or care for persons in need of that supervision or care.

Storage, Temporary: The use of containers, "PODs" or similar structures for temporary storage of personal residential items during relocation or renovation of a dwelling. Such containers shall not be used in agricultural or residential areas in place of customary accessory buildings (barns, sheds, etc.) but may be utilized for storage in the side or rear yard within commercial or industrial districts, subject to site plan review.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or of the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story or if it is used for business or dwelling purposes.

Street: A public dedicated right-of-way other than an alley, which provides primary access to abutting properties, and over which the public has easement of vehicular access.

Street or Road: A "way" or thoroughfare used for, or intended to be used for, the transit of motor vehicles.

Structure: Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground, and shall include fences which are more than 50% solid, tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames of electrical or telephone utilities or to service utilities entirely below the ground.

Swimming Pool: "Swimming pool," as used herein, shall mean any artificially constructed area of man-made materials capable of containing water and of being used for swimming or bathing, having a depth of two or more feet at any point, or having a surface area exceeding 100 square feet.

Temporary Use or Structure: A use or structure that is not intended to be permanent in nature, based upon monthly or seasonal restrictions not exceeding six (6) months in duration.

Ten-Year Capture Area: The area around and upgradient from the public water supply well fields delineated by the ten-year travel time contour capture zone boundary.

Tents: Tents, as used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Travel Time Contour: A locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.

Underground Storage Tank: Any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of Regulated Substances and the volume of which (including the volume of underground pipes connected thereto) is ten percent or more beneath the surface of the ground. Flow-through process tanks are excluded from the definition of underground storage tanks.

Underlying Zone: The present zoning as it exists under the overlay zone.

Use: The principal purpose for which a lot, parcel or building site, or the principal building thereon, is designed, arranged, or intended and for which it is or may be used, occupied or maintained.

Utility Trailer: A utility trailer is a nonmotorized, wheeled vehicle designed and constructed for the primary purpose of transporting goods, equipment, or materials. These trailers are typically hitched to a motorized vehicle, such as a car or truck, for towing.

Utility-Scale Battery Energy Storage Facilities: One or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a utility-scale battery energy storage system with a battery management system.

Utility-Scale Battery Energy Storage System ("UBESS"): A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

Variance: The granting to a petitioner, by the Board of Appeals, permission to vary from the strict application of this Ordinance as provided in Section 120.090.

Well Field: A tract of land that contains a number of wells for supplying water.

Wellhead Protection Overlay Zone: That area as outlined on the overlay zoning map as determined to be the well field capture zone by computation and in consideration of natural surface runoff boundaries.

Wind Energy Conversion System ("WECS"): A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment.

Yard: Open space on the same lot, parcel or building site with a building or group of buildings, lying between the building and the nearest property line, and unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs or fences.

Yard Barn: A mobile detached structure not permanently affixed to the ground, not exceeding 200 square feet nor 12 feet in total height and used primarily for the storage of yard, gardening tools and supplies incidental and customary to and commonly associated with a residential dwelling.

Yard, Front: Open space extending across the full width of lot, parcel or building site between the front lot line or the proposed front street line and the nearest line of the building or portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line or proposed front street line and the nearest point of the building or any portion thereof.

Yard, Rear: Open space extending across the full width of lot, parcel or building site between the rear line of the lot, parcel or building site and the nearest line of the building, porch or projection thereof. The depth of such yard is the average horizontal distance between the rear lot line and the nearest point of the building.

Yard, Side: Open space between side property line, the side property line or the proposed side property line, if such line falls within the lot, parcel or building site, front property line or rear property line, and the nearest line of the building, porch, or projection thereof, extending from the front yard to the rear yard or, in the absence of either of such yards, to the front property line or rear property line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the building, porch or projection thereof.

Zone: (See District)

Zone of Influence: A zone delineated by ISO-travel time contours around well fields. The zone calculated, based on the rate of movement of groundwaters in the vicinity of wells with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.

