

## 36-3.1.1

## A Agricultural

## A. INTENT

The A Agriculture district is composed of certain land in outlying areas presently of rural character. The A Agricultural district is zoned for agricultural use with the intent that agriculture will be the principal land use within the foreseeable future. The regulations for the A Agriculture district are designed to stabilize and protect the essential characteristics of the district without unduly restricting its use solely to that of an agricultural nature. To these ends, development in the A Agriculture district is limited to a low concentration and to those uses which would not be detrimental to future development.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. **Single-family dwelling** <sup>[a]</sup> § 36-3.1.4
- ii. Any farm or agricultural activities including stock nurseries, animal and livestock raising conducted on unplatted parcels.
- iii. The sale of farm or dairy produce which has been raised on the farm from which it is to be sold and is located on an unplatted parcel.
- iv. Family day care homes <sup>[a]</sup>
- v. **Class A Home occupations** <sup>[a]</sup> § 36-4.48.1
- vi. **Places of worship** § 36-4.13
- vii. Accessory uses <sup>[a]</sup> or **buildings** § 36-4.1
- viii. **Signs** <sup>[a]</sup> § 36-5.8
- ix. **Keeping of small livestock and honeybees** outside of platted subdivisions and site condominiums § 36-4.2

C. SPECIAL EXCEPTIONS <sup>[a]</sup> § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes
- ix. **Class B Home occupations** <sup>[a]</sup> § 36-4.48.2
- x. **Riding stables** § 36-4.42
- xi. **Private airfields or aircraft landing strips** § 36-4.43
- xii. **Earth removal, mining and processing operations** § 36-4.41
- xiii. **Wind energy conversion systems** <sup>[a]</sup> § 36-4.39
- xiv. Family adult foster care home <sup>[a]</sup>
- xv. **Residential care facilities** <sup>[a]</sup> § 36-4.10
- xvi. **Telecommunication Towers & Antennas** <sup>[a]</sup> § 36-4.38
- xvii. **Planned Unit Development** <sup>[a]</sup> § 36-4.52
- xviii. **Bed and Breakfast** § 36-4.53
- xix. **Keeping of small livestock and honeybees** within platted subdivisions and site condominiums § 36-4.2



# A Agricultural

36-3.1.1

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>□</sup>: 3.0 acres\*  
Minimum lot frontage<sup>□</sup>: 200 ft

### Lot Coverage<sup>□</sup>

Maximum lot coverage:  
Principal buildings: 10%  
Accessory buildings: 5% of rear and side yard

Front yard accessory buildings: See **Section 36-4.1**  
Maximum lot coverage for all impervious surface: 15%

### Setbacks<sup>□</sup>

Minimum front yard setback: 75 ft  
Minimum rear yard setback: 50 ft  
Accessory buildings: 20 ft  
Minimum side yard setback: 20 ft  
Accessory buildings: 12 ft

### Building Height<sup>□</sup>

Maximum building height: 35 ft  
Accessory buildings: 20 ft

### Floor Area<sup>□</sup>

Minimum floor area per dwelling<sup>□</sup>:  
Single Family, 1 story<sup>□</sup>: 1,000 sq ft  
Single Family, 2+ stories: 800 sq ft (first floor)  
1,200 sq ft (total)

### NOTES

- For additions to the above requirements, refer to **Section 36-3.4.2 Notes to District Standards: A, B, C, E**
- See *Selected References* below for applicability

\* Non-Conforming A-Agricultural parcels or lots means the development of land lawfully existing on the date of May, 8 2017 Ordinance 321 became effective but which does not conform to the present size regulations of the A-Agricultural district in which it is located. Lots created before the adoption of newly created minimum size requirements will be buildable if they meet standards for setbacks and lot coverage.

## SELECTED REFERENCES

### 3. Zoning Districts

- **General Exceptions** § 36-3.5
- **Limitations on Height** § 36-3.7

### 4. Use Standards

- **Single Family Dwellings** § 36-3.1.4
- **Home Occupations** § 36-4.48
- **Places of worship** § 36-4.13
- **Telecommunication Towers and Antennas** § 36-4.38

### 5. Site Standards

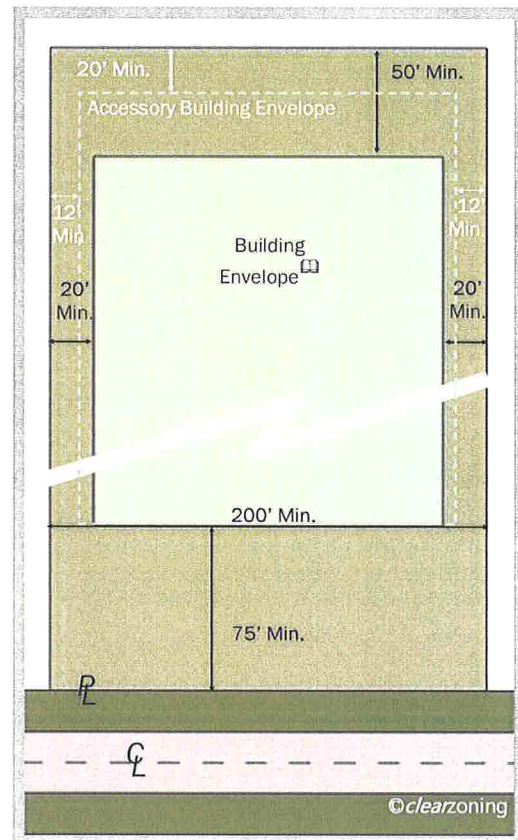
- **Signs** § 36-5.8
- **Stub Roads and Cul-de Sacs...** § 36-5.12
- **Accessory Buildings...** § 36-4.1
- **Parking Requirements** § 36-5.7.5.F

### 6. Development Procedures

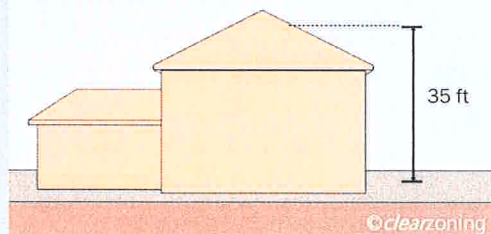
- **Site Plan Review** § 36-6.1
- **Special Exception Use Standards** § 36-6.3

### Other Ordinances

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### How do I calculate height?



