

TABLE OF CONTENTS

I. ARTICLE 1.00 – TITLE, PURPOSE AND ENABLING

Section 1.01 – Title	1-1
Section 1.02 – Purpose.....	1-1
Section 1.03 – Relationship to Master Plan	1-1
Section 1.04 – Enabling Authority	1-1
Section 1.05 – Enactment.....	1-2

II. ARTICLE 2.00 – CONSTRUCTION LANGUAGE

Section 2.01 – Construction Language	2-1
--	-----

III. ARTICLE 3.00 – DEFINITIONS

Section 3.01 – Definitions.....	3-1
---------------------------------	-----

IV. ARTICLE 4.00 – ZONING DISTRICTS AND OFFICIAL ZONING MAP

Section 4.01 – Establishment of Districts	4-1
Section 4.02 – Zoning Map	4-1
Section 4.03 – Interpretation of District Boundaries	4-2
Section 4.04 – Permissive Zoning Concept	4-2
Section 4.05 – Uses Permitted As A Right	4-2
Section 4.06 – Uses Permitted by Special Approval	4-3
Section 4.07 – Zoning of Vacated Areas	4-3
Section 4.08 – Zoning of Filled Land: Use of Waters	4-3

V. ARTICLE 5.00 – GENERAL PROVISIONS

Section 5.01 – Administrative Provisions.....	5-1
Section 5.02 – Allowable Uses.....	5-2
Section 5.03 – Accessory Structures and Uses.....	5-2
Section 5.04 – Lawful Use of a Structure as a Dwelling Unit	5-5
Section 5.05 – Residential Design Standards.....	5-5
Section 5.06 – Minimum Street Frontage	5-7
Section 5.06.01 – Private Street Permits.....	5-8
Section 5.07 – Temporary Buildings, Structures and Uses.....	5-10
Section 5.08 – General Yard and Bulk Regulations	5-12
Section 5.09 – Relocation of Buildings	5-14
Section 5.10 – Number of Principal Buildings and Uses Per Lot	5-14
Section 5.11 – Grading, Removal and Filling of Land.....	5-15
Section 5.12 – Landfills and Dumping of Waste, Junk, Etc.	5-16
Section 5.13 – Exceptions to Height Limitations	5-16
Section 5.14 – Storage of Motor Vehicles	5-16
Section 5.15 – Storage of Recreational Equipment	5-16
Section 5.16 – Voting Place	5-17
Section 5.17 – Lot Depth to Width Ratio.....	5-17
Section 5.18 – Animals and Pets	5-17

Section 5.19 – Impact Assessment	5-19
Section 5.20 – Commercial Vehicle Parking in Residential Districts	5-20
Section 5.21 – Opaque Hedges, Fences and Walls in Residential Districts	5-21
Section 5.22 – Traffic Impact Analysis	5-23
Section 5.23 – Performance Guarantee.....	5-24
Section 5.24 – Single Family Residential Open Space Preservation Option	5-25
Section 5.25 – Building Numbering	5-29

VI. ARTICLE 6.00 – R-1, R-2, R-3 SINGLE FAMILY RESIDENTIAL DISTRICTS

Section 6.01 – Statement of Intent.....	6-1
Section 6.02 – Permitted Uses and Structures.....	6-1
Section 6.03 – Uses Permitted by Special Approval	6-1
Section 6.04 – Permitted Accessory Uses.....	6-2
Section 6.05 – Development Standards and Requirements	6-2

VII. ARTICLE 7.00 – RM-1, RM-2, RM-3 MULTIPLE FAMILY RESIDENTIAL DISTRICTS

Section 7.01 – Statement of Intent.....	7-1
Section 7.02 – Permitted Uses and Structures.....	7-1
Section 7.03 – Uses Permitted by Special Approval	7-2
Section 7.04 – Permitted Accessory Uses.....	7-2
Section 7.05 – Development Standards and Requirements	7-2

VIII. ARTICLE 8.00 – RMH, RESIDENTIAL MANUFACTURED HOME DISTRICT

Section 8.01 – Statement of Intent.....	8-1
Section 8.02 – Permitted Uses and Structures.....	8-1
Section 8.03 – Development Standards	8-1

IX. ARTICLE 9.00 – O-1, OFFICE SERVICE DISTRICT

Section 9.01 – Statement of Intent.....	9-1
Section 9.02 – Permitted Uses and Structures.....	9-1
Section 9.03 – Uses Permitted by Special Approval	9-1
Section 9.04 – Permitted Accessory Uses.....	9-2
Section 9.05 – Development Standards and Requirements	9-2

X. ARTICLE 10.00 – C-1, NEIGHBORHOOD SERVICE COMMERCIAL DISTRICT

Section 10.01 – Statement of Intent.....	10-1
Section 10.02 – Permitted Uses and Structures.....	10-1
Section 10.03 – Uses Permitted by Special Approval	10-2
Section 10.04 – Permitted Accessory Uses.....	10-3
Section 10.05 – Development Standards and Requirements.....	10-3

XI. ARTICLE 11.00 – RC, RECREATION COMMERCIAL DISTRICT

Section 11.01 – Statement of Intent.....11-1
Section 11.02 – Permitted Uses and Structures.....11-1
Section 11.03 – Uses Permitted by Special Approval11-1
Section 11.04 – Permitted Accessory Uses.....11-2
Section 11.05 – Development Standards and Requirements.....11-2

XII. ARTICLE 12.00 – C-2, GENERAL COMMERCIAL DISTRICT

Section 12.01 – Statement of Intent.....12-1
Section 12.02 – Permitted Uses and Structures.....12-1
Section 12.03 – Uses Permitted by Special Approval12-2
Section 12.04 – Permitted Accessory Uses.....12-3
Section 12.05 – Development Standards and Requirements.....12-3

XIII. ARTICLE 13.00 – I-1, LIGHT INDUSTRIAL DISTRICT

Section 13.01 – Statement of Intent.....13-1
Section 13.02 – Permitted Uses and Structures.....13-1
Section 13.03 – Uses Permitted by Special Approval13-3
Section 13.04 – Permitted Accessory Uses.....13-3
Section 13.05 – Development Standards and Requirements.....13-4

XIV. ARTICLE 14.00 – I-2, GENERAL COMMERCIAL DISTRICTS

Section 14.01 – Statement of Intent.....14-1
Section 14.02 – Permitted Uses and Structures.....14-1
Section 14.03 – Uses Permitted by Special Approval14-2
Section 14.04 – Permitted Accessory Uses.....14-3
Section 14.05 – Development Standards and Requirements.....14-3

XV. ARTICLE 15.00 – PUD PLANNED UNIT DEVELOPMENT DISTRICTS

Section 15.01 – Statement of Intent.....15-1
Section 15.02 – Qualifying Conditions.....15-1
Section 15.03 – Applications for Approval.....15-1

XVI. ARTICLE 16.00 – SCHEDULE OF REGULATIONS

Section 16.01 – Schedule of Regulations.....16-1
Section 16.02 – Footnotes to Schedule of Regulations.....16-3

XVII. ARTICLE 17.00 – SITE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES

Section 17.01 – Intent and Scope of Application17-1
Section 17.02 – Site Development Standards for Non-Residential Uses17-1

XVIII. ARTICLE 18.00 – GENERAL PROCEDURES AND RELATED STANDARDS

Section 18.01 – Purpose.....18-1
Section 18.02 – Site Plan Review18-1
Section 18.03 – Special Uses18-10
Section 18.04 – Variances and Appeals.....18-13
Section 18.05 – Zoning Amendments.....18-18

XIX. ARTICLE 19.00 – LANDSCAPING, LIGHTING AND SIDEWALKS

Section 19.01 – Intent and Scope of Requirements19-1
Section 19.02 – General Landscaping Requirements19-1
Section 19.03 – Standards for Landscape Materials.....19-6
Section 19.04 – Installation and Maintenance.....19-8
Section 19.05 – Treatment of Existing Plant Material.....19-9
Section 19.06 – Modifications to Landscape Requirements19-10
Section 19.07 – Sidewalks19-10
Section 19.08 – Exterior Lighting19-12

XX. ARTICLE 20.00 – ACCESS MANAGEMENT STANDARDS

Section 20.01 – Statement of Purpose20-1
Section 20.02 – Application of Standards.....20-1
Section 20.03 – General Standards for Driveway Location.....20-2
Section 20.04 – Standards for the Number of Driveways.....20-3
Section 20.05 – Driveway Spacing Standards.....20-3
Section 20.06 – Standards for Shared Driveways and Service Roads.....20-4
Section 20.07 – Driveway Design20-5
Section 20.08 – Nonconforming Driveways20-6
Section 20.09 – Modification of Standards for Special Situations.....20-7

XXI. ARTICLE 21.00 – SIGNS

Section 21.01 – Intent21-1
Section 21.02 – Definitions21-1
Section 21.03 – Permits and Enforcement21-4
Section 21.04 – General Provisions21-8
Section 21.05 – Sign Design Standards21-15
Section 21.06 – Residential District Signs21-17
Section 21.07 – Nonresidential District Signs.....21-19

XXII. ARTICLE 22.00 – CONDOMINIUM DEVELOPMENT STANDARDS AND PROCEDURES

Section 22.01 – Intent22-1
Section 22.02 – Standards22-1
Section 22.03 – Review Process for Site Condominiums.....22-2

XXIII. ARTICLE 23.00 – OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 23.01 – Off-Street Parking Requirements23-1
Section 23.02 – Loading Space Requirements23-12

XXIV. ARTICLE 24.00 – WIRELESS COMMUNICATION FACILITIES

Section 24.01 – Purpose24-1
Section 24.02 – Application Materials24-1
Section 24.03 – Review Process24-3
Section 24.04 – Site Development Standards24-4
Section 24.05 – General Requirements24-11
Section 24.06 – Site Requirements by Situation of Use24-11
Section 24.07 – Criteria for Approval24-14
Section 24.08 – Existing Towers and Antennas24-15
Section 24.09 – Rescinding Approval of Wireless Communication Facilities ...24-15
Section 24.10 – Removal of Abandoned, Illegal and Obsolete Wireless Communications Facilities24-15

XXV. ARTICLE 25.00 – PERFORMANCE STANDARDS

Section 25.01 – Scope25-1
Section 25.02 – Procedure for Determination of Compliance25-1
Section 25.03 – Appeals25-3
Section 25.04 – Performance Standards25-3

XXVI. ARTICLE 26.00 – NONCONFORMING USES AND STRUCTURES

Section 26.01 – Nonconforming Uses26-1
Section 26.02 – Record of Nonconforming Uses26-1
Section 26.03 – Forfeiture of Right to Continue Nonconforming Use26-1
Section 26.04 – Classification of Nonconforming Uses26-1
Section 26.05 – Application Procedures for Classification of Nonconforming Uses26-2
Section 26.06 – Regulations Governing Class “A” Nonconforming Uses26-2
Section 26.07 – Regulations Governing Class “B” Nonconforming Uses26-3
Section 26.08 – Revocation of Classification Designation26-3
Section 26.09 – Change of Nonconforming Use26-3
Section 26.10 – Elimination of Nonconforming Uses26-3
Section 26.11 – Nonconforming Lots of Record26-4
Section 26.12 – Nonconforming Structures26-4
Section 26.13 – Nonconforming Uses of Land26-5
Section 26.14 – Nonconforming Uses of Structures26-5
Section 26.15 – Repairs and Maintenance26-6
Section 26.16 – District Boundary Changes26-6
Section 26.17 – Nonconforming Use of Manufactured Homes26-6
Section 26.18 – Valid Nonconforming Use of Manufactured Homes26-6

XXVII. ARTICLE 27.00 – INTERPRETATIONS, SEVERABILITY, PENALTIES, AMENDMENTS, RIGHTS, REMEDIES, GENERAL RESPONSIBILITY, ENACTMENT AND EFFECTIVE DATE

Section 27.01 – Interpretation27-1
Section 27.02 – Severability.....27-1
Section 27.03 – Violation and Penalty.....27-1
Section 27.04 – Amendments to This Ordinance27-1
Section 27.05 – Rights and Remedies.....27-2
Section 27.06 – General Responsibility.....27-2
Section 27.07 – Enactment and Effective Date27-2

ARTICLE 1.00

TITLE, PURPOSE AND ENABLING AUTHORITY

Section 1.01 Title

This Ordinance shall be known and cited as the Charter Township of Bangor Zoning Ordinance, and may herein be referred to as “this Ordinance.”

Section 1.02 Purpose

An Ordinance to establish zoning districts within the unincorporated portions of the Charter Township of Bangor, Bay County, Michigan, to promote and protect the public health, safety, standards and general welfare; to encourage the use of lands in accordance with their character and adaptability; to limit the improper use of land; to conserve natural resources and energy; to avoid overcrowding of population; to provide adequate access to light and air; to avoid or reduce congestion on public streets and roads; to guard against hazards to persons and/or property; to ensure that uses of the land shall be situated in appropriate locations and relationships; to facilitate provision of adequate transportation and recreational facilities; to ensure that meaningful educational opportunities will be available to all citizens of the Township; to protect the Township water supply; and to conserve the expenditure of funds for public improvements and services by promoting and encouraging a thoughtful and careful pattern and process of land utilization within each district and from one district to another in concert with recommendations contained in the Charter Township of Bangor Master Plan.

Section 1.03 Relationship to Master Plan

This Ordinance has been developed and designed to implement the Charter Township of Bangor Master Plan and to ensure that the guidelines detailed in that Plan will be considered and adhered to as future decisions regarding requested zoning changes are made.

Section 1.04 Enabling Authority

An Ordinance enacted under 2006 P.A. 110, as amended, known as the Michigan Zoning Enabling Act, governing the unincorporated portions of the Charter Township of Bangor, Bay County, Michigan to regulate the proper use of land and resources, to regulate and restrict the location, size, and use of buildings, structures, and land for trade, industry, residence and for public and semi-public or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and limit the height and bulk of buildings and other structures; to regulate and to specify standards such as minimum area, setbacks, bulk and the maximum number of families that may be housed in structures to assure sufficient open space, sanitary conditions, safety and other protective measures; to regulate and limit the density of populations; and for said purposed to divide the Township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions, and boundaries of such districts; to define certain terms used herein; to provide for enforcement; establish a board of appeals; and impose penalties for the violations of this ordinance. (amended 9/12/06)

Section 1.05 Enactment

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the Public peace, health, safety, and welfare of the people of the Charter Township of Bangor, Bay County, Michigan, and are hereby ordered to be given immediate effect from and after the date of its passage by the Township Board of Trustees and subsequent publication as required by law.