[Ord. No. 245, eff 11/26/2017]
[Ord. No. 248, eff 01/29/2019]
[Ord. No. 249, eff 01/29/2019]
[Ord. No. 255, eff 05/26/2020]
[Ord. No. 257, eff 02/25/2021]
[Ord. No. 258, eff 02/25/2021]
[Ord. No. 259, eff 04/27/2021]
[Ord. No. 262, eff 01/25/2022]
[Ord. No. 270, eff 03/24/2024]
[Ord. No. 274, eff 02/25/2025]
[Ord. No. 275, eff 02/25/2025]
[Ord. No. 276, eff 02/25/2025]

120.20 ADMINISTRATION AND ENFORCEMENT

A. Administration.

The Township Board shall appoint a Zoning Coordinator to administer Zoning Ordinance compliance and coordinate zoning approvals, as required. The Township Board shall appoint an Ordinance Enforcement Officer to enforce compliance with Zoning Ordinance, except as otherwise provided in this Ordinance.

B. Zoning Compliance Permit.

It shall be unlawful for any person to commence the erection or addition of any building or structure or to commence the erection or addition of any building or structure, or move any building or structure, and no construction or no land use shall be commenced until a zoning compliance permit has been secured from Cooper Charter Township. A zoning compliance permit shall be secured for every building or structure, permanent, temporary, principal or accessory, except those expressly exempted from this requirement. Except upon a written order of the Township Zoning Board of Appeals, no such zoning compliance permit shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.

Each zoning compliance permit shall become null and void one (1) year following the issuance of said permit unless the provisions of the permit have been utilized or unless reapplication is made and approved by the Township Supervisor and/or the Zoning Coordinator.

1. Zoning compliance permit application and fees.

   Application for a zoning compliance permit shall be filed in writing with the Township Supervisor and/or the Zoning Coordinator. Applications shall be signed by the person, firm, partnership or corporation requesting the same or by the duly authorized agent of such person, firm, partnership or corporation. In addition, fees as prescribed by the Township Fee Schedule, which may be amended periodically by the Township Board, shall be submitted. All applications for zoning compliance permits must include two (2) copies of a plot plan, giving accurate dimensions on a scaled drawing and shall contain the following information:

   a. Existing or intended use of the structures.

b. Lines and dimensions of the lot, parcel or building site to be used.

c. Location upon the lot, parcel or building site of all existing and proposed structures and streets.

d. Evidence that all required federal, state and county licenses or permits (excepting building permits) have been acquired or that applications have been filed for same.

e. Other information with respect to the proposed structure, use, lot, parcel or building site and adjoining property as may be required by the Township Supervisor and/or the Zoning Coordinator.

One copy of both plans and specifications shall be filed in and retained by the Cooper Charter Township office, and the other shall be given to the applicant when the Township Supervisor and/or the Zoning Coordinator has approved the application and issued the permit. In case of minor alterations, the Township Supervisor or the Zoning Coordinator may waive portions of the foregoing requirements obviously not necessary for determination of compliance with this Ordinance. Any permit required by this Zoning Ordinance shall be displayed face out, within twenty-four (24) hours of its issuance by placing the same in a conspicuous place on the premises facing the nearest street and shall be continuously so displayed until all work or the term for which issued or purpose for which issued is complete. Failure to obtain and display any such permit shall constitute a violation of the Zoning Ordinance and shall subject each person or persons or corporation for whose benefit the permit is required and the owner or owners of the premises involved to prosecution for such violation.

In addition, for Planned Developments as specified in this Ordinance, no zoning compliance permit shall be issued by the Township Supervisor and/or the Zoning Coordinator until the Final Development Plan is approved by the Planning Commission.

2. Preconstruction inspection.

After the issuance of a zoning compliance permit, and before any construction begins, the property owner shall be required to notify Cooper Charter Township. Upon such notification, a Cooper Charter Township designee shall make a pre-construction field inspection to determine that the provisions of the zoning compliance permit are being met. Cooper Charter Township shall have the authority to waive this provision where it is obviously not necessary to assure compliance with this Ordinance.

3. Exemptions.

The following are exempted from the zoning compliance permit requirements:

a. Alterations and ordinary maintenance repairs made on any building or structure that does not affect the external dimensions of the structure.

b. Children's play structures and ornamental garden structures that are less than 10 feet in height and less than 100 square feet in area.

c. Any alterations or structural changes which require a building permit.