The above drawings are not to scale.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



Updated Through  
1/31/2021

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## 36-3.1.2

## R-1 Residential District, Single Family

## A. INTENT

The R-1 Residential district, single-family, is composed of certain land in outlying areas presently of a rural character where low density single-family residential development has occurred, or appears likely to occur. The regulations for the R-1 district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development in the R-1 district is restricted to low density single-family residential use consistent with limited rural type facilities and services

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Single-family dwelling<sup>[i]</sup>
- ii. Reserved for future expansion
- iii. Family day care homes<sup>[i]</sup>
- iv. **Places of worship** § 36-4.13
- v. **Class A Home occupations** <sup>[i]</sup> § 36-4.48.1
- vi. Accessory uses<sup>[i]</sup> or **buildings** § 36-4.1
- vii. **Signs**<sup>[i]</sup> § 36-5.8
- viii. **Keeping of small livestock and honeybees** outside of platted subdivisions and site condominiums § 36-4.2

C. SPECIAL EXCEPTION USES<sup>[i]</sup> § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes
- ix. **Class B Home occupations**<sup>[i]</sup> § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems**<sup>[i]</sup> § 36-4.39
- xii. Family adult foster care home<sup>[i]</sup>
- xiii. **Residential care facilities**<sup>[i]</sup> § 36-4.10
- xiv. **Planned Unit Development**<sup>[i]</sup> § 36-4.52
- xv. **Bed and Breakfast** § 36-4.53
- xvi. **Keeping of small livestock and honeybees** within platted subdivisions and site condominiums § 36-4.2



# R-1 Residential District, Single Family

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 1.5 acres

Minimum lot frontage<sup>☐</sup>: 200 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage:

Principal buildings: 10%

Accessory buildings: 8% of rear and side yard

Front yard accessory buildings: See **Section 36-4.1**

Maximum lot coverage for all impervious surface: 20%

### Setbacks<sup>☐</sup>

Minimum front yard setback: 40 ft

Minimum rear yard setback: 40 ft

Accessory buildings: 20 ft

Minimum side yard setback: 12 ft

### Building Height<sup>☐</sup>

Maximum building height: 35 ft

Accessory buildings: 20 ft

### Floor Area<sup>☐</sup>

Minimum floor area per dwelling<sup>☐</sup>:

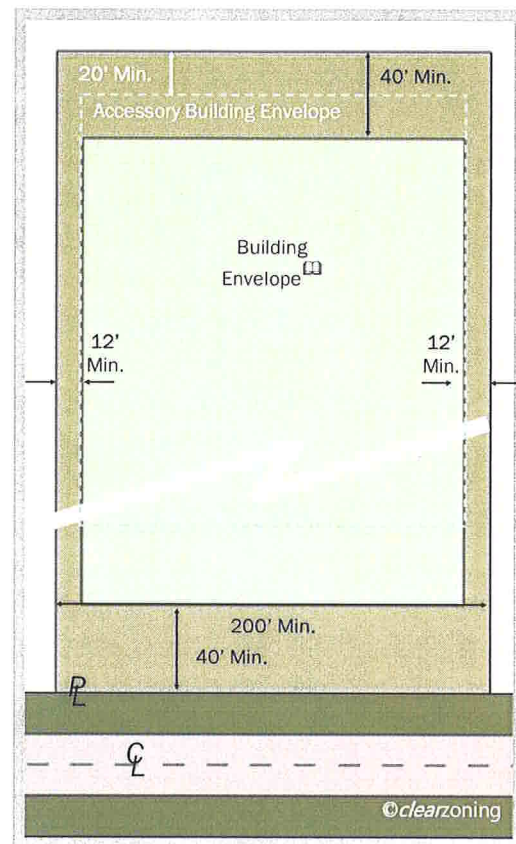
Single Family, 1 story<sup>☐</sup>: 1,200 sq ft

Single Family, 2+ stories: 1,000 sq ft (first floor)

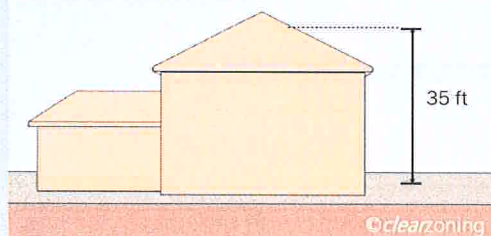
1,500 sq ft (total)

### NOTES

- For additions to the above requirements, refer to **Section 36-3.4.2 Notes to District Standards: A, B, C, E**
- See *Selected References* below for applicability



### How do I calculate height?



The above drawings are not to scale.

### SELECTED REFERENCES

#### 3. Zoning Districts

- General Exceptions § 36-3.5
- Limitations on Height § 36-3.7

#### 4. Use Standards

- Single Family Dwellings § 36-3.1.4
- Home Occupations § 36-4.48
- Places of worship § 36-4.13

#### 5. Site Standards

- Signs § 36-5.8
- Stub Roads and Cul-de Sacs... § 36-5.12
- Accessory Buildings... § 36-4.1
- Parking Requirements § 36-5.7.5.F

#### 6. Development Procedures

- Site Plan Review § 36-6.1
- Special Exception Use Standards § 36-6.3

#### Other Ordinances

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**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement



## 36-3.1.3

## R-1A Residential District, Single Family

## A. INTENT

The R-1A Residential district is intended to provide for traditional single-family detached housing development in areas where public utilities are now in place or may be extended in the future. The density of the development permitted shall be based upon the presence of both municipal water and wastewater facilities at the time of application. Surrounding uses of land shall also be compatible with more intensive development than provided for within the R-1 district. Property zoned R-1A is intended to be located adjacent to property zoned R-2 or R-1 but not adjacent to property zoned A, because of the incompatibility of the types and density of uses in R-1A and A.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Single-family dwelling<sup>[a]</sup>
- ii. Reserved for future expansion
- iii. Family day care homes<sup>[a]</sup>
- iv. **Places of worship** § 36-4.13
- v. **Class A Home occupations** <sup>[a]</sup> § 36-4.48.1
- vi. Accessory uses<sup>[a]</sup> or **buildings** § 36-4.1
- vii. **Signs**<sup>[a]</sup> § 36-5.8
- viii. **Keeping of small livestock and honeybees** outside of platted subdivisions and site condominiums § 36-4.2

C. SPECIAL EXCEPTION USES <sup>[a]</sup> § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes
- ix. **Class B Home occupations**<sup>[a]</sup> § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems**<sup>[a]</sup> § 36-4.39
- xii. Family adult foster care home<sup>[a]</sup>
- xiii. **Residential care facilities**<sup>[a]</sup> § 36-4.10
- xiv. **Planned Unit Development**<sup>[a]</sup> § 36-4.52
- xv. **Bed and Breakfast** § 36-4.53
- xvi. **Keeping of small livestock and honeybees** within platted subdivisions and site condominiums § 36-4.2





# R-1A Residential District, Single Family

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>:

With public water & sewer	29,000 sq ft
W/O public water & sewer	1 acre

Minimum lot frontage<sup>☐</sup>:

With public water & sewer	132 ft
W/O public water & sewer	165 ft

### Lot Coverage<sup>☐</sup>

Front yard accessory buildings: See **Section 36-4.1**

Maximum lot coverage for lots without sewer:

Principal buildings:	13%
Accessory buildings:	10% of rear and side yard

Maximum lot coverage for all impervious surface: 25%

Maximum lot coverage for lots with sewer:

Principal buildings:	15%
Accessory buildings:	10% of rear and side yard

Maximum lot coverage for all impervious surface: 40%

### Setbacks<sup>☐</sup>

Minimum front yard setback:	40 ft
Minimum rear yard setback:	40 ft
Accessory buildings:	5 ft
Minimum side yard setback:	12 ft

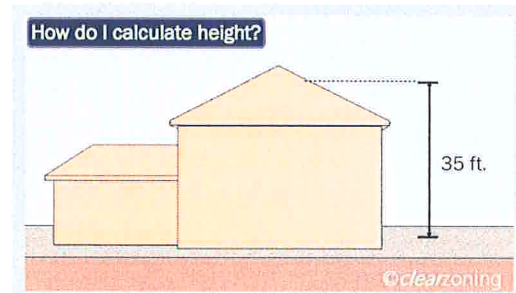
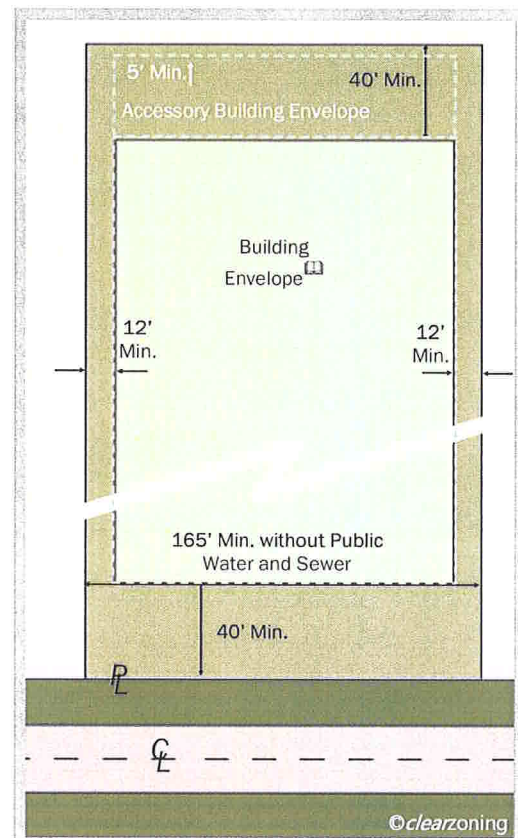
### Building Height<sup>☐</sup>

Maximum building height:	35 ft
Accessory buildings:	20 ft

### Floor Area<sup>☐</sup>

Minimum floor area per one-family dwelling<sup>☐</sup>:

With public water & sewer	1,000 sq ft
W/O public water & sewer	1,200 sq ft
2+ stories	1,000 sq ft (first floor)



The above drawings are not to scale.

## NOTES

- For additions to the above requirements, refer to **Section 3.4.2 Notes to District Standards: A, B, E**
- See *Selected References* below for applicability

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 36-3.5
- Limitations on Height § 36-3.7

### 4. Use Standards

- Single Family Dwellings § 36-3.1.4
- Home Occupations § 36-4.48

- Places of worship § 36-4.13

### 5. Site Standards

- Signs § 36-5.8
- Stub Roads and Cul-de Sacs... § 36-5.12
- Accessory Buildings... § 36-4.1

- Parking Requirements § 36-5.7.5.F

### 6. Development Procedures

- Site Plan Review § 36-6.1
- Special Exception Use Standards § 36-6.3



## 36-3.1.4

# R-2 Residential District, Single Family

## A. INTENT

The R-2 Residential district, single-family, is composed of medium density single-family residential areas in the Township where medium density single-family residential development has occurred, or appears likely to occur. The regulations for the R-2 district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development in the R-2 district is restricted to medium density single-family residential use, where adequate facilities and services will be provided.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Single-family dwelling<sup>[1]</sup>
- ii. Reserved for future expansion
- iii. Family day care homes<sup>[1]</sup>
- iv. **Class A Home occupations** <sup>[1]</sup> § 36-4.48.1
- v. **Places of worship** § 36-4.13
- vi. Accessory uses<sup>[1]</sup> or **buildings** § 36-4.1
- vii. **Signs**<sup>[1]</sup> § 36-5.8
- viii. **Keeping of small livestock and honeybees** outside of platted subdivisions and site condominiums § 36-4.2

## C. SPECIAL EXCEPTION USES<sup>[1]</sup> § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes
- ix. **Class B Home occupations** <sup>[1]</sup> § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems** <sup>[1]</sup> § 36-4.39
- xii. Family adult foster care home<sup>[1]</sup>
- xiii. **Residential care facilities** <sup>[1]</sup> § 36-4.10
- xiv. **Hospital** (§ 36-4.20) or **medical clinic** (§ 36-4.25), excluding animal hospitals
- xv. **Planned Unit Development** <sup>[1]</sup> § 36-4.52
- xvi. **Bed and Breakfast** § 36-4.53
- xvii. **Keeping of small livestock and honeybees** within platted subdivisions and site condominiums § 36-4.2





# R-2 Residential District, Single Family

## D. DEVELOPMENT STANDARDS

### Lot Size

#### Minimum lot area<sup>(1)</sup>

With sewer, excluding frontage onto county primary roads:	14,500 sq ft
All other parcels:	35,800 sq ft

#### Minimum lot frontage<sup>(1)</sup>:

With sewer, excluding frontage onto county primary roads:	110 ft
All other parcels:	165 ft

### Lot Coverage<sup>(1)</sup>

Front yard accessory buildings:	See Section 36-4.1
Maximum lot coverage for lots without sewer:	
Principal buildings:	15%
Accessory buildings:	10% of rear and side yard
Maximum lot coverage for all impervious surface:	40%
Maximum lot coverage for lots with sewer:	
Principal buildings:	20%
Accessory buildings:	15% of rear and side yard
Maximum lot coverage for all impervious surface:	45%

### Setbacks<sup>(1)</sup>

Minimum front yard setback:	40 ft
Minimum rear yard setback:	35 ft
Accessory buildings:	5 ft
Minimum side yard setback:	12 ft

### Building Height<sup>(1)</sup>

Maximum building height:	35 ft
Accessory buildings:	20 ft

### Floor Area<sup>(1)</sup>

Minimum floor area per dwelling <sup>(1)</sup> :	
Single Family, 1 story	1,200 sq ft
Single Family, 2+ stories	1,000 sq ft (first floor) 1,500 sq ft (total)

### NOTES

- For additions to the above requirements, refer to **Section 36-3.4.2 Notes to District Standards: A, B, C, D, E**
- See *Selected References* below for applicability
- See regulations for lake lot setbacks under **Section 36-5.4** and for riparian regulations under **Section 36-5.5**

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 36-3.5
- Limitations on Height § 36-3.7