ARTICLE 2.00

CONSTRUCTION OF LANGUAGE

Section 2.01 Construction of Language

The following rules of construction apply to the text of this Ordinance, except when the context clearly indicates otherwise:

- A. The particular shall control the general.
- B. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- C. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number and the plural the singular.
- D. The masculine gender includes the feminine and neuter.
- E. All measurements shall be to the nearest integer, unless otherwise specified herein.
- F. A "building" or "structure" includes any part thereof. The word "building" includes "structure". The word "build" includes the words "erect" and "construct".
- G. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- H. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- I. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - 1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2) "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 - 3) "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- J. Terms not herein defined shall have the meaning customarily assigned to them.
- K. Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of this Ordinance.
- L. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.

ARTICLE 3.00

DEFINITIONS

Section 3.01 Definitions

For the purpose of this Ordinance, certain words and terms are defined as follows:

Abutting: Properties having a common border with or being separated from such common border by an alley or recorded easement.

Accessory Building: A building that is incidental to the building that houses the principal use of the property and is located on the same zoning lot as the principal building.

Adult Day Care Organizations: A facility for the care of persons over 18 years of age, as licensed and regulated by the State under Act. No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such facilities shall be further defined as follows:

1. **Adult foster care family home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

2. **Adult foster care small group home:** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

3. **Adult foster care large group home:** A facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, for compensation.

4. **Adult foster care facility:** A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.

Adult Day Care Facility: A facility which provides care for any part of a day but less than twenty-four (24) hour care for elderly and/or functionally impaired persons over eighteen (18) years of age, provided through a structured program of social and rehabilitative and/or maintenance services in a supportive group setting other than the client's home.

Adult Regulated Uses: As used in this Ordinance, the following definitions shall apply to adult regulated uses:

1. **Adult Book or Supply Store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
2. **Group "A" Cabaret:** An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless wait persons or employees.
3. **Adult Motion Picture Theater or Adult Live Stage Performing Theater:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
4. **Adult Model Studio:** Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any bonafide art school or similar educational institution.
5. **Adult Motel:** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to "Specified Sexual Activities" or Specified Anatomical Areas" (as defined herein).
6. **Adult Motion Picture Arcade:** Any place where 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 displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas".
7. **Massage Parlor or Massage Establishment:** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include

properly-licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

8. **Adult Outdoor Motion Picture Theater:** A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
9. **Specified Anatomical Areas:** Portions of the human body defined as follows:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola, and
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
10. **Specified Sexual Activities:** The explicit display of one or more of the following:
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse, or sodomy.
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Agriculture: The act or business of cultivating or using land or soils for the production of crops for the use of animals or humans and includes, but is not limited to, pasturage, floriculture, dairying, horticulture, viticulture, and livestock or poultry husbandry, but excluding such uses as feedlots, industrial poultry factories.

Airport: A cleared and leveled area where aircraft can take off and land. Airports may include hard surfaced or grass landing strips, a control tower, hangars, passenger terminals, and accommodation for cargo.

Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alterations: Any structural change, addition, or modification in construction or type of occupancy, or any change in the structural members of a building, such as bearing walls, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Amusement Business: Businesses from which the proprietor(s) primary income is derived from the operation of pool tables, billiard tables, and/or coin operated amusement devises, or equipment of a similar nature, as distinguished from those businesses wherein such tables, devices and/or similar equipment are clearly accessory uses and do not generate the proprietor(s) primary income.

Animals, Domesticated: All animals, including poultry and excluding household pets, normally found on a farm or raised for commercial purposes. Such animals shall be distinguished by size as follows:

1. Large size animals, including horses and cattle.
2. Medium size animals, including sheep, swine, goats and miniature horses.
3. Small size animals, including rabbits, mink, dogs, cats, mice, rats, and snakes.
4. Poultry, birds or fowl, including chickens, ducks, geese, turkeys, pigeons, parrots, and guinea hens.

Animals, Exotic: An animal from a species which is not commonly domesticated, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive character or other characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner. Exotic animals shall include but not be limited to the following:

1. Poisonous or venomous animals including fish, toads, snakes, lizards, insects, scorpions, and spiders.
2. Any constrictor snake over eight (8) feet long.
3. Piranha fish.
4. Non-human primates.
5. Alligators, crocodiles, and caimans
6. Large cats including but not limited to bobcat, cheetah, cougar, jaguar, leopard lion, lynx, mountain lion, panther, ocelot, tiger, wildcat, and hybrids with domestic species.
7. Carnivores including but not limited to bear, wolves, fox, coyotes, jackal, weasel, wolverine, and hybrids with domestic species.
8. Large animals typically kept in zoological gardens, not including barnyard animals.
9. Birds of prey including but not limited to owls, hawks, and falcons.

Applicant: An individual, firm, association, partnership, limited liability company, corporation, or combination thereof, who holds ownership interest in land or is authorized by the owners to serve as their representative and is seeking approval for a division or partition of land, site plan approval, rezoning, variance, special use approval, planned development approval, or other permit or license regulated in accordance with this Ordinance.

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Arcade: An establishment that provides on its premises three (3) or more machines which may be operated or used as a game, contest, or for amusement of any description, not including personal computers or devices solely for playing music.

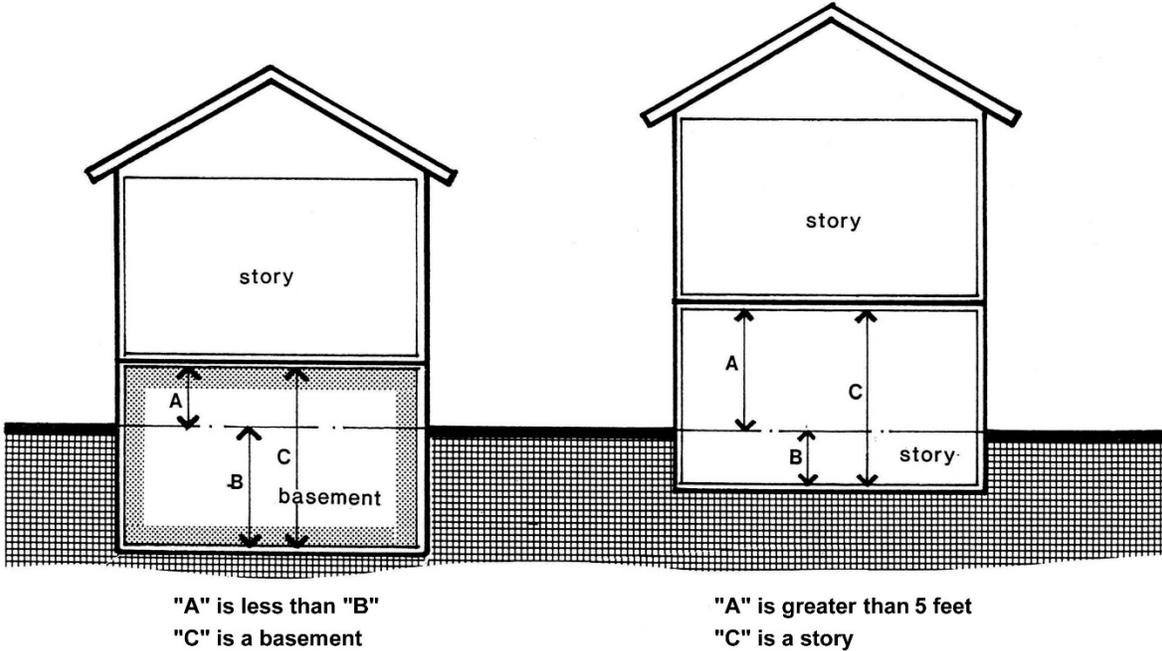
Architectural Elevation: A geometrical projection of a building or other structure on a vertical plane.

Automobile Repair – Major: Any activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision services, such as body frame, or fender straightening and repair; overall painting and vehicle rust-proofing.

Automobile Repair – Minor: Any activity involving incidental repair to motor vehicles such as engine tune-ups, pump replacement, tire repair, electrical system repair, and radiator repair. Quick oil change, sales of accessories, tire rotation and lubricating facilities are included in this definition.

Automobile Service Station: A building or structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor repair, vehicle washing, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing where the primary use of the premises is such high speed washing, or sales of new or used cars, trucks, or motorcycles.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. (See illustration “basement and story”)



Basement and Story

Block: The property bounded by streets or abutting on one side of a street and lying between and/or bounded by a combination of streets, parks, lakes, river or stream; unplatted acreage or the corporate boundary lines.

Board of Appeals: The Zoning Board of Appeals of the Charter Township of Bangor, Bay County, Michigan.

Boarding House (Rooming House): A building other than a hotel or motel, where for compensation and by prearrangement for definite periods, lodging, or lodging and meals, are provided for three or more persons, excluding any Adult Day Care Organization. A rooming house shall be deemed a boarding house for the purpose of this Ordinance.

Board of Trustees: The elected, legislative officials of the Charter Township of Bangor, Bay County, Michigan.

Buildable Area: The area of a lot that is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

Building: A structure, either temporary or permanent, erected on site, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

Building Envelope: The ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this Ordinance.

Building Height: The vertical distance measured from the finished grade to the highest point of the roof surface of a flat roof; or to the deck line of a mansard roof; or to the ridge for gable, gambrel or hip roof. Where the building is located on sloping terrain, the height shall be measured from the average ground level of the finished grade at the building wall.

Building Line: A line parallel to the front lot line at the minimum required front setback line.

Building Official: The officer or other authority designated by the Township Board to administer and enforce the Building Code and/or Zoning Ordinance.

Building, Temporary: A building that is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. For example, trailers used on a construction site, and buildings used to house environmental clean-up operations.

Business or Commercial: Engaging in the purchase, sale or exchange of goods and services, or the operation for profit of offices, recreational or amusement enterprises.

Caliper: The diameter of a deciduous (canopy) tree measured one (1) foot above the surrounding grade for trees with a diameter over four (4) inches, six (6) inches above surrounding grade for a tree with a diameter of four (4) inches or less.

Campground: The uses and activities that take place on a lot or parcel of land for temporary short term recreation, resort or vacation purpose in accordance with the provisions of Public Act 368 of 1978, Part 125, Sections 12501-12516 and the Administrative Rules promulgated under P.A. 368 as administered by the County, District or State Public Health Department.

Caretaker Living Quarters: An independent residential dwelling unit designed for and occupied by no more than two (2) persons, where at least one (1) is employed to look after goods, buildings, or property on the parcel on which the living quarters are located. A caretaker's living quarters shall not be less than six hundred fifty (650) square feet in gross floor area.

Cemetery: Land used for the burial of the dead, and dedicated for cemetery purposes, including columbariums, crematories, and mausoleums when operated in conjunction with and within the boundary of such cemetery.

Cemetery, Pet: Land used or intended to be used for the burial of pets.

Child Care Organization: A facility for the care of minor children under eighteen (18) years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such care organizations shall be further defined as follows:

1. **Child care center or day care center:** A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. A childcare center or a day care center does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

2. **Family day care home:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods less than twenty four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
3. **Group day care home:** A private home in which more than six (6) but not more than twelve (12) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
4. **Child caring institution:** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty four (24) hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
5. **Foster family home:** A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
6. **Foster family group home:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Child Day Care Facilities: See “Child Care Organization”

Church: Any structure wherein persons regularly assemble for religious worship.

Clinic, Medical: A place for the outpatient care, diagnosis and treatment of sick or injured persons, and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients.

Clinic, Veterinary: An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.

Club: A non-profit organization of persons for special purposes for the promotion of sports, arts, sciences, literature, politics, social activities, and other similar group activities.

Commercial Medical Marihuana Facility or Facility: Means one of the following:

1. **Provisioning Center** as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (“MMFLA”)
2. **Processor** as that term is defined in the MMFLA
3. **Secure Transporter** as that term in the MMFLA
4. **Grower** including Class A, Class B and Class C as those terms are defined in the MMFLA
5. **Safety Compliance Facility** as that term is defined in the MMFLA.
(Amended by Ordinance #356, effective 09/28/17)

Commission: The Planning Commission of Bangor Charter Township.

Condominium: A condominium is a system of separate ownership of individual units or multi-unit projects according to Michigan Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of these Zoning Regulations, condominium terms shall be defined as follows:

1. **Common elements:** Portions of the condominium project other than the condominium units.
2. **Condominium act:** Shall mean Michigan Public Act 59 of 1978, as amended.
3. **Condominium lot:** That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Regulations of these Zoning Regulations. Setbacks for the building envelope shall be measured beginning at a point perpendicular to the edge of the pavement of the access road, private road, or public road. The setback shall include a distance of fifteen (15) feet from the line separating the lot for the public right-of-way or private road easement plus the required setback as stated in the Schedule of Regulations of this Ordinance.
4. **Condominium subdivision plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature,

location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

5. **Condominium unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
6. **Contractible condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
7. **Conversion condominium:** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. **Convertible area:** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
9. **Expandable condominium:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
10. **General common elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.
11. **Limited common elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
12. **Master deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
13. **Site condominium project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision.

Convalescent or Nursing Home: A facility with sleeping rooms, designed for persons who need a wide range of health and support services, including personal nursing care where such people are lodged and furnished meals and nursing care for hire. Services provided are authorized and licensed by the state and/ or county authorities.

Convenience Stores: A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a “supermarket”).

Cul-de-Sac: A short minor street with only one point of access to another non-cul-de-sac road and being permanently terminated at the other end by a vehicular turn-around.

Cul-de-Sac Circle: The surface that terminates a cul-de-sac permitting vehicles to turn around while maintaining a forward driving gear.

Deck: An open horizontal structure attached to the principal building utilized for recreational and leisure activities.

Density: The number of dwelling units per acre of land.

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

Development: Any man-made change to alter the existing land use of a parcel of land including but not limited to the construction, reconstruction, or relocation of buildings, structures, or site improvements.

District, Zoning: A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and certain uses of land and buildings are prohibited as set forth in this Ordinance, or within which certain lot areas, yards, open spaces, and other requirements are established or within which a combination of such aforesaid conditions are applied.

Divide or Division: The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels less than forty (40) acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act, Michigan Public Act 288 of 197 as amended.

Dock: Any platform, boat hoist, pier, ramp or other structure any part of which is attached to the ground or any part of which is located within the waters of the lake or below the ordinary high water mark of a lake and which is intended or capable of being used for keeping, docking, mooring, launching, recovering or anchoring a boat.

Domestic Center: A structure which provides temporary shelter on the premises for individuals and /or families who are the victims of domestic violence and/or sexual assault and/or provides such persons counseling, legal advocacy or other services which would benefit those individuals.

Drive-In Establishment: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, except those business establishments defined as drive-in theaters.