120.30 AMENDMENTS TO ZONING ORDINANCE

Amendments or supplements to the Zoning Ordinance may be made from time to time in accordance with state statute and as provided in the Ordinance except that the public hearing conducted by the Township Board shall not be necessary unless a request is made in writing by a property owner.

The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts may be amended, supplemented or changed by Ordinance of the Township Board.

Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by application for rezoning as provided for by this Ordinance.

120.31 AMENDMENT TO BOUNDARIES OF ZONING DISTRICT

If property is proposed for rezoning, the Township Planning Commission shall conduct a public hearing and comply with the notice requirements under Act No. 110 of the Public Acts of 2006, as may be amended. In addition to the notice of public hearing to be published in a newspaper of general circulation in the Township, it shall also give a notice thereof to the owner of the subject property, to all persons to whom any real property within 300 feet of the subject property is assessed and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located within the zoning jurisdiction. Such notice shall be published not less than fifteen (15) days before the meeting and shall be delivered personally or delivered by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used.

A. Procedure for an Amendment to Boundaries of a Zoning District.

1. Petition for change to boundaries of a zoning district.

   Each petition by one or more persons for an amendment to the boundaries of a zoning district shall be submitted by application to Cooper Charter Township, on a standard form provided and shall be accompanied by the fee prescribed to cover administrative and publication costs.

   Amendments to the boundaries of a zoning district may also be submitted for review upon motion of the Planning Commission.

2. Transmittal of application to Planning Commission.

   The Zoning Administrator shall transmit a complete copy of said application to the Planning Commission and shall make arrangements with counsel to schedule public hearing.

3. Public Hearing for determination of recommendation by Township Planning Commission to the Township Board.

The Planning Commission shall consider each proposal for amendment in terms of its judgment on particular factors related to the individual proposal and in terms of the most likely effect on the Township's development in relation to any Township development plans, regulations or guidelines.

The public hearing shall be conducted in the following general manner:

a. The applicant shall present evidence regarding the general character and substance of the proposed amendment, scale and scope of amendment and relationship of the amendment to the Township Master Plan and matters set forth in paragraph b. below.

b. The Township Zoning Coordinator, Engineer, Attorney and/or other person(s) designated by the Planning Commission shall present evidence with regard to the effect of said proposed amendment upon public health, safety and general welfare; the use of land in accordance with its character and adaptability; whether said proposed amendment is an improper use of land in accordance with its character and adaptability; whether said proposed amendment is an improper use of land, encourages overcrowding of population, adversely affects adequate light and air, would cause congestion on the public streets, or reduce hazards to life and property. This individual shall also present evidence concerning the effect of the proposed amendment upon sewer, water and transportation systems; education, recreation and other public facilities; the advantageous use of the land in question; the character of the land, surrounding area and zoning district involved, the peculiar suitability of the land for the uses allowed; and the general and appropriate trend and character of land, building and population development.

c. Any person present at the public hearing may ask questions of the Planning Commission or make comments regarding the proposed amendment, and such discussion shall be generally recorded in the minutes of the public hearing.

4. Following the public hearing, the Planning Commission shall conduct a meeting to deliberate the results of the public hearing and decide the course of action on the proposed amendment.

5. After deliberation on any proposal, the Planning Commission shall act by formal motion on the proposed amendment to either:

   a. Recommend approval by the Township Board for the amendment, as requested; or

   b. Recommend approval by the Township Board for the amendment, with modifications or additions; or

   c. Recommend denial by the Township Board for the requested amendment.

   d. Table action on the request for a period of not more than sixty (60) days from said public hearing to allow time to further study the request.

   Note: The reasons for denying the request for amendment or for delaying the public hearing shall be specified in the formal motion of the Planning Commission.

6. Recommendation to Township Board (1st Reading)

   The recommendation by the Planning Commission shall be brought before the Township Board, at the next regularly scheduled Board Meeting, as scheduling permits.

   a. Recommendations to Grant Rezoning.