### 4. Use Standards

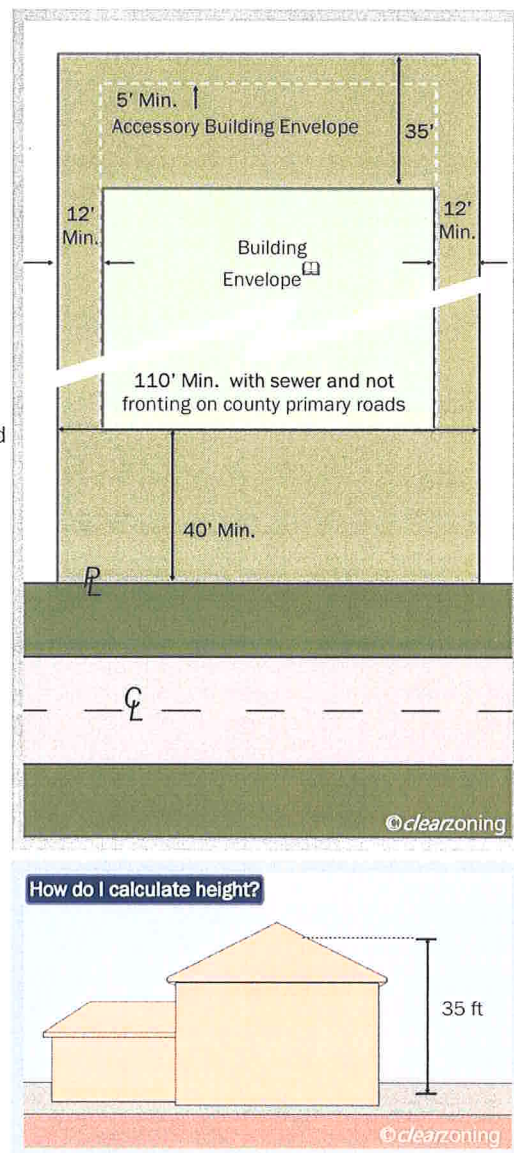
- Single Family Dwellings § 36-3.1.4
- Home Occupations § 36-4.48
- Places of worship § 36-4.13

### 5. Site Standards

- Signs § 36-5.8
- Stub Roads and Cul-de Sacs... § 36-5.12
- Accessory Buildings... § 36-4.1
- Parking Requirements § 36-5.7.5.F

### 6. Development Procedures

- Site Plan Review § 36-6.1
- Special Exception Use Standards § 36-6.3



The above drawings are not to scale.





## 36-3.1.21

## RC Resource Conservation

## A. INTENT

It is recognized by this ordinance that the principal use of certain areas within the Township should be restricted to limited development. Conservation of the natural resource base possessed by these areas should be encouraged and maintained. This Ordinance, based upon a long range plan, establishes a zoning district designed to regulate the location of buildings and other structures, as well as the use of parcels/ lots contained therein. It is the intent of this Ordinance to protect and preserve the natural environment and wildlife habitat. Also, to protect groundwater, waterways, ponds and other bodies of water as well as agriculture, private or public recreation areas. These considerations are based upon the public health and general welfare of the community. In addition, this district will protect the health of citizens by protecting the well fields and public wells that supply drinking water for human consumption.

It is further understood that some areas within this zoning district may become suitable for residential development. However any residential development is to be confined and limited to a Planned Unit Development (PUD) subject to special use approval based upon retention of the quality open space.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Public and private conservation areas for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- ii. Passive recreation uses such as multi-use trails, rustic picnic areas, open spaces for kite-flying and wildlife viewing, and not including those listed under special exception uses.
- iii. Drives and parking areas associated with the above uses.
- iv. **Signs** § 36-5.8
- v. Essential services
- vi. **Accessory buildings** § 36-4.1
- vii. **Single family dwellings** § 36-4.56, established prior to May 8, 2017, as long as the property has a minimum lot area of 14,500 SF with sewer or 35,800 SF without sewer AND a minimum lot width of 110' with sewer or 165' without sewer. Any new single family residential lot with frontage on a county primary road must have at least 330 feet of frontage.

## C. SPECIAL EXCEPTION USES § 36-6.3

- i. Active recreation uses such as golf courses, campgrounds, playgrounds, sports fields, or other active recreational uses.
- ii. Public or private schools, churches, or other similar uses, including those approved under charitable and philanthropic institutions.
- iii. **Planned Unit Development** § 36-4.52 subject to connection to all public utilities.
- iv. All buildings and structures accessory and incidental to permitted uses in this district.
- v. General and specialized farming and agricultural activities. Including the raising or growing of crops (excluding livestock, poultry and other farm animals, products and foodstuffs) and provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or by water.
- vi. The raising or growing of plants, trees, shrubs and nursery stock.



# RC Resource Conservation

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 10 acres

Minimum lot frontage<sup>☐</sup>: 330 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage: 2%

### Setbacks<sup>☐</sup>

Minimum front yard setback: 100 ft

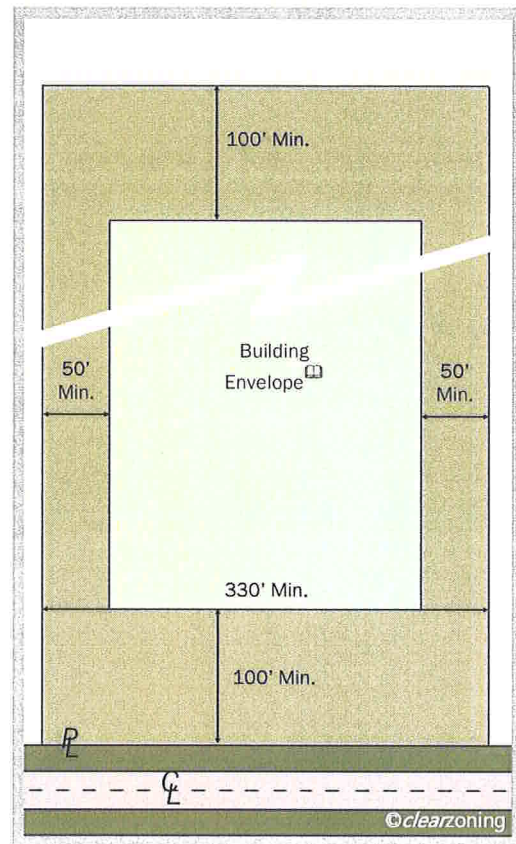
Minimum rear yard setback: 100 ft

Minimum side yard setback: 50 ft

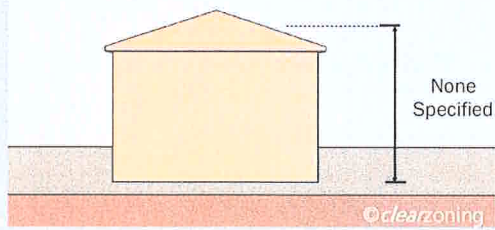
Corner lot side yard setback: 100 ft

### Building Height<sup>☐</sup>

Maximum building height: None Specified



### How do I calculate height?



The above drawings are not to scale.