Drive-In Theater: An open-air theater constructed and operated in an established location, without cover or roof, displaying motion pictures for the general public who view the screen or stage while seated in an automobile. The term as used herein shall mean and include the entire premises upon which such theater is constructed, including parking areas, and all other accessory facilities.

Driveway: A private way giving access from a public or private street to abutting property.

Driving Range: A facility equipped with distance markers, clubs, balls, and tees for practicing golf.

Dwelling: A dwelling unit is any building or portion thereof having cooking and sanitary facilities, which is occupied exclusively as the home, residence or sleeping place of one (1) family, but in no case shall a travel trailer, motor home, automobile chassis, tent, houseboat or other portable building be considered a dwelling. In cases of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

1. **Dwelling, Single-Family:** A detached building designed for or occupied by one (1) family and so arranged as to provide living, cooking and kitchen accommodations for one (1) family only.
2. **Dwelling, Townhouse:** A single-family dwelling designed as a part of a series of three (3) or more dwellings, all of which are either attached to the adjacent dwelling or dwellings by common separating walls or located immediately adjacent thereto with no visible separation between walls or roofs.
3. **Dwelling, Two-Family:** A detached building, designed for or occupied by two (2) families living independently of each other. Also known as a duplex dwelling.
4. **Dwelling, Multiple:** A building designed for or occupied as a residence for three (3) or more families living independently of each other and each having their own cooking facilities and sanitary accommodations.
5. **Dwelling, Efficiency Unit:** An efficiency unit is a multiple dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove located directly off the principal room.

Engineer, Township: A person or firm designated by the Township Board to advise the Township Administration, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or an employee of the Township.

Erected: For the purpose of this Ordinance “erected” shall include built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises, including excavation, fill and/or drainage.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or governmental agencies of underground, surface or overhead gas, communication, electrical, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience or welfare, but not including office buildings, generating sources and facilities, or maintenance depots. Essential services shall not include cellular telephone towers, gas sweetening plants, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices, or commercial buildings or activities.

Excavation Site: The removal or movement of soil, sand, stone, gravel, or fill dirt except for common household gardening, farming, and general ground care.

Family: Shall mean either of the following:

1. A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
2. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Building Official in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

Farm: The land, buildings, and machinery used in the commercial production of farm products. The minimum size for a farm shall be ten (10) acres. Farm products are plants and animals useful to human beings and includes, but not limited to, forage and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products. For the purposes of this Ordinance, farms shall not include establishments for keeping or raising fur-bearing animals, private stables, commercial dog kennels, piggeries, greenhouses or stockyards, unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tract of land of not less than forty (40) acres.

A farm that is operated as a business for purposes of agricultural production is distinguished from a collection of farm buildings and animals that is operated for education, demonstration, or recreational purposes. Such quasi-farm operations may be known as petting zoos or model farms or interpretative farms.

Farm Buildings: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

Farm Market: A building or other structure for the display and retail sale of farm products, open for business no longer than nine (9) months per year.

Feed Lot: A feed lot is determined to be any of the following facilities: (1) any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail; (2) any structure, pen or corral wherein cattle, horses, sheep, goats, or other such animals are maintained in close quarters for the purpose of fattening such livestock for final shipment to market; (3) the raising of swine under any conditions.

Fence: Trees, hedges, bushes or an artificially constructed barrier of wood, masonry, stone, metal, or any other manufactured material or combination of materials, used to prevent or control entrance, confine within, or mark, a boundary.

Fence, Decorative: An artificially constructed barrier of wood, metal or any other manufactured materials which is erected as a landscaping adornment, which does not always function as a barrier to movement from one point to another and which may not provide a true enclosing function.

Filling: The depositing or dumping of any matter onto, or into the ground, except common household gardening and ground care.

Floodplain: The relatively flat area or low lands adjoining a watercourse or body of water, which may be inundated by floodwater when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels above the norm.

Determinants of a floodplain are as follows:

1. Contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest documented flood levels experienced in a period of one hundred (100) years. The Federal Emergency Management Agency has determined there is a one percent annual chance that a one hundred (100) year flood will occur.
2. Principal estuary courses of wetland areas that are part of the river flow system.
3. Contiguous areas paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

Floodway: The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water or are inundated by natural high water conditions.

Floor Area, Residential: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior wall. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches.

Floor Area, Usable: That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, stairways and elevator shafts, or for utilities or restroom facilities, shall be excluded from this computation of Usable Floor Area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Fuel Station/Convenience Goods: An establishment that includes buildings and premises for the primary purpose of retail fuel sales. An automobile convenience/fuel service station may also include an area devoted to sales of automotive items and convenience goods primarily sold to patrons purchasing fuel. A service station is not an automobile repair or body shop. The retail sale of foods, drinks and other convenience goods may be included in addition to the sale of fuel.

Garage, Private, Residential: A space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees.

Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. (See Illustration)

Greenway: A contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

Hard-Surfaced: A concrete or plant-mixed bituminous surface, installed in accordance with the adopted construction and engineering standards of Bangor Township and the State of Michigan.

Home Occupation: Any use customarily conducted entirely within the dwelling/accessory building and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, excessive traffic, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Provided further, that no article or service is sold or offered for sale on the premises, except as such articles are produced on the premises; the occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas.

Hospitals: An institution providing human health services, licensed by Michigan Department of Health, primarily for inpatient and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff services. A general hospital includes 24-hour emergency care services, and in-patient/out-patient diagnostic and therapeutic services, and medical clinics. A general hospital may include a specialty hospital or hospitals.

Hotel: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may also include a restaurant or cocktail lounge, public banquet hall, ballrooms, or meeting rooms.

Impact Assessment: The impact assessment is an explanatory document designed to specifically address the impact of a proposed use on the natural features, economic condition and social environment of the township. The purpose of the impact assessment is to fully explain the developer's choice of alternatives in developing a site and to enable careful attention to the proposal's effect on public costs and services, on existing and planned uses in the vicinity of the site. The impact assessment must explain and propose protective measures for the impact of the proposed development on the physical environment.

Impervious Surface: Man-made material which covers the surface of land and substantially reduces the infiltration of storm water to a rate of five (5) percent or less. Impervious surface shall include pavement, buildings, and structures.

Industrial Park: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

Industrial, Heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Infrastructure: A system of permanent installations of utilities and roads designed to accommodate development.

Institution: A non-profit corporation or a non-profit establishment for public use.

Junk Yard: A place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old iron or other metal, wood, slush, timber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, disassembled, or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment and excluding pawn shops, and establishments for the sale or purchase of used cars, salvaged machinery, used furniture, radios, stoves, refrigerators, or similar household goods, and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

Kennel: Any lot or premises on which four (4) or more dogs, cats or other household pets more than four (4) months of age are housed, groomed, bred, boarded, trained or sold.

Laboratory: An establishment devoted to scientific, industrial or business research and experimental studies including testing and analyzing, but not including manufacturing of any nature.

Lake or Pond: A natural or artificial body of surface water that retains water year round. A lake is a body of water of five (5) or more acres. A pond is a body of water of less than five (5) acres. The shoreline of such bodies of water shall be measured from the maximum condition (that is, water level) rather than from the permanent pool in the event of any difference.

Landfill: A tract of land that is used to collect and dispose of “solid waste” as defined and regulated in Michigan Public Act 641 of 1979, as amended.

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping related terms are defined as follows:

1. **Berm:** A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of these Zoning Regulations.
2. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Bay County, Michigan.
3. **Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of these Zoning Regulations.
4. **Ground cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
5. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
6. **Hydro-Seeding:** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.
7. **Interior or parking lot landscaping:** A landscaped area located in the interior of a site or parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the site.
8. **Mulch:** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.
9. **Nurse grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
10. **Planting:** A young tree, vine or shrub that would be placed on or in the ground.
11. **Screen or screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
12. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.

13. **Sod:** An area of grass-covered surface soil held together by matted roots.
14. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Bay County, Michigan.
- a. **Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.
 - b. **Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year.
15. **Ornamental tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.

Livestock: Cattle, horses, sheep, swine, poultry or any other domesticated animal (as defined herein) or fowl that are being produced primarily for purposes of commercial gain.

Loading Space: An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading bulk merchandise or material; designed to accommodate the maneuvering area needed by expected sizes of delivery vehicles when all off-street parking spaces are filled.

Lot: An undivided tract of land which is vacant, occupied or intended to be occupied, by a main building and accessory buildings or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. Such tract of land shall be of sufficient area to meet minimum requirements under this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may be a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, contiguous portions of lots of record, a parcel of land described by metes and bounds or a condominium lot.

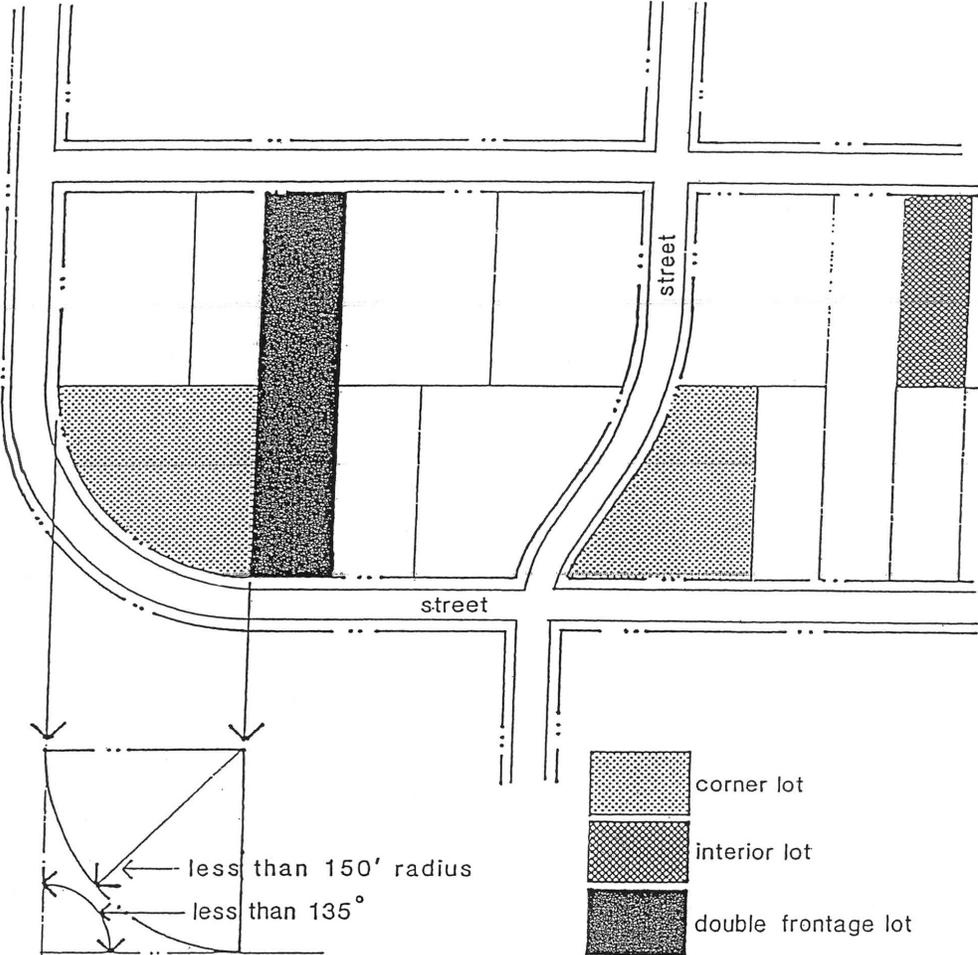
Lot, Area: The total horizontal land area within the boundaries of a lot or parcel, which may include private easements or portions of private easements immediately adjacent to or abutting the lot.

1. **Gross Lot Area:** The total area of land contained within the boundaries of a lot or parcel including rights-of way, easements, floodplains, wetlands and bodies of water.
2. **Net Lot Area:** Gross lot area minus any portions of the zoning lot located within the dedicated rights-of-way, drainage easements or bodies of water.

Lot, Contiguous: Lots or parcels of land adjoining each other.

Lot, Corner: A lot at the junction of and fronting on two or more intersecting street rights-of-way, recorded easement(s) or private road(s) wherein the interior angle of such intersection is not more than one hundred thirty-five (135) degrees.

Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (See Illustration for Corner, Interior, and Double Frontage Lots)



Lot Coverage: The part or percent of the total area of a lot or parcel that is occupied by buildings, and structures, including accessory buildings and structures. Decks, porches garden houses, sheds, game courts, and other man-made impervious surfaces shall also be included in lot coverage.

Lot Depth: The horizontal distance from the front lot line to the rear lot line, measured along the median between the side lot lines.

Lot, Double Frontage: An interior lot (that is, a non-corner lot) having frontages on two (2) more or less parallel streets as distinguished from a corner lot. (See Illustration Corner, Interior and Double Frontage Lots)

Lot Lines: The property lines bounding the lot as defined herein:

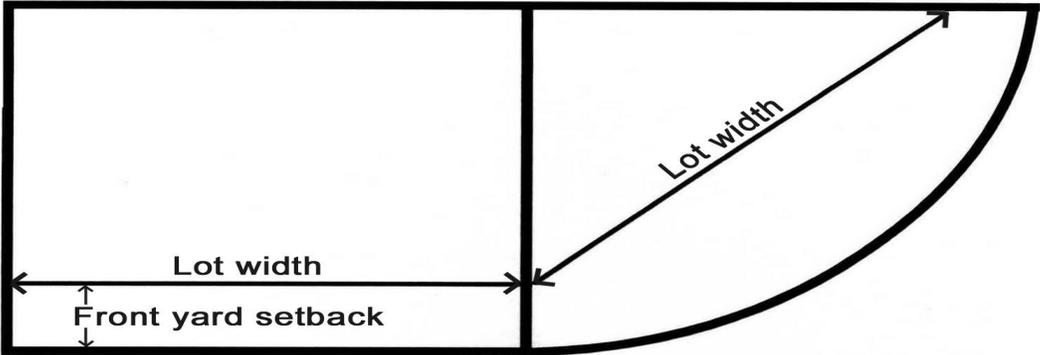
- 1. **Front Lot Line:** In the case of a lot abutting any public or private road the line separating such lot from such road right-of-way or recorded road easement. In the case of waterfront lots, the line adjacent to such water shall also be considered a front lot line.
- 2. **Rear Lot Line:** The lot line that is opposite and most distant from the front lot line of the lot. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
- 3. **Side Lot Line:** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Bay County Register of Deeds or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor registered and licensed in the State of Michigan and is recorded with the Bay County Register of Deeds.

Lot, Subdivision: A piece of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Bay County Register of Deeds.

Lot, Waterfront: A lot that abuts, adjoins or is contiguous to a private or public body of water or live stream.