      The Township Board may do any of the following:

      i. If recommendation is accepted:

         The Notice of Ordinance Submittal will be prepared and published, prior to the following Township Board Meeting for final approval of requested amendment.

      ii. Deny the rezoning:

         No application for rezoning shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Planning Commission to be valid.

iii. If modifications, additions, deletions or rejection of the recommendation is made:

Township Board may refer recommendation for amendment, back to the Township Planning Commission for such changes.

7. Final Approval by Township Board (2nd and Final Reading)

At this meeting, Township Board will make a final determination and if adopted, Notice of Ordinance Adoption will be prepared for publication and posted within 15 days after adoption.

120.32 AMENDMENT TO ZONING ORDINANCE TEXT

A. Procedure for an Amendment to Zoning Ordinance Text

1. Petition or motion for an amendment to Zoning Ordinance Text.

Each petition by one or more persons for an amendment to the text of the Zoning Ordinance, shall be submitted by application to Cooper Charter Township, on a standard form provided and shall be accompanied by the fee prescribed to cover administrative and publication costs.

Amendment to the text of the Zoning Ordinance may also be submitted for review upon the motion of the Planning Commission.

2. Transmittal of application to Planning Commission.

Cooper Charter Township Zoning Administrator shall transmit a complete copy of said application to the Planning Commission for discussion at the next regularly scheduled meeting.

After the discussion of proposed text change, the Planning Commission will set a date for public hearing. Published notice shall be given as set forth in the proceeding section. No direct notice is provided to residents as there would exist no subject parcel.

3. Public Hearing for determination of recommendation by Township Planning Commission to the Township Board.

The Planning Commission shall consider each proposal for amendment in terms of its judgment on particular factors related to the individual proposal and in terms of the most likely effect on the Township's development in relation to any Township development plans, regulations or guidelines. The process for review and recommendation by the Planning Commission to the Township Board and for final action by the Township Board would follow the steps as set forth in the preceding section.

120.40 FILING FEES AND COST

Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees specified on the fee schedule adopted by the Township Board, which may be amended from time to time.

The Township Board shall, upon the advice and recommendations of the Planning Commission, by resolution, enact a fee schedule making reasonable charges for the services involved, including cost of hearing and appeals.

120.50 ENFORCEMENT--VIOLATIONS AND PENALTIES

Buildings erected, altered, moved, razed or converted or any uses of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance.

The Township Enforcement Officer shall inspect each alleged violation and shall order correction, in writing to the violator, or by posting the premises, of all conditions found to be in violation of this Ordinance. A violation not corrected within a time period specified by the designated Township official, shall be prosecuted by judicial proceedings instituted at the direction of the Township Supervisor in accordance with the following paragraph of this section, or by action in Circuit Court seeking injunction.

Any person, firm or corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and shall pay a fine according to the following schedule:

First offense……..	$ 75.00
Second offense within three years of first offense……..	150.00
Third offense within three-year period……..	325.00
Fourth offense within three-year period……	500.00

If a determination of responsibility is made by the Court, the Court may impose costs as provided for by law in addition to the fines called for above.

The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Every day that violation is permitted to exist shall constitute a separate offense. The imposition of any fine shall not exempt the offender from compliance with the provisions of this Ordinance.

120.60 INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of a building or land than existing easements, covenants or other agreements, the provisions of this Ordinance shall govern or control. Whenever the requirements of this Ordinance differ from the requirements of other lawfully adopted rules, regulations or Ordinances, the most restrictive, or that imposing the higher standards, shall govern.

120.70 RELIEF FROM PERSONAL RESPONSIBILITY

An official, officer or employee charged with the enforcement of this Ordinance, while acting for the Charter Township of Cooper, shall not thereby render himself liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under provisions of the Zoning Ordinance shall be defended by the legal representative of the Township until the final termination of the proceedings. In no case shall a Township official or any of his subordinates be liable for costs in any action, suit or proceeding that may be instituted and any Township official, acting in good faith and without malice, shall be held harmless by the Township from liability for acts performed under any of the provisions of this Ordinance or by reason of any act or omission in the performance of his official duties in connection therewith.