### NOTES

- See *Selected References* below for applicability

### SELECTED REFERENCES

#### 3. Zoning Districts

- General Exceptions § 36-3.5
- Limitations on Height § 36-3.7

#### 4. Use Standards

#### 5. Site Standards

- Parking § 36-5.7
- Signs § 36-5.8
- Access Management § 36-5.9
- Exterior Lighting § 36-5.6
- Screening & Fencing § 36-5.3
- Accessory Buildings... § 36-4.1

#### 6. Development Procedures

- Site Plan Review § 36-6.1
- Special Exception Use Standards § 36-6.3

#### Other Ordinances

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## ii. Screening.

- a. An Education and Business Technology district that adjoins any residences or residential zoning district shall provide a landscaped screening area of at least 20 feet wide adjacent to the property line. Such screening area shall be planted with trees and/or shrubs having a minimum height of six feet. Consideration will be given for existing plantings in the screening area if a minimum of six feet is maintained. This provision shall not be invoked until the time of development of individual parcels within the district.
- b. Refuse and storage areas shall be completely screened from public view.
- c. All uses shall be conducted within a fully enclosed building, provided that any outdoor storage or associated outdoor activities shall be subject to review and approval by the Planning Commission as a special exception use.

## iii. Environmental standards. All uses within the Education and Business Technology district shall conform to the following environmental standards:

- a. Glare and heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line.
- b. Vibration. Operations shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.
- c. Lighting. All outdoor lighting shall be shaded, shielded, and/or directed so that the surface of the source of the light shall not be visible from adjacent properties and public rights-of-way.

- d. Smoke emissions. No operation shall emit or cause to be emitted into the atmosphere from any air contamination source of emission whatsoever any air contaminant which is of such a shade or density as to obscure an observer's vision to a degree in excess of 20 percent opacity.
- e. Odor emissions. No operation shall cause or allow the emission of odorous air contaminants from any single source such as to result in detectable odors which are measured after the odorous air has been diluted with ten or more volumes of odor-free air.
- f. Particle emissions. No particles of fly ash shall exceed two-tenths grain per cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit.
- g. Hazardous materials. If any operation utilizes and/or stores hazardous materials (including hazardous wastes) on-site, the site/building shall be designed to comply with all fire and building codes for the hazardous materials used and adequate precautions shall be taken to protect against negative off-site impacts of a hazardous materials release, using best available technology.

## 36-3.4 NOTES TO DISTRICT STANDARDS

1. Applicability. The notes contained in **Section 36-3.4** are additions, exceptions, and clarifications to the district standards contained in Section 36-3.1.
2. Setback exceptions and clarifications.
  - A. See **Section 36-5.4** for setback requirements on riparian lots of record 60 feet wide or less.
  - B. Corner lots.
    - i. Both street frontages shall meet front yard setback requirements.
    - ii. The remaining yards shall adhere to side yard setbacks.



- C. Where property is contiguous to an existing or an officially proposed primary county road, the minimum front, side, or rear yard contiguous thereto shall be increased in depth so as to permit a one hundred-foot right-of-way for primary county roads.
- D. Setback encroachments.
  - i. For all yards.
    - a. Wires and their supporting poles or frames of electrical or telephone utilities, or to service utilities entirely below ground, and streetlights located within the road right-of-way.
    - b. Fences, hedges, and landscaping per the requirements of **36-5.3**.
    - c. Landscaping seating walls with a maximum height of 18 inches.
    - d. Landscape and/or yard sculptures, art, statues, etc. with a maximum footprint of 10 square feet and a maximum height of six feet.
    - e. Retaining walls that are required by topography and if they do not obstruct vehicular line of site.
    - f. Paved surfaces, such as a driveway or patio, with a maximum height of six inches.
    - g. Access ramps and lifts for persons with disabilities with Zoning Administrator review of the location, design, and construction to ensure appropriate context with the existing structure and the surrounding neighborhood.
    - h. Light poles within residential districts with a maximum height of eight feet, provided a five-foot setback is maintained.
    - i. Architectural features such as bay windows and other design embellishments that do not project more than two feet into the required setback.
    - j. Eaves that do not project more than two feet into the required setback.

- ii. For side and rear yards.
  - a. Garden trellis and arbors with a maximum footprint of 100 square feet and a maximum height of eight feet, provided a three-foot setback is maintained.
  - b. Recreational equipment that is typically found with a residential use, such as swing sets, basketball poles, sandbox, playhouse, etc., provided a five-foot setback is maintained.
  - c. Accessory buildings with a maximum footprint of 200 square feet and a maximum height of eight feet, provided a five-foot setback is maintained.
  - d. Temporary dumpsters or storage containers provided a five-foot setback is maintained.
- E. In Agricultural and Residential Districts when a parcel abuts a higher zoning district, the larger of the abutting yard setback applies.
- F. Commercial, Industrial and Other Districts (except CBD)
  - i. Where the majority of the frontage along one side of a street within 500 feet of a lot had been built upon at the time of the effective date of the zoning ordinance (August 17, 1963), any building hereafter erected on such lot shall be set back not less than the average setback of buildings on such frontage within 500 feet thereof.
  - ii. The setback of any commercial or industrial use, or activity associated thereto, maintained on a parcel of land adjacent to an R-1; R-1A or R-2 residential district shall be a minimum of 25 feet or such use or activity shall be effectively screened by compact evergreens, fence or wall, or combination as determined by the Planning Commission, from any adjacent residential district.

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iii. For each foot any portion of a building extends beyond 35 feet in height, one additional foot of setback must be achieved for that portion of the building.

iv. In the I-1 zoning district, the minimum side yard and the minimum rear yard setbacks may be reduced to 25 feet where the property abuts property zoned I-1 and where the Planning Commission finds that the setbacks provide safe and adequate area for traffic circulation, fire protection, and other emergency services.

3. Lot frontage clarification.

A. On irregular shaped lots, the minimum frontage requirement of the lot may be met at the minimum front yard setback.

4. Lot coverage exemptions and clarifications.

A. Fences are exempt from lot coverage requirements.

B. See **Section 36-5.4** for lot coverage on riparian lots of record 60 feet wide or less.

### 36-3.5 GENERAL EXCEPTIONS

1. Public Utility Buildings and Structures

A. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.

B. Unless expressly permitted, public utility activities of an industrial character such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.

2. Publicly owned buildings, exchanges and public utility offices, unless expressly permitted, shall not include storage yards, transformer stations, substations or gas regulator stations.

### 36-3.6 DISTANCES BETWEEN BUILDINGS IN THE R-4 AND R-5 DISTRICTS

The minimum distance between multiple-family buildings within a single project area shall be as follows:

1. Where buildings are front to front or front to rear, two times the height of the taller building but not less than 50 feet.