Lot, Width: The straight-line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines. (See Illustration, Lot Width and Setbacks)



Lot Width

Lot, Zoning: A single tract of land that at the time of filing for a land use permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership and control. A zoning lot shall satisfy the Zoning Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record, or portions thereof. When used in this Ordinance, the term "lot" shall generally refer to a "zoning lot," unless otherwise specified.

Major Thoroughfare: A functional arterial street which has a hard surface roadway and which is intended to serve as a large volume traffic way for both the immediate area and the region and/or is an interstate highway, freeway, or primary highway as defined by Section 2 (d), (e), and (f) of Act 106 of the Public Acts of 1972, as amended.

Manufactured Home: Structure transportable in one (1) or more sections, which in the traveling mode the body measures eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is three hundred twenty (320) square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that a manufactured home shall include any structure that meets all the requirements of this definition except size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD).

Manufactured Housing Subdivision: Individually owned lots subdivided according to the provisions of Act 288 of the Public Acts of Michigan of 1967, as amended, intended as a site for the placement for dwelling purposes of manufactured, mobile, modular or pre-manufactured homes.

Marginal Access Road: A service roadway parallel to major thoroughfare that provides access to abutting properties and protection from through traffic.

Marihuana: A term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106 and as defined in the MRTMA. *(Amended by Ordinance #356, effective 09/28/17; Amended by Ordinance #378, effective 08/22/19)*

Marihuana Establishment or “Establishment” means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, Class A marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business Licensed by the department.

1. “Marihuana grower,” as that term is defined in the MRTMA; and
2. “Marihuana microbusiness,” as that term is defined in the MRTMA; and
3. “Marihuana processor,” as that term is defined in the MRTMA; and
4. “Marihuana retailer,” as that term is defined in the MRTMA; and
5. “Marihuana secure transporter,” as that term is defined in the MRTMA.
6. “Marihuana safety compliance facility,” as that term is defined in the MRTMA.
7. “Class A Marihuana microbusiness”, as that term is defined in the MRTMA
(Amended by Ordinance #378, effective 08/22/19; Amended by Ordinance #398, effective 08/17/22)

Marina: A dock or basin providing secure moorings for pleasure boats and often offering supply, repair, and other facilities.

Master Plan: The Master Plan including graphic and written proposals indicating the general locations for various land uses, streets, parks, schools, public buildings, and all physical development of the Charter Township of Bangor, and including any segments or portions of such plan any amendments to such plan, segments, or portions thereof as may be adopted by the Planning Commission.

Medical Marihuana: A term as defined in MCL 333.26423.

Mobile Home Site: A designated site within a mobile home park for the exclusive use of the occupants of a single mobile home.

Mobile Home Park: Parcel or tract of land under the control of a person upon which 3 or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home.

Module/Modular Home: A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and shall not be considered a mobile home.

Motel: A building or group of buildings, consisting of individual sleeping quarters, detached or connected, providing overnight lodging to the transient public, for compensation, traveling by motor vehicle.

Nonconforming Building: A building or portion thereof that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located.

Nonconforming Lot: A lot existing at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area, size, frontage, or dimensional requirements of the district in which the lot is located.

Nonconforming Use: A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

Nuisance Factors: An offensive, annoying, unpleasant, or obnoxious substance, occurrence or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or which affects a human being, or the generation of an excessive or concentrated movement of people, vehicles, or substances, such as, but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise emanating from a congregation of people (particularly at night), passenger and truck vehicle traffic, invasion of non-abutting street frontage by traffic.

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the seasonal or otherwise intermittent sale of fruits, vegetables, or Christmas trees.

Nursery School, Day Care, or Child Care Center: See “Child Care Organization”.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

Oil or Gas Processing Plant: A facility designed for separating, metering, holding, and marketing of oil and gas production, including sweetening plants designed for the removal of sulfur compounds from natural gas, but not including oil refineries.

Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, thus, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair or service stations or drive thru establishments.

Open Air Businesses: Business and commercial uses conducted solely outside of any building. Unless otherwise specified herein, open air business shall include: retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, lawn furniture, and Christmas trees and outdoor displays of structures, equipment and vehicles sold on the premises.

Open Space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, lawns, decorative planting, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, wetlands and watercourses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel, but may include a recreational clubhouse or recreation center.

Open Space, Usable: A land area suitable for active recreation.

Outdoor Storage: The keeping, in an unroofed area, of any goods, junk, material, merchandise, vehicles or equipment in the same place for more than twenty-four (24) hours.

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land; including anyone who has any form of ownership in real property as included in the definition of ownership.

Ownership: Shall include any and all forms of ownership in real property, including fee simple; easement; option to purchase; leasehold, if for more than one year; land contract, or any other definable legal form of ownership.

Parapet: The extension of a false front or wall above the roof line.

Park: A publicly or quasi-publicly owned primarily natural passive recreation area with woodlands, wildlife and other natural land areas and surface water features, but which may include incidental active recreation facilities; such as playfields, court games, playground apparatus, gardens, picnic areas, small zoos, boating and canoeing, bathing swimming facilities, and incidental buildings and structures in relation to the previous.

Parking Lot: See “Off-Street Parking Lot”.

Parking Space: An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and fully accessible for the permitted parking of vehicles.

Patient: A “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by MCL 333.26421, et seq. (Amended by Ordinance #356, effective 09/28/17)

Performance Guarantee: A financial guarantee to insure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, other pertinent regulations, and the approved plans and specifications of a development.

***Permit:** A means a current and valid permit for a Commercial Marihuana Facility issued under the Bangor Township Ordinance Authorizing and Permitting Commercial Marihuana Facilities, Bangor Township Ordinance #349, and/or for an Establishment under the Bangor Township Ordinance Authorizing and Permitting Recreational Marihuana Establishments, Bangor Township Ordinance #377 which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property. (Amended by Ordinance #356, effective 09/28/17; Amended by Ordinance #378, effective 08/22/19)*

Person: A natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose. (Amended by Ordinance #356, effective 09/28/17)

Personal Fitness Center: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional fitness instructors. As defined herein, "personal fitness center" shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym and shall not include establishments herein defined as massage parlors.

Pet, Family: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit or other similar animal that is commonly available and customarily kept for pleasure or companionship.

Planned Unit Development: A form of land development and comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features, which may contain a mixture of housing units and nonresidential uses.

Planner, Township: The Township Planner is the person or firm designated by the Township Board and Planning Commission to advise the Township administration, Township Board, and Planning Commission on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

Pole Barn: Any accessory building of a pole type construction wherein supporting vertical wall members are installed at a minimum depth of forty-two (42) inches below grade and said wall members may consist of wood or steel.

Pond: An outdoor body of standing water, accumulated in an artificially constructed basin or naturally occurring depression in the earth, either above or below or partly above or partly below grade, capable of holding water in a depth of greater than two feet when filled to capacity and excluding swimming pools, spas and hot tubs.

- a. **Farm Pond:** An artificially impoundment of water designated and utilized primarily for irrigation, water cattle, and other agricultural purposes.
- b. **Decorative and/or Recreational Pond:** An artificial impoundment designed and utilized primarily for aesthetic purposes and/or recreational activities, such as swimming, fishing, ice skating, etc.
- c. **Detention Pond:** A low-lying area that is designed to temporarily hold a set amount of water while slowly draining to another location.
- d. **Retention Pond.** A man- made impoundment designed to hold a specific amount of water indefinitely.

(Amended by Ordinance #316, effective 05/22/08)

Porch: A covered entrance to a building.

Principal Building: A building within which is conducted the main use of the lot upon which it is situated.

Principal Permitted Use: A use listed as a principal use permitted in the respective Zoning District pursuant to this Zoning Ordinance text and as designated on the adopted Zoning Map.

Property Line: A line of record bounding a land holding, dividing and distinguishing that land holding from other land holdings as well as from public or private right-of-ways, recorded easements or public space.

Public Utility: A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: water, gas, steam, electricity, telephone, telegraph, waste disposal, communication, or transportation.

Recreation Land: Any public or private owned lot or parcel that is utilized for recreation activities such as, but not limited to camping, swimming, picnicking, hiking, nature study, hunting, boating, and fishing.

Recreational Vehicle: “Recreational Vehicles” shall include the following:

1. **Travel Trailer:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which the manufacturer may identify as a "travel trailer". Travel trailers generally contain sanitary, water, and electrical facilities.

2. **Pickup Camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
3. **Motor Home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
4. **Folding Tent Trailer:** A folding structure, mounted on wheels and designed for travel and vacation use.
5. **Boats and Boat Trailers:** “Boats” and “boat trailers” shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
6. **Other Recreational Equipment:** Other recreational equipment includes snowmobiles, all terrain or special terrain vehicles, utility trailers, plus normal equipment to transport them on the highway.

Restaurants: A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below.

1. **Restaurant, carry-out:** A carry-out restaurant is a business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
2. **Delicatessen:** A restaurant that typically offers sandwiches and other foods and beverages. A delicatessen may include both carry-out and patron seating. A delicatessen also typically offers meats, cheese and prepared foods on a retail basis.
3. **Restaurant, drive-in:** A drive-in restaurant is a business establishment whose method of operation involves delivery of prepared food so as to allow consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
4. **Restaurant, drive-through:** A drive-through restaurant is a business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
5. **Restaurant, fast-food:** A fast-food restaurant is a business establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
6. **Restaurant, standard:** A standard restaurant is a business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

7. **Bar/lounge/tavern:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Riding Arena: An area enclosed within a building or fence that is intended to be used as a place to ride horses.

Road, Hard Surfaced: A roadway paved with concrete or a plant mixed bituminous material.

Roadside Stand: A temporary or permanent structure containing not more than two hundred (200) square feet of enclosed floor area and operated for the purpose of selling agricultural, dairy or poultry products raised or produced only by the proprietor or residents of the property on which it is located.

Seasonal Residence: A dwelling unit which is not normally the permanent residence of the occupant(s) and which is not used as dwelling quarters for more than six (6) months out of any calendar year.

Setback, Minimum Required: the minimum distance between a front, side, or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance. (See "Yard")

Shopping Center: A group of businesses and services on a single site with common parking facilities.

Shoreline: The line between upland and bottomland which persists through excessive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

Sign: Any device, structure, fixture or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons and which is visible from any public street, right-of-way, easement, sidewalk, alley, park or other public place. For definitions of particular types of signs see 21.02 of this ordinance.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated to determine its compliance with the provisions of this Ordinance.

Soil, Sand, or Gravel Processing Plant: A facility designed for separating, holding, and marketing soil, sand, or gravel prior to sale of the final product.

Slope: the degree of upward or downward inclination. For calculation of the slope of a pond or basin, the vertical distance for each foot of horizontal distance measured from any edge of the pond or basin. Slope shall be measured to the lowest point of the pond.

Special Use: A use which, due to its unique characteristics cannot be properly classified as a permitted use in a particular zoning district or districts and which is subject to special approval by

the Planning Commission. A special use may be allowed only when there is a specific provision in the Ordinance. A special use is not considered to be a non-conforming use.

Stable, Private: A building or structure used or intended to be used only for the housing of horses belonging to the owner of the property for non-commercial purposes.

Stable, Public: A building or structure used or intended to be used only for the housing of horses on a fee basis. Riding instruction may be given in connection with a public stable.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story. (See illustration "Basement and Story")

Story, Half: An uppermost story lying between the eave line and a sloping roof and having an area of at least one hundred sixty (160) square feet with a minimum clear height of seven (7) feet.

Street (Private): A privately owned and maintained permanent, unobstructed easement which provides direct access from a public street to more than one legally described parcel.

Street (Public): A publicly dedicated and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except alleys and pedestrian ways.

Structural Alterations: Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof, or changes by way of additions to the exterior when such changes require a building permit. (See also "Alterations")

Structure: That which is built or constructed, or an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but shall exclude yard ornaments such as yard lights, mail boxes, flag staffs, and yard decorations less than thirty (30) inches in height above grade.

Subdivision: The partitioning or dividing of a tract or parcel of land for the purpose, whether immediate or future, of sale or lease of more than one year, or of building development that results in one (1) or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act, P.A. 288 of 1967. The meaning of the term "subdivision" shall not, however, apply to a property transfer between two (2) or more adjacent parcels if the property taken from one (1) parcel is added to an adjacent parcel.

Township: The Charter Township of Bangor, Bay County, Michigan.

Toxic or Hazardous Waste: Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

1. An increase in mortality, or
2. An increase in serious irreversible illness, or
3. Serious incapacitating, but reversible illness, or
4. Substantial present or potential hazard to human health or the environment.

Truck Terminal: A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution to other parts of the Township, or general area, or to be amalgamated for delivery in larger units to other points in the metropolitan area; or for distribution or amalgamation involving transfer to other modes of transportation.

Undeveloped State: A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreation trail, picnic area, children's play area, greenway, linear park or unimproved private property. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

Use, Accessory: A use, building or structure that is clearly incidental to, customarily found in connection with, or subordinate to, and located on the same zoning lot as the principal use to which it is related, and devoted exclusively to the main use of the premises.

Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause practical difficulties due to circumstances unique to the individual property on which the variance is granted.

Wall: An artificially constructed barrier of masonry, stone, metal or any other manufactured material or combination of materials, used to prevent or control entrance, confine within or mark, a boundary. (Amended by Ordinance #348, effective 08/18/16)

Wetlands: Regulated wetlands are regulated by Michigan Public Act 203 of 1979, as amended, the Goemaere-Anderson Wetland Act. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh and which is any of the following.

1. Contiguous to a lake, pond, river or stream
2. Not contiguous to a lake, pond, river or stream; and more than five (5) acres in size.
3. Not contiguous to a lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDEQ has so notified the owner.

Wind Energy Conversion Systems (WECS): Terms pertaining to WECS are defined, below:

1. Ambient: The sound pressure level exceeded 90% of the time of L₉₀.
2. Anemometer Tower (MET): A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisitions (SCADA) system which is an accessory land use to a Utility Grid Wind Energy Conversion System.
3. ANSI: The American National Standards Institute.
4. dB(A): The sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method for weighing the frequency spectrum to mimic the human ear.
5. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
6. FAA: The Federal Aviation Administration.
7. Height: Height for wind generators means the height of the wind energy conversion system measured from grade to the tip of the rotor blade or assembly at its highest point or blade tip height.
8. IEC: The International Electrotechnical Commission.
9. ISO: The International Organization for Standardization.
10. Lease Unit Boundary: The boundary around a property leased for purposes of a wind energy facility, including adjacent parcels to the parcel on which the wind energy facility tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road rights-of-way.
11. On-Site Wind Energy Conversion System: A land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.
12. Pedestal: Pedestal means a structure no taller than twelve (12) feet that is designed and constructed primarily for the purpose of supporting one wind turbine.
13. Roof Mounted: Roof mounted means any part of a wind energy conversion system that is located on the roof of a building.
14. Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
15. SCADA: Supervisory Control and Data Acquisitions.
16. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a Wind Energy Conversion System casting shadows on the ground and stationary objects such as, but not limited to, a window at a dwelling.