120.80 VALIDITY

Should any action, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

120.90 ZONING BOARD OF APPEALS

A. Purpose.

In order that the objectives of this Ordinance may be fully and equitably achieved; that a means shall be provided for competent interpretation of this Ordinance; that adequate but controlled flexibility be provided in the application of this Ordinance; that the health, safety and welfare of the public be secured; and that justice be done, there is hereby established a Cooper Charter Township Zoning Board of Appeals.

B. Creation, Membership, Terms of Office:

1. The Township Board shall appoint a Township Zoning Board of Appeals to consist of five (5) members, the first of whom shall be a member of the Township Planning Commission, the second of whom shall be a member of the Township Board appointed by the Township Board, and the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of Cooper Charter Township representative of the population distribution and various interests present in the Township.

2. The Township Board may appoint two alternates to the Zoning Board of Appeals, which alternate members may be called to serve as a regular member under the following circumstances:

    a. In the absence of a regular member if the regular member is absent or will be unable to attend two or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days; or

    b. For the purpose of making a decision in a case in which a regular member has abstained for reasons of conflict of interest.

3. Any other elected officer of the Township or any employee of the Township Board may not serve simultaneously as the third or remaining member of the Board of Appeals. No member of the Township Board may serve as Chairman of the Zoning Board of Appeals.

4. Members (regular and alternate) of the Zoning Board of Appeals are appointed for a three (3) year term and may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charge following a public hearing. Members representing the Planning Commission or Township Board shall only serve in such capacity during their appointed or elected terms to that Commission or Board.

C. Rules of Procedure.

1. All meetings of the Zoning Board of Appeals shall be open to the public and shall be held at the call of the Chairman and at such times as the Board may determine. A quorum of at least three regular members shall be present to conduct an official meeting. Alternate members may be added to conduct business but shall not be counted toward establishing the quorum.

2. The Board of Appeals shall act by motion of a member or by resolution. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, Zoning Coordinator or Township Ordinance Enforcement Officer, or to decide in favor of the applicant any matter upon which the Board of Appeals is required to pass under this Ordinance or to grant variances from the requirements of this Ordinance.

3. Records. Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to every case considered, together with the votes of the members and the final disposition of each case. The grounds of every such determination shall be stated. Such minutes shall accompany and can be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall become a public record and as such be filed in the office of the Township Clerk. A copy of the decision shall be sent promptly to the applicant by the Zoning Coordinator or other designated official.

4. Secretary and counsel. The Zoning Board of Appeals shall designate one of its members as Secretary for the Zoning Board of Appeals and all records of the Board of Appeals' action shall be taken and recorded under his direction and filed with the Township Clerk. The Township Attorney shall act as legal counsel for the Board of Appeals and shall, upon request by the Board of Appeals, be present at designated meetings.

D. Appeals.

1. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the Township, County or State.

2. Hearings--When a notice of appeal has been filed in proper form with the Zoning Board of Appeals, the Zoning Coordinator or designated official, shall immediately place the said request for appeal upon the calendar for hearings and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal at least five (5) days prior to the date of the scheduled hearing, unless notice of hearing is waived by said parties.

   All notices may be sent to addressee given in the last assessment roll. The Zoning Board of Appeals may recess such hearings from time to time; and if the time and place of the continued hearing be publicly announced at the adjournment, no further notice shall be required.

3. Decisions--The Zoning Board of Appeals shall return a decision upon each case within ninety (90) days after a request or appeal has been filed with the Board of Appeals unless additional time is agreed upon between the Zoning Board of Appeals and the applicant.

4. Representation--Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.

5. Appeal to Zoning Board of Appeals – Sexually-Oriented Business.

   If the Planning Commission denies a site plan, application for a Special Use Permit, or both, for a sexually-oriented business, the applicant shall be entitled to a prompt review by the Township Zoning Board of Appeals upon written request to the zoning administrator. The Zoning Board of Appeals shall convene a meeting within seven (7) business days of the zoning administrator's receipt of the applicants request for review of the Planning Commission decision. The Zoning Board of Appeals shall review the record of the proceedings conducted before the Planning Commission and determine whether: 1) the Planning Commission's decision was based upon competent, material and substantial evidence, and 2) the Plaintiff Commission's decision complies with the procedural requirements of the Zoning Ordinance and with Michigan and federal law. The Zoning Board of Appeals shall have all of the powers of the Planning Commission in reviewing the decision.