2. Where buildings are side to side, if there are no windows on the side walls, a distance equal to the height of the taller building but not less than 20 feet.

3. Where buildings are front to side or rear to side, if there are no windows on the side walls, 1 1/2 times the height of the taller building but not less than 30 feet.

4. Where buildings are rear to rear and side to side with windows on the side walls, 1 1/2 times the height of the taller building but not less than 40 feet.

5. When a roadway is located between two buildings, the width of the roadway shall be in addition to the minimum distance between buildings enumerated in this subsection.

### 36-3.7 LIMITATIONS ON HEIGHT

No building or structure shall be erected, reconstructed, or structurally altered to exceed in height the limit designated in this Chapter for the zone in which such building is located, except the height limitations of this Chapter shall not apply to place of worship spires, belfries, cupolas, antennas and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, silos, bulkheads, and necessary mechanical appurtenances usually carried above the roof level, except where, in the opinion of the building inspector, such may be deemed to interfere with aerial navigation or constitute a fire hazard. Such features, however, shall be considered accessory to the principal use, shall not include any uses specifically listed as permitted or special exception uses, and shall not exceed in total coverage 20 percent of the total roof area and shall not exceed a height of 50 feet.



# 36-5.0 Site Standards

## 36-5.1 LIMITATIONS ON ALL LAND & STRUCTURES

1. No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land or building be used, designed, arranged to be used for any purpose or in any manner other than that included among the uses listed as permitted in the zone in which such building or land is located.
2. Every building hereinafter erected shall be located on a lot as defined in this Chapter; and, except as provided in this Chapter, there shall be not more than one single-family dwelling on one lot.
3. Every dwelling structure shall be built upon a lot with frontage upon a public street, except:
  - A. Any lot of record without the required frontage on a public street may be granted a building permit providing all other requirements of this Chapter can be met, including required building setbacks. Where such lot has no frontage upon a public street or approved private road it shall not be issued a building permit until it has been provided with an easement or other right-of-way no less than 20 feet wide for access purposes.
  - B. Dwelling structures may be constructed on building sites approved as part of a planned unit development or an open space development that includes private roads approved by the Township Board in accordance with the subdivision control ordinance or the site condominium plan review provisions of this Chapter.
4. The illumination of any buildings or uses of land shall be designed and operated so that the source of light shall not be directed upon adjacent properties or the public street. In no event shall the illumination of a building or use of land be permitted to flood upon adjacent residential structures.

## 36-5.2 LIMITATIONS ON AREA AND LOT FRONTAGES

1. No buildings shall be erected, nor shall any existing building be altered, enlarged, moved or rebuilt nor shall any open space surrounding any building nor any lot frontage for any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations

designated in this Chapter for the zone in which such buildings or open space is located, except as otherwise specifically provided.

2. No yard or other open space provided about any building and no lot frontage allocated to any building for the purpose of complying with the minimum requirements imposed by this Chapter shall be considered as a yard, open space or lot frontage for any other principal structure.
3. Any lot, as defined in this Chapter, which was legally recorded at the time of adoption of the ordinance from which this Chapter is derived, and which was a buildable lot under this Chapter in effect immediately prior to the adoption of the ordinance from which this Chapter is derived, shall be deemed a buildable lot even though it may have less than the minimum area requirements.

## 36-5.3 SCREENING, FENCING, AND LANDSCAPING

1. Screening:
  - A. Between residential and nonresidential uses: Each nonresidential use immediately adjacent to a residential district must provide screening that adequately separates any potential nuisances from dwellings.
    - i. Screening may be walls, fences, berms or evergreen trees, or any combination that provides adequate screening, is compact, and is always maintained in good condition.
    - ii. An evergreen screen must be a double row of trees planted 15' on center with a mixture of species approved by the Zoning Administrator.
    - iii. The height of the screen shall not be less than 6'.
    - iv. The Planning Commission may waive screening requirements if they conflict with the intent of the district or in cases where uses are found compatible.

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- G. Prohibited Plant Materials. The following plant materials (and/or their clones and cultivars) shall not be planted in this Township, because of susceptibility to storm damage, disease, and/or other undesirable characteristics:
- i. Silver maple (*Acer dasycarpum*)
  - ii. Box elder (*Acer negundo*)
  - iii. Tree of heaven (*Ailanthus*)
  - iv. European barberry (*Berberis vulgaris*)
  - v. Northern catalpa (*Catalpa speciosa*)
  - vi. Eastern red cedar (*Juniperus virginiana*)
  - vii. Poplar (*Populus*)
  - viii. Willow (*Salix*)
  - ix. American elm (*Ulmus americana*)
  - x. Ash
  - xi. Blue Spruce
- H. All plant materials will be installed prior to the issuance of a certificate of occupancy. In the instance where such completion is not possible, a cash bond, letter of credit, or corporate surety bond in an amount equal to the estimated cost of the landscape plan or portion thereof will be deposited with the Township to insure project completion.
- I. Maintenance: Persons occupying parcels where landscaping is required to be installed shall maintain such landscaping in good condition so as to present a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead material shall be replaced within 1 year or by the end of the next planting season (whichever comes first) with materials conforming to the specifications of this ordinance.

#### 36-5.4 SETBACKS FROM LAKES, PONDS, STREAMS AND RIVERS

1. Any building or structure, including fences more than 50 percent solid constructed on a lot abutting a lake, pond, stream or river shall be setback at least 60 feet from the "ordinary water elevation" set out in **Table 36-5.4.2**, except:
  - A. Those buildings and structures in existence at the time of passage of the ordinance from which this Chapter derives.
  - B. Where the majority of the property abutting such water line within 500 feet of a lot has been built upon at the time of application for a building permit for a structure on that lot, the setback of the structure to which the building permit applies shall not be required to be greater than the average setback of the improved properties.
  - C. Docks, together with temporary boat shelters which are dismantled during the winter months, shall comply with state regulations.
2. The required setback shall be measured from the "ordinary water elevation" set out below for each of the listed lakes and ponds. The "benchmark" is a metal cap placed at the elevation listed, and it can be used as a reference point to determine the "ordinary water elevation." For any lake, pond, stream or river not listed below, in the event of a controversy concerning the location of the benchmark from which the required setback shall be measured, the determination of the board of appeals established under this Ordinance shall be conclusive.

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**36-5.4.2 Elevation Table—DATUM: (NAVID '88)****Paw Paw Lake:**

Benchmark (Brass Cap): Located on South property line of House #10437, tan frame walkout. 2.65' ENE from flagpole. 10.5'± E of edge of water. 4' NE of NE corner of wood headwall

N-245711.8521 ; E-12747534.4031

Ordinary water elevation--  
871.59 feet.