17. Small Structure Mounted Wind Energy Conversion System. A Wind Energy Conversion System attached to a structure's roof, walls or other elevated surface. A Small Structure Mounted Wind Energy Conversion System has a nameplate capacity that does not exceed ten kilowatts.
18. Sound Pressure: An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
19. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
20. Utility Grid Wind Energy Conversion system: A land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as, but not limited to a SCADA TOWER or an electric substation. A Utility Grid Wind Energy Conversion System is designed and built to provide electricity to the electric utility grid.
21. Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.
22. Wind Energy Conversion System (WECS): Shall mean a combination of:
 - a. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical powers and;
 - b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
 - c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and,
 - d. The tower, pylon, or other structure upon which any, all or some combination of the above are mounted.
 - e. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS such as substations, anemometer towers (MET), cables and wires and other buildings accessory to such facility.
23. Wind Farm: Clusters of two or more utility Grid Wind Energy Conversion Systems placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the Wind Energy Conversion Systems are located. Said Wind Energy Conversion Systems may or may not be owned by the owner of the property upon which they are placed.

(Amended by Ordinance #325, effective 12/23/10)

Yard: The open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the building line. There shall be maintained a front yard on each street side of a corner lot. No structure or accessory building shall project beyond the front yard line on either street.
2. **Waterfront Yard:** An open space extending the full width of the waterfront lot, the depth of which is the minimum horizontal distance between the water frontage and the nearest point of the waterfront building line as previously established by the location(s) of the principal structure(s) in closest proximity to and on either side of the lot.
3. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
4. **Side Yard:** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

ARTICLE 4.00

ZONING DISTRICTS AND OFFICIAL ZONING MAP

Section 4.01 Establishment of Districts

The unincorporated portion of Bangor Township is hereby divided into the following Zoning Districts as shown on the Official Zoning Map:

R-1	Single Family Residential District
R-2	Single Family Residential District
R-3	Single Family Residential District
RMH	Residential Manufactured Home Park District
RM-1	Multiple Family Residential District
RM-2	Multiple Family Residential District
RM-3	Multiple Family Residential District
O-1	Office Service District
C-1	Neighborhood Service Commercial District
RC	Recreation Commercial District
C-2	General Commercial District
I-1	Light Industrial District
I-2	General Industrial District

Section 4.02 Zoning Map

The boundaries of the Zoning Districts listed in Section 4.01 are hereby established as shown on the Official Zoning Map of the Charter Township of Bangor, Bay County, Michigan. The Zoning Map with all notations, references and information shown there on is hereby adopted as part of this Ordinance as if fully described herein. The Zoning Map shall be kept on file so as to be available for public examination at the Township Hall or at other designated locations.

In accordance with the provisions of this Ordinance and 2006 P.A. 110, as amended, known as the Michigan Zoning Enabling Act, as amended, changes made in district boundaries and other matters portrayed on the Zoning Map shall be entered on the Zoning Map after the amendment has been approved by the Township Board and has been approved by the Township Board and has been published in a newspaper of general circulation in the Township. No changes of any nature shall be made to the Zoning Map except in conformity with the procedures set forth in Article 18.00 of this Ordinance. (amended 9/12/06)

Regardless of the existence of copies of the Zoning Map which may, from time to time, be made or published, the official Zoning Map shall be located at the Township Hall and shall be the final authority with regard to the current zoning status of all land in the Township.

Section 4.03 Interpretation of District Boundaries

The following rules shall apply to the interpretation of zoning district boundaries:

- A. Boundaries indicated as approximately following the centerlines of streets, roads, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township limits shall be construed as following such limits.
- D. Boundaries indicated, as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
- E. Boundaries indicated as approximately following the shoreline of a body of water shall be construed to follow such shoreline; in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
- F. Boundaries indicated as parallel to or as an extension of features cited in paragraphs A. through E. above shall be construed as being parallel to or an extension of the features cited. Distances not specified on the official Zoning Map shall be determined using the scale on the map.
- G. Where there is uncertainty, contradiction, or conflict concerning the intended location of zoning district boundaries, the Zoning Board of Appeals shall interpret the exact location of zoning district boundaries.
- H. Insofar as some or all of the various districts may be indicated on the zoning map by patterns or colors that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of the rights-of-way.

Section 4.04 Permissive Zoning Concept

Land uses are specifically permitted in the various zoning districts of this Ordinance. Where not specifically permitted, uses are thereby specifically prohibited. No land contained within any zoning district shall be used for any purpose other than those uses specifically permitted in the district in which the building or land is located, except as otherwise provided herein.

Section 4.05 Uses Permitted As A Right

Permitted uses, are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the schedule of regulations, permit, and site plan requirements found elsewhere in this Ordinance, but otherwise is considered to be a lawful.

Section 4.06 Uses Permitted by Special Approval

The uses identified as uses permitted by special approval are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

Section 4.07 Zoning of Vacated Areas

Whenever any street, alley or other public way within the Township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley or public way shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and the permitted uses shall be limited to the same uses as are permitted under this Ordinance for such adjoining lands.

Section 4.08 Zoning of Filled Land; Use of Waters

Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent, and the same shall be used for the same purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake, river or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

ARTICLE 5.00

GENERAL PROVISIONS

Section 5.01 Administrative Provisions

A. Scope of Regulations

No structure or part thereof shall be located, moved, erected, constructed, reconstructed, altered, converted, enlarged or maintained; nor shall any structure on land be utilized or designed to be utilized unless in full compliance with the provisions of this Ordinance.

B. Minimum Requirements

The provisions of this Ordinance shall be held to be minimum standards and requirements within each District, as well as conform to the Michigan Construction Code as adopted by the Bangor Township Board, and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any special use permit where such higher or more restrictive standards or requirements are found necessary by the Planning Commission and Township Board to attain the intent of this Ordinance.

C. Non-Abrogation of Other Ordinances or Agreements

This ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

D. Vested Right

Nothing in this chapter shall be interpreted as or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.

E. Continued Conformity With Yard and Bulk Regulations

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence.

No portion of a lot used in complying with the provisions of this Ordinance in connection with an existing or planned building, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Section 5.02 Allowable Uses

Only the following use of land, buildings, or structures shall be allowed in the Township:

- A. Uses lawfully established on the effective date of this Ordinance.
- B. Uses for which a land use permit has been issued.
- C. Permitted principal and accessory uses in the applicable zoning district, subject to the requirements specified.
- D. Conditional and special uses in the applicable zoning district, subject conditions and requirements specified.
- E. Temporary uses subject to the requirements specified.

Section 5.03 Accessory Structures and Uses

Except as otherwise permitted in this Ordinance, all accessory structures and uses shall be subject to the regulations that follow:

A. General Requirements

1. Timing of Construction

No accessory building or structure shall be constructed or use established on a parcel unless there is a principal building, structure, or use being constructed or already established on the same parcel of land, except for permitted accessory agricultural buildings, structures or uses.

2. Site Plan Approval

If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures, or uses.

3. Nuisances

Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance.

4. Conformance with Lot Coverage Standards

Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.

5. Location in Proximity to Easements or Rights-of-Way

Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way.

6. Use of Accessory Structures

Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units or for any business, profession, trade or occupation. Except for a permitted home occupation as defined in Article 3.00, an accessory garage on a residential parcel shall be used only for the storage of vehicles, equipment or materials

used by the occupants or recreational use by the occupants of the residence to which it is an accessory.

7. Applicability of Other Codes and Ordinances

Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.

8. Conformance with Schedule of Regulations

All accessory buildings and structures in any District shall adhere to the pertinent requirements detailed in Article 16.00, Schedule of Regulations.

9. Accessory Building Permits

Accessory buildings over 200 square feet shall obtain a building permit. Accessory buildings which are 200 square feet or less shall obtain a zoning permit. Permit fees shall be set by resolution of the Bangor Township Board of Trustees. (amended 10/10/06)

B. Attached Accessory Buildings

Unless otherwise specified in this Section, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) or located within ten (10) feet of the principal building shall be considered a part of the principal building and shall conform to the area, setback, height, and bulk requirements of Article 16.00 Schedule of Regulations.

C. Detached Accessory Buildings

1. An accessory building and/or private residential garage which is connected to or within ten (10) feet of the principal building shall be considered a part of, and subject to the same yard setback requirements as the principal building. An accessory building and/or private residential garage which is not connected to or within ten (10) feet of the principal building shall be located in the side or rear yard except as follows:

- a. For a waterfront lot, a private residential garage may be located in the front yard, provided the structure is not located closer than ten (10) feet to the right-of-way or front lot line.
- b. On a corner lot, an accessory building and/or private residential garage erected in the side yard shall not project into the front yard setback line.

2. For a waterfront lot, accessory buildings and/or accessory structures shall not be erected in any waterfront yard except the following:

- a. Pump houses not exceeding four (4) feet in height, not closer than five (5) feet to any side lot line, and not larger than six (6) square feet at the base.
- b. Decks which are not more than sixteen (16) inches above the existing grade.
- c. Swimming pools and/or other types of accessory structures unless the Board of Appeals, following a public hearing, determines that the installation of the swimming pool and/or other accessory structure in the location and configuration proposed shall not interfere with or otherwise impede the enjoyment of the waterfront view from those immediately adjacent lots and based upon existing conditions unique to the waterfront lot in question and to those immediately adjacent to it, and no closer than forty (40) feet to the average high water mark of 578.34 feet above the mean water lever at Father Point, Quebec (International Great Lakes Datum 1955), or closer than ten (10) feet to either side lot line.

- d. Seawalls as permitted by the U.S. Army Corps of Engineers and/or the Michigan Department of Natural Resources provided they do not exceed a height greater than:
 - (1) 584.76 feet above the mean water level at Father Point, Quebec (International Great Lakes Datum 1955) (hereinafter IGLD), or
 - (2) the average height of existing seawalls within two hundred (200) feet of the proposed wall and on either side of the lot; provided, however, that when the Saginaw Bay has a recorded mean water level above 580.00 feet IGLD, temporary vertical extensions to a maximum height of 587.76 feet IGLD may exist until the recorded mean water level is at or below 580.00 feet IGLD.
 Seawalls that exceed the maximum height specified above may be permitted by the Zoning Board of Appeals, following a public hearing. The Zoning Board of Appeals shall:
 - (1) consider the unique characteristics of the lot in question, including its shoreline contours, geographical location, prevailing winds and/or wave action, elevation and the impact upon the waterfront view from those immediately adjacent lots.
 - e. Snow fences which are temporary in nature between November 1 and March 31, which do not exceed four (4) feet in height and are not closer than fifteen (15) feet to the water's edge on November 1.
 - f. On a waterfront lot an accessory garage may be located in the front yard, but not closer than ten (10) feet to the street right-of-way line.
 - g. On a corner lot, an accessory building erected at the side lot line shall not project into the front yard setback line.
3. Unless specifically provided for otherwise elsewhere in the Zoning Ordinance, a residential accessory building shall not:
- a. Be occupied for dwelling purposes;
 - b. Except as modified in 5 below, be located closer than ten (10) feet to any front, side or rear lot line unless eave troughs in good working order are maintained on said building which allow for the discharge of rain water into the interior of the lot or into a drainage system which discharges into a public storm drain. In the event eave troughs are provided, then the building may not be located closer than five (5) feet to any lot line.
 - c. Exceed one (1) story or twenty (20) feet in height.
 - d. Have more than one (1) door exceeding twelve (12) feet in height; and, (amended 10/10/06)
 - e. An accessory structure or garage which is attached to the principal dwelling shall not exceed three-fourths ($\frac{3}{4}$) of the floor area of the principal dwelling. If the accessory structure or garage is detached, the total floor area shall not exceed the following, to-wit:
 - (1) On any lot less than 13,500 square feet of net lot area, eight (8%) percent of the net lot area or one thousand (1,000) square feet, whichever is smaller.
 - (2) On any lot equal to or greater than 13,500 square feet but less than 20,000 square feet of net lot area, seven (7%) percent of the net lot area or twelve hundred (1,200) square feet whichever is smaller.
 - (3) On any lot equal to or greater than 20,000 square feet but less than 24,000 square feet, an accessory building may not exceed 1,200 square feet; for lots equal to or greater than 24,000 square feet but less than 43,560 square feet (1 acre) of net lot area, an accessory building may not exceed the lesser of (i) 1,500 square feet or (ii) five (5%) percent of the

- net lot area, whichever is smaller; and the accessory building may not be located closer than ten (10) feet to any lot line. (amended 10/10/06)
- (4) On any lot equal to or greater than 43,560 square feet (1 acre) of net lot area it shall not exceed two thousand (2,000) square feet plus one thousand (1,000) square feet for each additional 43,560 square feet (1 acre) of net lot area to a maximum of six thousand (6,000) square feet; provided that said structure shall not be located closer than ten (10) feet to any lot line.
 - (5) No residential accessory building shall be permitted in any zoned residential district unless a residential structure already exists on the parcel where the proposed residential accessory building is to be located.

Unless otherwise specified in this Section, accessory buildings or structures which are not connected to or located within ten (10) feet of the principal building shall conform to the area, height, setback, and bulk requirements of Article 16.00, Schedule of Regulations. For purposes of these regulations, portable canopies and other temporary buildings that may be erected to provide shelter for vehicles or equipment shall be considered a type of detached accessory building and shall be subject to the standards of this section.

D. Exceptions to Accessory Structure Standards

Children’s play equipment may be permitted in a required side or rear yard, but shall be located at least three (3) feet from any property line.

Section 5.04 Lawful Use of a Structure as a Dwelling Unit

Except as otherwise specifically provided herein, no dwelling shall be erected in a commercial or industrial district, except for the living quarters of a watchman, caretaker or business owner (the “authorized resident”) when such dwelling is maintained as part of the structure that also houses the business. Any such dwelling shall be structurally part of the main structure housing the business and shall be permanently affixed to the ground, constructed in accordance with the adopted building code, and provided with plumbing, heating, bathroom, and kitchen facilities. In no case shall the living quarters be used as a permanent single-family residence by anyone other than the authorized resident and the immediate family of the authorized resident.

Section 5.05 Residential Design Standards

A. Scope

The purpose of this section is to establish standards governing the design and appearance of all residential structures, including manufactured homes, when developed on individual lots or home sites in Bangor Township. It is the intent of these regulations to allow a mix of housing types and living styles in a manner that does not adversely affect existing neighborhoods. Any residential structure shall be erected or constructed only if in compliance with the following residential design standards.