Within fifteen (15) days of the initial hearing on the applicant's request for review of the Planning Commission decision, the Zoning Board of Appeals shall issue a written decision either wholly or partially affirming, reversing, or modifying the Planning Commission's denial and stating the grounds thereof. Failure to issue a decision within said period shall result in the approval of the matter appealed. If the Zoning Board of Appeals affirms the Planning Commission's denial of a special use permit application to operate a sexually-oriented business, then, upon written request from the applicant to the zoning administrator, the Township shall within three (3) business days of its receipt of such written notice do the following:

(a) File a petition in the County Circuit Court seeking a judicial determination with respect to the validity of such denial and, in connection therewith, file a motion for a preliminary and permanent injunction restraining the applicant from operating the sexually orientated business in violation of the Township Zoning Ordinance;

(b) Request that the motion for a issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its motion for preliminary injunction and shall join in such request.

In the event that applicant does not waive notice and/or does not request an early hearing on the Township's motion for permanent injunction, it shall nevertheless be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Zoning Board of Appeals' denial of a special use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special use permit application or site plan automatically approved if, within five (5) business days or the filing of Township's petition, a show-cause hearing has not been scheduled.

E. Duties and Powers of the Zoning Board of Appeals.

The Zoning Board of Appeals shall have the following specified duties and powers:

1. Review--Shall hear and decide appeals from and review any order, requirement, decision or determination made by the Building Inspector, Ordinance Enforcement Officer or Zoning Coordinator in the administration of this Ordinance.

2. Interpretation--Shall hear and decide appeals for the interpretation of the provisions of this Ordinance.

3. Variances--Shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height regulations, yard width and depth regulations, and such other matters as may be delegated by the provisions of this Ordinance.

   It shall be found by the Zoning Board of Appeals that any variance granted:

   a. Will not be contrary to the public interest or to the spirit and intent of this Ordinance;

   b. Shall not permit the establishment within a zoning district of any use, which is not permitted within that district;

   c. Will not cause adverse effect to property in the vicinity or in the zoning district or the Township;

   d. Is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable;

e. Relates only to property in which the applicant has an ownership interest.

f. Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act of the applicant.

4. Other Rules--In addition to the foregoing conditions, the following rules shall be applied in the granting of variances:

a. In granting a variance, the Zoning Board of Appeals may specify, in writing, to the applicant such conditions in connection with the granting that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the permit granted.

b. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.

c. Each variance granted, except those for lot area or lot width associated with a land division application, shall become null and void unless the provisions of the variance have been utilized by the applicant in obtaining a building permit within one (1) year after the granting of the variance.

120.95 MORATORIUM BY RESOLUTION.

The Township Board may, by resolution, impose a temporary moratorium on the review or issuance of any applications, permits, rezonings, licenses, or approvals for existing, new, or emerging land uses in the Township if the Township Board determines that a temporary moratorium is necessary to review, enact, or amend provisions of the master plan or zoning ordinance to address land uses that may impact the health, safety, or welfare of Township residents or property. A temporary moratorium may also be imposed by the Township Board upon the recommendation of the Planning Commission when the Planning Commission determines that a moratorium is needed to allow it sufficient time to review and recommend amendments to the master plan or zoning ordinance concerning existing, new, or emerging land uses that may adversely affect the health, safety, or welfare of Township residents or property. The resolution must state the purpose of the moratorium and include findings of the Township Board or Planning Commission in support of the moratorium and why the Township Board has determined that the temporary moratorium is necessary and in the best interest of the public health, safety, or welfare. Any resolution adopted pursuant to this Section must specify the length of the initial moratorium which shall not exceed twelve (12) months. In addition to the initial moratorium, the Township Board may extend the temporary moratorium if the Township Board determines that more time is necessary to review, enact, or amend provisions of the master plan or zoning ordinance to regulate land uses. Any extension shall not exceed six (6) additional months. Notice of the resolution must be published within fifteen (15) days of its adoption. The notice must include the following:

1. A summary of the resolution's effect.

2. The length of the moratorium and whether an extension is possible.

3. Where the public may inspect the resolution enacting the moratorium.