Elevation of benchmark--  
873.06 feet

**Pretty Lake:**

Benchmark (Brass Cap): Located at 178 Pretty Lake Drive. 2' S; 2' E of the NW corner of steel sea wall

N-256374.4197 ; E-12755284.8662

Ordinary water elevation--  
901.51 feet.

Elevation of benchmark--  
903.76 feet

**Crooked Lake:**

Benchmark (Brass Cap): Located at 184 W. Crooked Lake Drive. 2'± N of sea wall; 6'± E of property line.

N-None ; E-None

Ordinary water elevation--  
893.87 feet

Elevation of benchmark--  
897.15 feet

**Bass Lake:**

Benchmark (Brass Cap): Located in sandy beach at the foot of the hill of the Cub Camp Administration Building. Go down steps to the N of building to Klepper's Water Front Building. Then from the bottom of the steps to the beach at the N corner of the last concrete step, head W 91'± to monument. Monument is N of face of 12-inch poplar, 14.2', and ENE of face of 12-inch red oak 42'±.

N-262380.8431 ; E-12767200.1560

Ordinary water elevation--  
883.13 feet

Elevation of benchmark--  
883.13 feet

**Scouter's Pond:**

Ordinary water elevation--879.86 feet (Elevation recorded at outlet control structure invert on NE side of Scouter's Pond.)

**Eagle Lake**

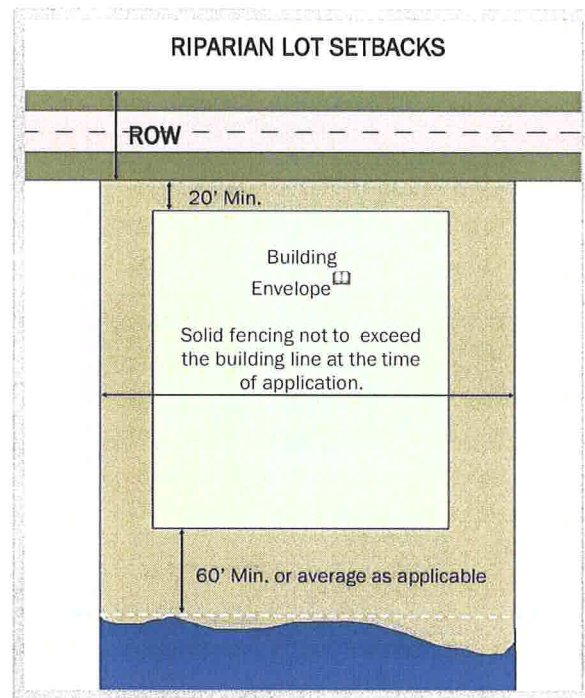
Benchmark (Brass Cap): Located approximately 8 ft east of west property fence, approximately 30 ft south of gravel parking area, approximately 35 ft west of boat ramp, and approximately 69 ft from the south end of the fence.

N-265122.70 ; E-12755266.69

Ordinary water elevation--  
899.26 feet

Elevation of benchmark--  
900.34 ft

- On the street side of every lot abutting a lake, river or stream, every principal building, and every fence 50% or more solid and every berm shall be set back from the street at least 20'. On the riparian side of the lot, no solid fencing shall be permitted nor any fence greater than 4' in height shall be installed beyond the established building line. Any solid fencing or any fencing greater than 4' in height shall only be permitted between the building line on the riparian side and the 20' setback line on the road side, unless attached to a detached accessory building at the setback line that is 20' from the right of way line, or 18' from the edge of pavement (whichever is less), but never less than 3' from the property line. Solid fencing on side property lines may be measured from the building line for either abutting property. In no instance shall a solid fence be in front of the principal building in the riparian yard or the street-side yard.





4. Reserved.
5. For accessory in the street side yard on riparian lots of record the minimum building setback shall be 20' from the right of way line, or 18' from the edge of pavement (whichever is less), but never less than 3' from the property line. The minimum setback from the side lot line shall be 3'.
6. On riparian lots of record where a lot is 60' wide or less, measured at the building setback line, the following standards shall apply:
  - A. Side yards of at least 9' on each side, measured from the foundation, are required.
  - B. An eave of up to 1' wide on each side of the principal building extending into the required side yard shall be permitted.
  - C. The eave width of any building up to 1' shall not be considered in calculating lot coverage.
  - D. The maximum permitted height of the building shall be reduced by 1' 6" for each 1" by which the side yard setbacks (excluding 1' eaves) are less than 12'.
  - E. Maximum lot coverage of principal buildings shall be 22%.
  - F. Maximum lot coverage of accessory buildings shall be 15% of the side and street side yards.

### 36-5.5 RIPARIAN LOT USE REGULATIONS

In all residential districts where a vacant parcel of land is contiguous to a lake, river, stream, or pond, such vacant parcel of land may be used and developed as a recreational park for the purpose of gaining riparian access and enjoyment to such body of water for the owners and occupants of two or more residential lots or structures within, but not exceeding, one-quarter mile of such vacant parcel of land, subject to the following conditions:

1. Where applicable, there shall be full compliance with the terms, conditions, and limitations imposed by Chapter 16 of this Code.
2. That such vacant parcel of land shall contain a lot depth of at least 150 feet and at least 20 lineal feet of water frontage for each dwelling unit to which such privileges are extended or dedicated.
3. That in no event shall such vacant parcel of land have less than 300 lineal feet of water frontage regardless of the number of dwelling units to which such privileges are extended.
4. That in no event shall such vacant parcel of land consist of a swamp, marsh or bog as shown on the most recent United States geological survey maps, or manmade canals.
5. That in no event shall the launching of boats or the construction of docks therefrom be permitted from any such vacant parcel of land.
6. Meander lines that are indicated on the legal description may be utilized to measure lot coverage, but shall not be used for calculating required setbacks.

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# 36-4.0 Use Standards

## 36-4.1 ACCESSORY USES, BUILDINGS, AND STRUCTURES IN THE AGRICULTURAL, RESOURCES CONSERVATION, AND RESIDENTIAL DISTRICTS

### 1. General Requirements. Accessory buildings and structures:

- A. Shall be clearly incidental and subordinate to, and customarily and commonly associated with, the operation of the principal use.
- B. Shall be operated and maintained on the same lot and under the same ownership as the principal use.
- C. Shall only be used as a dwelling unit per the requirements provided herein.
- D. Shall be located in the side or rear yard of a lot, except as provided herein.
- E. Shall meet the development standards outlined in **Section 36-3.0**.
- F. All detached buildings and structures, including decks, shall have a 3-foot separation distance from the principal building to be considered a detached accessory structure.
- G. Fallout shelters are permitted accessory structures in any residential or agricultural district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately, and in addition to shelter use may be used for any accessory use permitted in the district, subject to the district regulations on such use. Fallout shelters constructed completely below the ground level, except for a vent not exceeding 30 inches in height above ground level, may be contained within any yard area.
- H. See **Section 36-5.4** for accessory building setback requirements on riparian lots.