B. General Requirements

1. Area and Bulk Regulations

Any residential structure, including any manufactured home dwelling unit, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located. A home shall comply with all regulations required for housing in the zoning district in which the home is located.

2. **Foundation**

Every residential structure, including a manufactured home, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted building code. A manufactured home shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a manufactured home to its permanent foundation.

3. **Other Regulations**

Residential structures shall be constructed in compliance with applicable State, Federal, or local laws or ordinances, including the Michigan State Construction Code. Manufactured homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Manufactured Home Construction and Safety Standards (24CFR3280), as amended.

4. **Location**

For the purposes of this Ordinance a manufactured home may be located on an individual lot in any of the zoning districts which allow for the development of single family residential structures, subject further to the regulations contained herein.

5. **Attachments**

Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted building code. An extension or attachment to the main dwelling unit that is less than fifteen (15) feet wide shall not project more than fifteen (15) feet from nearest exterior wall of the main structure.

6. **Services**

Any residential structure shall be connected to a waste treatment and potable water supply system approved by the Bay County Health Department.

7. **Design Compatibility Requirements**

To insure the compatibility in appearance with existing homes in the Township, dwelling units erected after the effective date of this Ordinance shall comply with the general requirements set forth above, and with the following design and site standards.

8. **Roof Pitch**

The pitch of the main roof shall have a minimum vertical rise of one (1) foot for each four (4) feet (4:12 pitch) of horizontal run, and the minimum distance from the eaves to the ridge shall be ten (10) feet, except where the specific housing design dictates otherwise (such as, French provincial or Italianate).

9. **Roof Drainage**

Dwellings shall be designed with a minimum six (6) inch roof overhang on all sides or an eave with a roof drainage system that will collect and concentrate the roof discharge of storm water or snow away from the sides of the dwelling into the interior of the lot or into a public drainage system. The roof shall have wood shake, asphaltic or other shingles or other materials commonly used in standard residential construction.

10. **Exterior Materials**

The exterior siding of a manufactured home or manufactured dwelling shall consist of materials that are generally acceptable for existing housing in the vicinity, provided that

the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

11. **Dimensions**

The dimensions and placement of dwellings shall be comparable to typical dimensions and placement of existing housing in the vicinity. Therefore, a dwelling shall be located on the lot so that the minimum width of the front elevation is no less than thirty (30) feet and the minimum dimension along any side or rear elevation is no less than twenty-four (24) feet. If there are any extensions or additions off of the front of the dwelling, the minimum width of any such secondary front elevation shall be twenty-four (24) feet. Such dimensions shall be measured from the outer extremities and shall include additions to the main body of the home, such as living or recreation rooms, garages, carport, utility rooms, and the like, the front portions of which are within ten (10) feet of the front of the main body of the dwelling. (amended 09/29/08)

12. **Perimeter Foundation Wall**

Every dwelling shall have a wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that a manufactured dwelling is installed pursuant to the manufacturer's setup instructions, such dwelling shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above.

13. **Exterior Doors**

Dwellings shall have no less than two exterior doors that shall not be located on the same side of the building. Where required because of a difference in elevation, all exterior doors shall be provided with steps constructed in accordance with the Michigan Building Code.

14. **Manufactured Home Compliance**

Manufactured homes that do not conform to the above mentioned standards shall not be used for dwelling purposes within the Township unless located within a licensed manufactured home park, or unless used for temporary residential purposes.

15. **Accessory Structures**

Detached accessory structures, as permitted in this Ordinance shall be built to the adopted Building Code. If the accessory structure is attached to the house it shall be similar in material and integrity and meet the construction standards of the HUD National Manufactured Housing Construction and Safety Standards Act of 1974 or the Michigan Construction Code, as applicable.

16. **Permits**

No manufactured home or manufactured dwelling unit shall be delivered to any lot in Bangor Township until it is shown that the requirements of the Ordinance can be met. Prior to the installation of a manufactured home or manufactured house on a residential lot, the individual shall obtain a building permit from the Building Official.

Section 5.06 Minimum Street Frontage

Every principal building and use shall be located on a lot having frontage for its full, required width on a public street or an approved private street; except that, lots that front on a cul-de-sac or on a curve with an

angle less than 135% shall have street frontage of at least 50 feet. Multi-family, commercial and industrial developments need not front each structure on such streets or roads provided that safe and convenient access for vehicle circulation, servicing, fire protection, off-street parking and loading, and for the provision of adequate light and air can be assured in a site plan submitted for Township approval. No one or two family residence shall be located behind another one or two family residence unless the area requirements of the Zoning District are met and the minimum frontage as required above is provided.

Section 5.06.01 Private Street Permits

- A. No private street shall be constructed or used within the Charter Township of Bangor unless a Private Street Permit has been obtained in accordance with the following procedure.
- B. An application shall be made to the Township which shall be signed, dated and shall have attached any and all required data, exhibits, and information, and the required fee as established by resolution of the Township Board and as may be amended from time to time. No portion of such fee shall be reimbursable to the applicant.
- C. An application for a private street shall contain the following information.
 - 1. Applicant's name, address and telephone number.
 - 2. Address, tax description and legal description of the subject parcel.
 - 3. A signed statement that the applicant is the owner of the subject parcel or is acting as the owner's representative.
 - 4. Fifteen (15) copies of a preliminary street plan prepared by a registered professional engineer at a scale no less than one inch equals two hundred feet. The plan shall clearly indicate the location of the private street, the length of the private street and all parcels that will be served by the private street. The plans shall also indicate any other facilities that will be located within the street right-of-way such as, but not limited to, storm drainage, sanitary sewers, water mains, natural gas lines and underground electric and telephone lines.
 - 5. Proposed deed restrictions or conveyances that indicate the following:
 - a. How permanent access for pedestrian and vehicular traffic will be assured for each parcel.
 - b. That the Charter Township of Bangor has a right to construct public or semi-public utility systems within the private street right-of-way.
 - c. That the Charter Township of Bangor and/or the Bay County Road Commission will not be responsible for maintaining, snowplowing or improving the private street, or constructing public or semi-public utility systems within the street and a methodology for assessing and collecting the costs of such maintenance or improvements which is the responsibility of the parcels served by the private street.
 - d. How the ownership of the land within the private road right-of-way will be held for purposes of assessing and collecting property taxes.
- D. Upon receipt of a completed application, the Township shall transmit the completed application to the Planning Commission and place it on the agenda of the next regularly scheduled meeting of the Planning Commission.

- E. The Planning Commission shall review the particular circumstances and facts applicable to each proposed private street in terms of the following standards and requirements and shall make a determination as to whether the proposed street to be developed on the subject parcel meets the following standards and requirements:
1. Will it be consistent with and in accordance with the general objectives, intent, and purposes of this Zoning Ordinance.
 2. Will it be designed, constructed, operated, maintained, and managed so as to be compatible with existing adjacent land uses and appropriate in appearance with the existing or intended character of the general vicinity.
 3. Will it be served adequately by essential public facilities and services including but not limited to highways, streets, police and fire protection, drainage structures, municipal sanitary sewer and water, refuse disposal, or that parties or agencies responsible for the establishment of the proposed use shall be able to economically provide any such service together with sufficient deed restrictions and/or easements to accomplish the said purpose.
 4. Will it be consistent in assuring that the general public health, safety and welfare will not be infringed upon.
 5. Will it be in complete compliance with the standards listed in subsection H., below.

The Planning Commission may recommend that the application be denied, approved or approved with conditions. The recommendation on the private street shall be incorporated in a statement containing the conclusions relative to the private street under consideration which specifies the basis for the decision and any conditions imposed. The Planning Commission shall forward the statement of findings to the Township Board.

- F. Upon receipt of the recommendation from the Planning Commission, the Township Board shall consider the matter at its next regularly scheduled meeting. Based on the specific facts of each application, the Township Board may either approve or deny the private street permit or grant approval subject to conditions deemed reasonable by the Township Board.
- G. Any decision of the Township Board shall be final and any appeal from it shall be to the Bay County Circuit Court within 21 days of the final decision of the Board.
- H. Prior to the start of construction, engineering plans, sealed by a registered professional engineer, shall be submitted to the Township Board for approval. All plans shall be in accordance with the Board of County Road Commissioners County of Bay Alternate Design Standards except for the following:
1. A paved surface is not required.
 2. The length of a private street shall not exceed 900 feet as measured from a public street to the radius point of a turnaround.
 3. A private street shall not provide access to more than eight parcels.
- I. An applicant for a private street permit shall also comply with the following requirements:
1. Provide waterline easements to the Township and where abutting parcels are to be served with public water install water lines according to Township specifications prior to acceptance by the Township.

2. Where public sewers are within 200 feet of the intersection of the private street and a public street there shall be provided the following:
 - a. Easements to the Township for sanitary sewers;
 - b. Construction of sanitary sewers according to the specifications of the Township and connection to the public sewer;
 - c. Dedication of the sanitary sewer to the Township.
3. Provide a street sign approved by the Bay County Road Commission.
 - a. Property owner must request in writing to the Bangor Township Supervisor the installation of a street sign and its location and also agree to incur the expense of the sign and its installation.
 - b. After receiving the request, the Township shall request an estimate for the installation of the sign from the Bay County Road Commission.
 - c. After receipt of the estimate, the Township will require payment prior to the sign installation.

Section 5.07 Temporary Buildings, Structures and Uses

A. Temporary Structures Used for Dwelling Purposes

A manufactured home, trailer coach or other approved living quarters may be occupied as a residence on a temporary basis on a site during the period of construction, major repair or remodeling of a single family dwelling. Only the owner of the dwelling site and the owner's family, may be permitted to occupy the temporary residence located at the construction site provided that the owner intends to occupy the permanent dwelling unit as a residence upon completion of its construction.

1. **Permit Duration**
Permits for temporary occupancy may be issued by the Township Building Official for up to three (3) months in duration and may be renewed for a period of up to three (3) months, provided that work is proceeding in an expeditious manner. The total duration of a temporary permit shall not exceed twelve (12) months.
2. **Application Requirements**
An application for a temporary occupancy permit shall be made to the Bangor Township Building Official. Prior to the issuance of a temporary building permit, the applicant shall provide the following information:
 - a) A building permit for the dwelling to be constructed
 - b) Evidence to demonstrate that sanitary facilities, refuse, and water facilities will be provided in conformance with this section.
3. **Setbacks**
Temporary dwellings shall comply with the setback standards for the zoning district in which they are located.

4. **Accommodations**
A temporary dwelling shall contain sleeping accommodations, flush toilet(s), and tub or shower bath adequate to serve the inhabitants thereof.
5. **Sanitary Facilities**
The sanitary facilities of the temporary dwelling for the disposal of sewage and waste shall be properly connected to the public sewage system available at such premises, or in cases where a public system is not available, it shall be properly connected to a septic tank and drain field approved by the Bay County Health Department for the dwelling to be constructed at the location.
6. **Water Facilities**
The fresh water facilities of the temporary dwelling shall be properly connected to the public water system available at such premises, or in cases where a public system is not available, it shall be properly connected to a source approved by the Bay County Health Department for the dwelling to be constructed on the premises.
7. **Refuse**
No occupant of the temporary dwelling shall cause or permit waste to be discharged upon the ground surface of the premises nor cause or permit refuse to accumulate or remain upon the ground surface.

B. Other Temporary Buildings, Structures, and Uses

1. **Temporary Buildings Associated with Approved Construction Activities**
Temporary buildings and trailers associated with approved construction activities shall be permitted on the site of such activities.
 - a) **Permits.**
Permits for temporary occupancy may be issued by the Township Building Official for up to three (3) months in duration and may be renewed for a period of up to three (3) months, provided that work is proceeding in an expeditious manner. The total duration of a temporary permit shall not exceed twelve (12) months. The Planning Commission may issue an additional permit once the initial twelve (12) month period has expired and such permit shall not exceed six (6) months.
 - b) **Application Requirements**
An application for a temporary permit shall be made to the Bangor Township Building Official. Prior to the issuance of a temporary building permit, the applicant shall provide the following information:
 - 1) A building permit for the dwelling to be constructed
 - 2) Evidence to demonstrate that sanitary facilities, refuse, and water facilities will be provided in conformance with this section.
 - c) **Setbacks**
Temporary buildings shall comply with the setback standards for the zoning district in which they are located.

d) **Refuse**

No occupant or user of the temporary building shall cause or permit waste to be discharged upon the ground surface of the premises nor cause or permit refuse to accumulate or remain upon the ground surface.

Section 5.08 General Yard and Bulk Regulations

All lots, buildings, and structures shall comply with the following general yard and bulk regulations unless specifically stated otherwise in this Ordinance:

A. Minimum Lot Size

Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance, shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located. No building permit shall be issued for the construction of a building that does not comply. No yards in existence on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance, nor shall any such yard be counted, calculated or used to satisfy yard requirements pertaining to any other building.

B. Corner and Double Frontage Lots

Lots that abut on more than one public or private road shall provide the required front yards along every public or private road

C. Waterfront Lots

Lots that abut on a lake, pond, or stream shall provide the required front yard along the waterfront and along every public or private road.

D. Setbacks and Building Location

All front yard setbacks shall be measured perpendicularly from the right-of-way line of any abutting public or private road or water line of and private or public body of water or stream which abuts, adjoins, is contiguous to or located upon such lot. All side and rear yards setbacks shall be measured perpendicularly from the side or rear lot line as appropriate.

Whenever the ground slope in a required side yard setback in any zoning district exceeds a height to width ratio of one to four (1:4), the owner or occupant of the lot shall install within the required side yard setback area a storm water drain sufficient to cause surface water to drain to the nearest storm drain or road drain which is capable of accepting such flow. In the event no storm drain or road drain is available to accept such flow, the owner or occupant shall construct a ditch or otherwise prevent surface water from flowing onto adjacent property. Any such drainage improvements are subject to the review and approval of the Township Building Official.

E. Projections into Required Yard Setbacks

Fire escapes, fire towers, chimneys, fireplaces, platforms, balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is located. The following table identifies permitted projections in required yards. (*amended 08/09/16*)

Projection or Structure	All Yards	Rear Yard	Side yard	Front Yard
Air conditioning condenser	--	X	X	--
Arbors or trellises	X	--	--	--
Awnings projecting less than 10% of yard depth	X	--	--	--
Flagpoles	X	--	--	--
Gardens	X	--	--	--
Gutters	X	--	--	--
Hedges	--	X	X	--
Laundry lines	--	X	--	--
Ornamental lighting	X	--	--	--
Paved terraces, decks, porches	--	X	--	--
Play equipment	--	X	X	--
Trees, shrubs, flowers	X	--	--	--
Unroofed exterior steps	X	--	--	--
Window air conditioning units	X	--	--	--

X = Permitted

Notes Related to Table

1. **Architectural Features**

Bay windows, window sills, belt courses, cornices, eaves, roof overhangs, and other architectural features may project into a required yard not more than twenty-four (24) inches.