### 2. Front Yard Accessory Buildings

- A. One front yard accessory building is permitted on non-riparian parcels in the A, RC, R-1, R-1A, and R- 2 zones if the following standards can be met:
  - i. The accessory building may not exceed 2% of the front yard building envelope or 900 square feet, whichever is lesser.

- ii. The accessory building must be setback twice the required front yard setback for the district where it is located.

- B. To maintain the traditional residential character and customary front yards found in subdivisions and site condominiums, front yard accessory buildings are prohibited on lots within platted subdivisions and building sites within single-family site condominiums.

- C. Special Exception Use. An otherwise permissible front yard accessory building that does not comply with the applicable size or lot coverage requirements may be permitted as a special exception use if approved by the Planning Commission subject to **Section 36-6.3** and if the following conditions are met:

- i. The accessory building is located at least twice the front yard setback for the zoning district in which it is located.
  - ii. The accessory building shall not have a material adverse impact on surrounding properties.

### 3. Side and Rear Yard Accessory Buildings

- A. Special Exception Use. Accessory buildings with more square footage than allowed by lot coverage requirements may be permitted in the side or rear yard as a special exception use if approved by the Planning Commission subject to **Section 3-6.3** and if the following conditions are met:
  - i. For lots with a single accessory building, an additional five feet of setback from the side and rear yard property lines is required for each percentage of lot coverage requested beyond what is permissible by the zoning district in which it is located.

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ii. For lots with multiple accessory buildings, the Planning Commission may request larger setbacks and screening that meets the requirements of **Section 36-5.3** to minimize impacts to neighboring properties.

iii. The accessory building(s) shall not have a material adverse impact on surrounding properties.

#### 4. Accessory Dwelling Unit (ADU)

A. Purpose. It is the intent of this section to allow ADUs on single-family properties to provide alternative housing opportunities that responds to changing family needs, allows senior family members to reside nearby with independence, accommodates smaller households, and acknowledges increasing housing costs. It is further recognized that ADUs may have impacts on neighboring properties and therefore appropriate limitations are necessary so that they respect the single-family look and scale of the lot and are compatible and harmonious with the surrounding neighborhood.

#### B. General Provisions.

- i. ADUs may only be permitted on lots that are developed with a single-family dwelling.
- ii. Not more than one ADU may be included on a single-family lot and the ADU shall be excluded from the maximum residential density requirement of the zoning district.
- iii. An ADU may only be developed on a lot that meets the minimum lot size requirement of the district in which it is located.
- iv. The principal dwelling or the ADU must be declared as the primary residence of the property owner. A deed restriction stating that the lot is so restricted shall be recorded with the Kalamazoo County Register of Deeds and provided to the Township.
- v. No ADU shall be leased or rented for less than 365 days and shall not be used as a short-term rental. The occupancy of the ADU shall meet the Township's definition of a "family".
- vi. The principal dwelling and the ADU shall share the same driveway access to the lot. In addition to the required

off-street parking for the principal dwelling, one additional off-street parking space shall be dedicated to the ADU.

#### C. Construction, Alterations, and Design.

- i. Any alterations to an existing building or structure on the lot or the construction of a new building to accommodate the ADU shall be designed to emulate the architectural design, style, appearance, and character of the principal dwelling, and shall not detract from the single-family character and appearance of the lot.
- ii. ADUs located above the first floor shall gain access from an internal means to the building. External stairways are prohibited.
- iii. The ADU must be connected to the same water, sewer, gas, and electric services provided to the principal structure.
- iv. When an ADU is served by the primary dwelling and/or septic system, written verification from the Kalamazoo County Environmental Health Department of the existing systems adequacy to serve the ADU is required. If the existing system is not adequate, a permit for a new or replacement system shall be required.
- v. The ADU shall be no smaller than 350 square feet and no larger than 800 square feet in gross floor area and must contain its own bathroom and kitchen facilities.
- vi. Mobile homes, trailers on wheels, recreational vehicles, or similar structures or conveyances shall not be considered an ADU for purposes of this section.
- vii. All ADUs must be constructed on a foundation.
- viii. If garage floor area is converted for an ADU, replacement off-street parking shall be provided for the principal dwelling.
- ix. Attached ADUs to the principal dwelling shall have no external evidence of the ADU other than a separate entrance/exit, which shall be located on the side or rear of the building when such



- entrance is not shared with the principal building.
- x. Detached ADUs incorporated into an existing accessory building shall also have no external evidence of the ADU and shall limit its prominence through a side or rear entrance/exit.
  - xi. Standalone ADUs that are not structurally attached to the principal dwelling, located within the principal dwelling, or located within the accessory building (garage) serving the principal dwelling must comply with the following additional provisions:
    - a. The ADU must be located within the side or rear yard.
    - b. The ADU must meet the principal dwelling unit setbacks for the side and rear yards.
    - c. The height of the ADU may be no taller than 18 feet.
    - d. The ADU must be included into the lot coverage requirements for accessory buildings.
    - e. The ADU shall always be properly maintained pursuant to the International Property Maintenance Code and shall at no times fall into disrepair such that it detracts from the appearance of the property or the neighborhood.
- D. Planning Commission Sketch Plan Review. The Planning Commission shall review and approve an ADU if the requirements outlined herein have been met. The application shall include the following:
- i. A sketch plan showing property lines and the location of all existing and proposed structures, including dimensions from each other and all property lines.
  - ii. Elevation drawings of the ADU that include building height.
  - iii. Floor plan for ADU with total square footage provided.
  - iv. Pictures of existing structures.
- E. Special Exception Use. An otherwise permissible ADU that is located in the front yard or does not comply with (1) the required lot size, (2) the minimum or maximum ADU floor area size, or (3) setbacks for a standalone ADU may be permitted as a special exemption use if approved by the Planning Commission subject to **Section 36-6.3** and the Planning Commission determines that:
- i. The topography and/or wooded nature of the subject property reduces the visibility of or screens the ADU from view.
  - ii. A unique design is proposed that allows the ADU to seamlessly integrate into the existing structures on the lot.
  - iii. A specific floor area is needed to accomplish universal design requirements for accessibility.
  - iv. The addition of the ADU does not violate lot coverage requirements.
5. Special Exemption Use Application. All applications for a special exception use under this section must be accompanied with a plan including the following:
- A. North arrow and graphic scale sufficient to demonstrate the relationship of the proposed building or structure and all properties and buildings within 500 feet.
  - B. All property lines, easements, and rights-of-way shown with dimensions.
  - C. The location of the proposed accessory building and the dimensions to property lines and other structures on the property.
  - D. A topographic map of the property.
  - E. Pictures or other exhibits of existing structures.
  - F. The height and elevation drawings of the proposed building.
  - G. A statement setting forth the proposed use (s) within the accessory building. No accessory building allowed pursuant to this subsection shall be allowed for a use other than that approved by the Planning Commission.

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