2. **Terraces/Decks/Porches**

Open paved terraces, decks, or porches may project into a required rear yard up to ten (10) feet, provided that the unoccupied portion of the rear yard has a depth of at least twenty-five (25) feet.

3. **Access Drives and Walkways**

Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than nine (9) inches above grade.

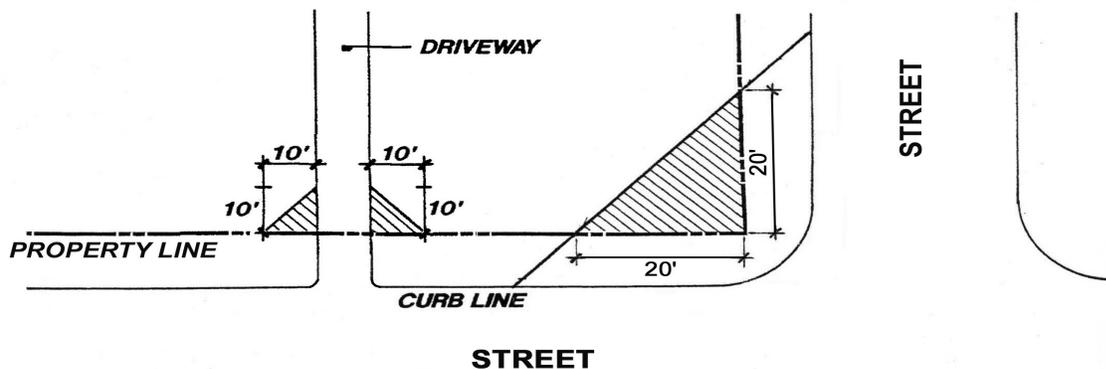
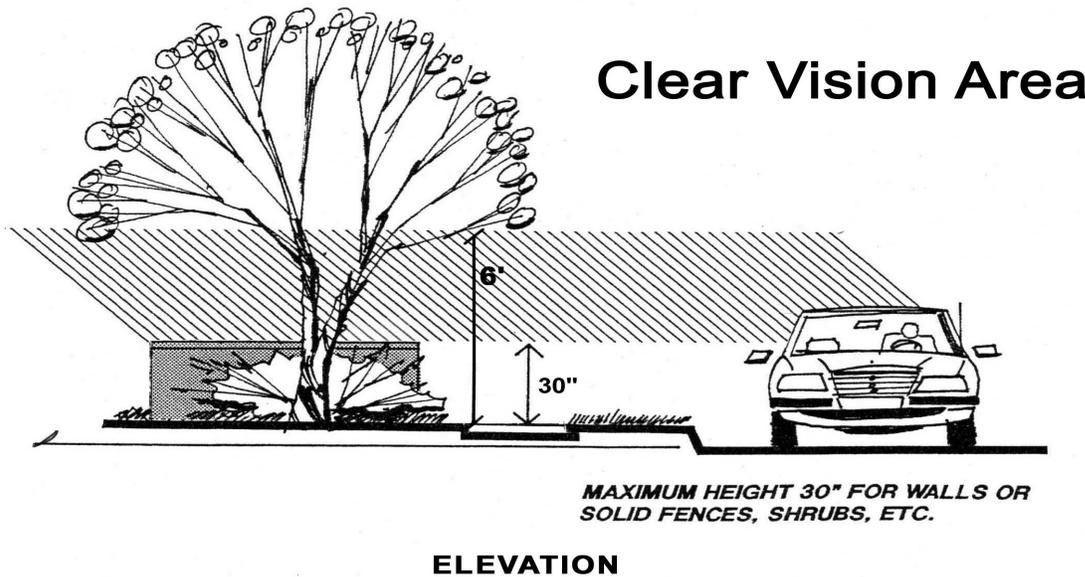
F. **Clear Vision Area**

No structure, wall, fence or planting shall be erected, established or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway (see diagram). Fences, walls, structures, or plantings located in the triangular area described below shall not obstruct vision between a height of thirty (30) inches and six (6) feet above the lowest point of the intersecting road(s).

Trees shall be permitted in the triangular area provided that limbs and foliage are trimmed so that they do not extend into the clear vision area or otherwise create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet to the edge of any driveway or road pavement within the triangular area.

The unobstructed triangular area is described as follows: the area formed at the corner intersection of two road right-of-way lines; the two (2) sides of the triangular area being twenty (20) feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides, or the area formed at the corner intersection of a public right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured

along the right -of-way line and edge of the line driveway, and the third side being a line connecting these two sides. (See Illustration "Clear Vision Area")



Section 5.09 Relocation of Buildings

No existing building or structure shall be relocated upon any parcel or lot in Bangor Township unless the building or structure conforms to all requirements for the district in which the building or structure is to be located.

Section 5.10 Number of Principal Buildings and Uses Per Lot

- A. Only one (1) principal building shall be placed on a lot of record or parcel in the single-family districts, except as otherwise specifically permitted herein. In a single-family site condominium project, only one principal building shall be placed on each condominium lot, as defined in Article 3.00.
- B. Not more than one (1) single-family residential dwelling unit shall be permitted on any one (1) parcel or lot of record in the single family zoning districts, except as specifically permitted herein, and as permitted under the Michigan Condominium Act, P.A. 59 of 1978, as amended.

- C. Where permitted in single-family districts, not more than one (1) two-family structure shall be erected on any one (1) parcel or lot of record, except in the case of a planned unit development subject to the provisions of Article 15.00, or as may be permitted in the multiple family residential or manufactured home park districts.

Section 5.11 Grading, Removal and Filling of Land

A. Scope of Requirements

Any grading which changes site elevation by more than three (3) feet or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products shall not be permitted in any zoning district except in accordance with an approved site plan. Such plan shall be at an appropriate scale to show existing and proposed grades, topographic features and other pertinent data as required under this Ordinance for site plan approval. This regulation shall not apply to normal soil removal for basement, drain fields, or foundation work when building permit has previously been duly issued by the Township, nor shall it be construed to prohibit site changes for farming purposes.

B. Grading Standards

1. Slope Away From Buildings

All buildings and structures shall be constructed at an elevation that provides a sloping grade from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or public drainage course.

2. Runoff Onto Adjacent Properties

New grades shall not be established that would permit an increase in the rate of surface water runoff onto adjacent properties, except through established public drainage courses and subject to approval by the Bay County Drain Commissioner.

3. Stockpiling

Stockpiling of soil, sand, clay, gravel and similar material shall be prohibited, except where permitted as part of an approved excavation operation, approved construction project, approved use in an industrial district or on a farm as defined in this Ordinance. Aside from these exceptions, all material brought onto a site in Bangor Township shall be graded to match the natural grade on adjoining parcels. These restrictions shall not be construed to prohibit MDEQ-monitored clean-up of contaminated soil.

4. Clean Fill

Fill material brought into the Township shall be free of contamination from hazardous substances, debris, junk, or waste.

5. Excavations or Holes

The excavation or continued existence of unprotected holes, pits, or wells that constitute or are reasonable likely to constitute a danger or menace to the public health, safety, and welfare is prohibited. However, this restriction shall not apply to excavations for which a permit has been acquired from the Township, provided such excavations are properly protected with fencing, guard rails, and warning signs. This section also shall not apply to lakes, streams, ditches, reservoirs, or other bodies of water under the jurisdiction of the State of Michigan, County of Bay, Bangor Township, or other governmental agency.

C. Removal of Soil, Sand, Clay, Gravel and Similar Material by a Commercial Operation

1. Businesses engaged in the removal of soil, sand, clay, gravel, and similar materials, rather than the moving, grading, or leveling of soil, sand, clay, gravel or similar materials on a site for the purposes of preparing the site for building construction or another permitted use shall comply with the regulations set forth for such uses in this Article.
2. Upon cessation of any such commercial operation reclamation of the site must occur within one hundred eighty (180) days after termination of such operation. A reclamation plan must be submitted to the Township Planning Commission for review and approval in conjunction with the required site plan.

Section 5.11.1

Farm and decorative/recreational ponds constructed in residential zoning districts in Bangor Township shall be subject to the following regulations:

- A.
 1. That the pond is located on a parcel shall meet the minimum front yard requirements in that zoning district and be at least 10 feet from any adjoining property line; except if two or more parcels share the pond, then a zero (0) foot setback is required between the adjoining lots only.
 2. That the slopes above the pond benchmark shall have a maximum slope of four feet horizontal to one foot vertical; slopes below the pond benchmark shall be flattened to seven feet horizontal to one foot vertical for the first 20 feet from the pond benchmark toward the center of the pond; the next 10 horizontal feet (up to 30 feet from the pond benchmark) shall not exceed a slope of three feet horizontal to one foot vertical. Beyond 30 horizontal feet the bottom slope shall not be limited. All measurements shall be measured from the pond benchmark as established on the approved site drawing.
 3. That the pond will have sufficient depth and will be designed to prevent safety hazards, erosion problems, altering the groundwater table and creating sand blows, stagnant water pools, or swampy areas;
 4. That construction of the pond will not have an adverse impact on the environment, natural topography, or any natural resource;
 5. The applicant shall obtain any necessary permits, or approvals from all entities having approval authority for ponds;
 6. That all areas adjacent to the pond shall be graded and finished to conform to adjacent areas.
- B. An application for zoning permit approval for a pond shall be on a form provided by the Township and shall include:
 1. The name and address of the property owner;
 2. The name and address of the party constructing the pond;
 3. The size, depth and water capacity of the pond;
 4. The legal description of the parcel of land on which the pond is to be constructed;

5. A drawing showing property lines and dimensions, the exact location of the pond on the site, pond dimensions, measurements of all setbacks, roadways, utilities, structures, measurements of distances from utilities and structures from the pond, at least one benchmark elevation for the site, the exact location of the bench mark, any overflow structure and a profile view of the pond showing compliance with above- and below-water side slope requirements;
 6. Written evidence of any necessary permits, or approvals from all entities having approval authority for ponds;
 7. The water source and method of water discharge;
 8. The method of filtration and treatment of water, if any; and,
 9. Any further information reasonably necessary for the protection of the public health and safety as may be required by the Planning Commission.
- C. Pond construction shall be completed within one year of the date of approval of site plan for commercial property or when residential zoning permit approval was given, or the pond approval expires; an applicant may be granted one extension of one year to complete pond construction by the Zoning Administrator if applicant applies for such an extension at least 60 days before the original approval period expires;
- D. No pond shall be wholly or partially emptied in any manner that will cause water to flow upon the land of another, and no pond shall be wholly or partially emptied upon any land if a storm drain is readily accessible to the premises on which the pond is located. Discharge into the public sanitary sewer is strictly prohibited.
- E. No public water shall be used in connection with the filling or operation of a pond when limitations on consumption and use of public water are in effect. When public water is used to fill any pond, an adequate back-flow check valve mechanism or system shall be installed to prevent the pond water from flowing into the public water supply system.
- F. Land on which pond construction has been completed may be divided in such manner that there is not compliance with the pond setback requirements in subsection A.1., above, as long as the resulting parcels comply with all other applicable requirements of this ordinance. In the event that two or more contiguous property owners want to construct a pond that will straddle their common property lines, they may do so provided that their parcels, if treated as one zoning lot, comply with the setback requirements in subsection A.1. above.
- G. Detention or retention ponds which are to be constructed in platted subdivisions, commercial or industrial developments shall be approved as part of the plat or site plan approval process as the case may be. The Planning Commission may require that the area surrounding such a pond be landscaped and planted with suitable plantings to assure that the pond favorably blends into the surrounding area. Such ponds shall have a maximum side slope of one foot vertical to four feet horizontal, except that the Planning Commission may approve such a pond with both above- and below-water slopes that do not exceed three feet horizontal to one foot vertical as long as it is fenced in accordance with the specifications in Subpart 2 of Subsection F. of Section 5.21. A minimum one-foot freeboard shall be required above the design high water elevation. (updated 05/13/08)

Section 5.12 Landfills and Dumping of Waste, Junk, Etc.

The use of land for the storage, collection or accumulation of used construction materials, or for the dumping or disposal of scrap iron, junk, refuse, ash, slag or other industrial wastes or by-products shall not be permitted in any district, except in conformance with the Bangor Township Solid Waste Disposal Ordinance and Act 641, P.A. 1978, Solid Waste Management Act. In addition, any site employed for such storage, dumping of waste, junk, etc., shall be located in conformance with the Bay County Solid Waste Management Plan, as may be amended.

Section 5.13 Exceptions to Height Limitations

Specific height limitations contained in the Schedule of Regulations, Article 16.00, are intended to be modified in the case of penthouses or roof structures for the housing of elevators, water tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, cooling towers, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, or similar structures. These and similar appurtenances may be erected to exceed by no more than twelve (12) feet above the height limits of the district in which they are located; provided, however, no such structure shall occupy a total area greater than twenty (20) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than an activity in mechanical support to the main use of the building.

Section 5.14 Storage Of Motor Vehicles

There shall be no outside storage of automobile, trucks, tractor, and similar vehicles that are abandoned, disabled, wrecked or unlicensed except in a lawful junkyard.

Section 5.15 Storage Of Recreational Equipment

Any owner of camping and recreational equipment may park or store such equipment on residentially used property subject to the following conditions:

- A. Recreational equipment parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.
- B. If the camping and recreational equipment is parked or stored outside of a garage for more than forty-eight (48) hours, it shall be parked or stored in the side or rear yard of the lot (except waterfront lots) and shall not be located closer than ten (10) feet to a side or rear property line. On waterfront lots, recreational vehicles shall be stored only in the front yard and shall not be located closer than ten (10) feet of a dwelling located on an adjacent lot. (amended 10/10/06)
- C. Notwithstanding the above provisions, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes, for a period of not more than forty-eight (48) hours within a seven (7) day period.
- D. All recreational equipment must be kept in good repair and carry a current year's license and/or registration. Motor vehicles requiring a vehicle registration and license to move on the public roads must be kept in good running condition, capable of operation as licensed and maintained with a current registration and license for operation in the name of the occupant of the dwelling unit where the vehicle is stored.
- E. A mobile home as defined in Article 3.00 shall not be construed to be a recreational vehicle and shall

not be permitted to be stored in accordance with these provisions.

- F. The provisions concerning connection to utilities, use as living quarters, and location may be waived for a period of up to two weeks to permit repair of the occupant's equipment or to permit the parking of a recreation vehicle for a guest. Permits for any such waiver shall be obtained from the Building Official. No more than two (2) permits shall be issued for each activity per calendar year. (amended 01/07/08)
- G. Recreational vehicles shall not be parked for more than forty-eight (48) hours within any multiple family residential complex.
- H. Parking spaces designed for use by recreational vehicles shall be less than twelve (12) feet wide and no more than fifty feet in length.

Section 5.16 Voting Place

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

Section 5.17 Lot Depth To Width Ratio

Except as set forth herein, the depth of a lot in all districts created after the effective date of this provision shall not exceed a depth to width ratio of three (3) to one (1). All lots that have a depth of four hundred (400) feet or more shall have a depth to width ratio of four (4) to one (1).

Section 5.18 Animals and Pets

A. Pets

- 1. The keeping of family pets, including rabbits, fish, birds, hamsters, and other animals generally regarded as household pets is permitted as an accessory use in any zoning district which permits residential dwellings. Family Pets, as defined in Article 3.00 shall be differentiated from Exotic Animals and Domesticated Animals.
- 2. The keeping of up to three (3) dogs or cats more than four (4) months in age, is an accessory kennel use in any zoning district which permits residential dwellings.
- 3. All household pets shall be maintained and accommodated in a manner so as to not to pose a nuisance to adjoining property or a hazard to water quality and public health, safety, and welfare.
- 4. See Section 17.02 FF for regulations pertaining to the raising and keeping of horses. Livestock animals shall be regulated as stated in subsection B., below. (amended 01/07/08)
- 5. Kennels shall meet the standards contained in Section 17.02.W.
- 6. Except as allowed in this Section, it is unlawful for a person to possess, breed, exchange, buy or sell Exotic Animals as defined in Article 3.00. Excepted individuals and organizations shall be as follows: Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums; wildlife sanctuaries; nature preserves; circuses; bona fide scientific, medical, or educational research facilities.

B. Domesticated Animals

1. Cattle, sheep, goats, swine, chickens, turkey, geese and other common domestic farm animals shall only be permitted on a farm, as defined in Article 3.00, subject to the following conditions and in accordance with the Michigan Right to Farm Act.
2. Minimum lot size for keeping cattle, swine and sheep, goats, chickens, turkeys, geese, or other fowl or poultry shall be forty (40) acres. The minimum lot size for all other animals shall be determined based upon the size of the largest animal kept.

Type of Animal	Number of Animals Permitted on Minimum-Sized Lot	Number of Animals Permitted per Acre above the Minimum Lot Size
Cattle	2	2 animals/acre
Swine, sheep, goats	2	2 animals/acre
Turkey, ducks and geese	25	25 animals/acre
Other fowl and poultry	50	50 animals/acre
All others	1,000 pounds live weight per acre	1,000 pounds live weight per acre

3. The number of Domesticated Animals allowed for each acre of lot size is identified in the table above. Where there are different types of animals kept on the same parcel, the required lot size must be calculated as the combined total requirement for each type of animal.
4. All lots shall be properly fenced in such a manner that no livestock, poultry or other animals will run at large.
5. No animal waste shall be accumulated or be stored within one hundred (100) feet of a property line. No structure for housing such animals shall be located within one hundred (100) feet of a property line.
6. Animals shall be maintained and accommodated in a manner so as not to pose a nuisance to adjoining property or a hazard to water quality and public health, safety, and welfare.

Section 5.19 Impact Assessment

A. Intent

The purpose of an Impact Assessment is to assess the developmental, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the site development and performance standards set forth in this Ordinance. The Township reserves the right to hire experienced professionals to evaluate an applicant’s Impact Assessment, and if necessary, prepare additional analysis with the cost borne by the applicant.

B. Assessment Issues

Where required, preparation of the Impact Assessment shall be the responsibility of the applicant. The applicant shall use qualified personnel (in the determination of the Township) to complete the Impact Assessment, which shall address the following issues, at minimum:

1. **Qualifications of Author**
Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment and a brief statement of their qualifications.
2. **Site Description**
An area plan or aerial photograph illustrating the entire site and nearby properties.
3. **Description of Use**
Narrative of the proposal, describing operating characteristics and standards.
4. **Overall Site Conditions**
Narrative and illustration describing adjacent uses, zoning, public roadways, utilities, significant woodlands, soil types, 100 year floodplains, drainage ways and general topography. The area described shall be within one-quarter mile for sites up to one hundred (100) acres, and within one (1) mile radius for larger sites. Aerial photographs are recommended to assist in describing the general vicinity, historic and archeological significance of the site and adjacent properties.
5. **Wetlands**
Documentation by a qualified wetland specialist shall be required wherever there is a potential state or federally regulated wetland which may be impacted by the proposed project.
6. **Conceptual Site Plan**
Illustration of the general layout of proposed uses upon which preliminary impact analysis is based, and any proposed phasing.
7. **Land Use Impacts**
Description of the types of proposed uses and other manmade facilities, including any project phasing, and an indication of how the proposed use(s) conforms or conflicts with existing and Master Planned development patterns. A description shall be provided of any increases in light, noise or air pollution which could negatively impact adjacent properties, particularly associated with smoke or truck routing.
8. **Environmental Impact**
Description of any general impacts expected to wildlife areas, lakes, streams, ponds and regulated wetlands. Conceptual mitigation or replacement measures under consideration shall be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction.
9. **Impact on Public Facilities and Services**
Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the use to fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.
10. **Utility Impacts**
Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long range development on the site.

11. **Drainage**

Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as storm water basins, methods to control fertilizers and filter runoff shall be identified. Correspondence from the Bay County Drain Commissioner shall be attached indicating their concerns and suggestions.

12. **Storage and Handling of Waste and Hazardous Materials**

Methods of on- and off-site disposal of solid waste shall be identified. The information shall describe the type of hazardous substances expected to be used, sorted or disposed of on the site; general location within the site; and method of containment. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.

13. **Traffic Impacts**

Impact of the proposed use on traffic and any affected public transit systems. A detailed traffic impact study shall be submitted where the proposed use

- a) generates at least fifty (50) peak hour trips per hour in the peak direction; or
- b) the required Level of Service as defined by the Highway Capacity Manual will be impacted by the proposed use.

C. **Applicability of Other Standards and Ordinances**

Approval of the Impact Assessment shall not relieve the project's sponsor from complying with other land development standards of the Zoning Ordinance, or with any other Township ordinance, or with any other applicable local, State or Federal law or regulation.

Section 5.20 Commercial Vehicle Parking in Residential Districts

A. **Number and Type**

Not more than one (1) semi-tractor, semi-trailer or semi-tractor/trailer combination or other commercial vehicle with a rated capacity in excess of one (1) ton, owned or operated by a resident of the premises, may be parked on a lot located in a residential district. Commercial vehicles may only be parked within a public or private street for the purpose of loading or unloading the vehicle. No commercial vehicle shall be parked overnight on any public or private road within the Township.

B. **Screening**

The vehicle shall be fully screened when parked. Such screening may be provided by parking the vehicle in a garage, or by parking the vehicle in a rear yard that provides complete screening from adjacent properties. Screening of vehicles located outdoors may be accomplished with planting existing or new landscaping, topographic barriers, or through construction of screening walls or fences.

Approval to park a commercial vehicle shall not constitute approval to park additional trailers, parts, or other equipment or materials associated with the operation of the commercial vehicle.

C. **Impact**

In considering whether to permit parking of a commercial vehicle on a site, the Building Official shall consider the potential off-site impacts, including: the impact from additional dust, odors, fumes, and noise generated by the vehicle; the disruption from additional vehicular traffic at various times during the day; possible safety and environmental hazards related to operation of a commercial vehicle on public or private residential roads.

Section 5.21 Fences and Walls in Residential Districts (amended 08/09/16)

A. **General Fence and Wall Standards**

1. **Corner Clearance**

Walls and fences shall comply with the specifications for maintenance of clear vision in Article 5.08F of this Ordinance.

2. **Location**

No fence greater than four (4) feet in height shall be permitted closer to the front lot line than the front wall of the principal building. Such permitted fence shall be non-obscuring and shall not be closer than five (5) feet to a road right-of-way.

3. **Height**

Height is measured from the ground level adjacent to the primary structure wall, provided that fill shall not be permitted for the purpose of achieving a higher wall or fence than otherwise would be permitted.

4. **Wall and Fence Materials**

Walls shall be constructed of durable materials that are architecturally compatible with the materials used on the façade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.

Fences shall be constructed of good-quality materials ordinarily and customarily used in residential fence construction. Razor wire and barbed wire shall be prohibited. Page wire fences, chicken-wire fences, single-strand wire fences, fences that carry electric current, fences most suitable to contain horses and livestock, and other fences more commonly used in farming, or livestock operation shall be prohibited. Wood fences shall be constructed of redwood, cedar, or No. 1 pressure-treated wood, or similar durable wood-like materials.

5. **Finished Appearance**

The finished side of the fence shall face away from the interior of the lot and the pole side shall face the interior of the lot.

6. **Fences on Corner Parcels**

On corner lots the following regulations shall apply on the yard facing a road:

- a) A six (6) foot high fence shall be permitted provided it does not extend closer to the street than any portion of the principal dwelling.
- b) A four (4) foot high fence may be erected in the setback area, provided that any such fence shall be non-obscuring in design and not closer than five (5) feet to a road right-of-way.

- c) An obscuring fence not more than six (6) feet in height shall be permitted in a side or rear yard setback that does not front on a road.

7. **Walls on Corner Parcels**

On corner parcels, walls shall not be permitted to extend closer to the road than any portion of the principal building.

8. **Obstruction to Use of Adjoining Property**

No fence or wall shall be erected where it would prevent, or unreasonably obstruct, the use of adjacent property. Nor shall a fence or wall be erected where it would obstruct or prevent the continued safe use of an existing driveway or other legal means of access to adjacent property. In enforcing this provision, the Building Official may require a fence or wall to be set back a minimum distance from a driveway or property line.

9. **Fence and Wall Maintenance**

Fences and walls shall be maintained in good condition. Rotten, crumbled or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated.

10. **Permit Required**

Prior to the construction of any fence or wall, property owner shall obtain a zoning permit from the Township Building official. Fences or walls located on a vacant parcel or lot, except waterfront lots, shall adhere to all the same fencing/wall zoning standards and shall obtain a zoning permit prior to construction. If parcel or lot is vacant, the front yard setbacks shall be established by using the specific zoning setback for that area. (amended 10/10/06)

B. **Fences that Enclose Public Areas**

Fences that enclose public parks, playgrounds, or similar public areas located within a developed residential area shall not exceed six (6) feet in height, measured from the surface of the ground. Such fences may be of an ornamental non-opaque design.

C. **Entranceway Structures**

1. **Entrance to Residential Developments**

Residential subdivision entranceway structures, such as walls, columns or gates which mark the entrance to a single family subdivision or multiple family development, shall be permitted in the required setback area, provided that:

- a. Entranceway structures shall not exceed six (6) feet in height.
- b. Entranceway structures shall not be located in the existing or planned right-of-way and shall be setback so as not to obstruct the clear vision area.
- c. Such structures shall not restrict emergency vehicle access.

D. **Fences and Walls on Non-waterfront Parcels**

Fences in the R-1, R-2, R-3, RM-1, RM-2, and RM-3 Districts may be located in the required side or rear yard on non-waterfront lots or parcels subject to the following requirements:

1. **Maximum Height**

The maximum height shall be six (6) feet for fences located in the rear or side yard and no closer to the front lot line than the front wall of the principal building.

E. **Fences and Walls on Waterfront Lots or Parcels**

No fence or wall shall be placed within the waterfront yard, the yard adjacent to the water.

1. **Maximum Height**

The maximum height shall be six (6) feet for fences located in the side yard and no closer to the front lot line than the front wall of the principal building.

Section 5.22 Traffic Impact Analysis

When a traffic impact study is required or requested by the Planning Commission or Township Board, including when a component of an overall impact analysis, the applicant shall bear the cost for preparation of such study and evaluation of a study prepared by a traffic engineer with experience preparing traffic impact studies in Michigan during the preceding three (3) years to address the following:

- A. Existing conditions including existing daily and peak hour traffic on adjacent street(s), a description of any sight distance limitations along the site's right-of-way frontage and accident histories within five hundred (500) feet of the site and for any intersection which will experience a traffic volume increase of at least five (5) percent during the day or during a peak hour due to the proposed project.

Where existing traffic counts are more than two (2) years old, new counts should be taken. Traffic counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts (i.e. on a Saturday for a proposed commercial development) may also be required in some cases. The following times/situations should also be avoided where possible so that the traffic count data would represent a typical day: construction detours in the area, summer days for a site near a school, etc. The firm performing the impact study must make every effort to complete traffic counts during average or higher than average volume conditions (i.e. regarding weather or seasonal variations) for the area under study.

- B. Forecasted trip generation of the proposed use for the a.m. and p.m. peak hour and average daily traffic generated. The forecasts shall be based on the data and procedures outlined in the most recent edition of the Institute of Traffic Engineers Trip Generation Manual. The applicant may use other commonly accepted sources of data or supplement the standard data with data from similar projects in Michigan.
- C. For requests for a zoning change when such request represents a departure from the land use proposed in the Township Master Plan, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The Planning Commission shall determine typical uses to be considered.
- D. Projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at major site access points and nearby intersections or expressway interchange ramps. Rationale for the distribution shall be provided. If any streets are proposed for realignment or vacation, the study shall forecast the changes in traffic conditions along affected streets.
- E. Capacity analysis at the proposed access points along public streets using the procedures outlined in the most recent edition of the *Highway Capacity Manual* published by the Transportation Research Board. Pre- and post- construction capacity analyses shall also be performed at all street

intersections or expressway ramps where the expected traffic will comprise at least five (5) percent of the existing intersection capacity and/or for roadway sections and intersections experiencing congestion or a relatively high accident rate, as determined by the Township.

- F. The Township may require a "gap study" to analyze the frequency and duration of gaps in the flow of through traffic to accommodate turning movements.
- G. Analysis of any mitigation measures warranted by the anticipated traffic impacts. Where appropriate, documentation shall be provided from the appropriate road agency regarding time schedule for improvements and method of funding.
- H. A map and description of the location and design of proposed access (driveway or new street intersection), including any sight distance limitations, dimensions from adjacent driveways and intersections within two hundred fifty (250) feet, other data to demonstrate that the design and number of driveways proposed is the fewest necessary, and the driveway(s) will provide safe and efficient traffic operation and be in accordance with the standards of this ordinance.
- I. An analysis of the potential need for bypass lanes or deceleration tapers/lanes, including attachment of any correspondence by the Bay County Road Commission or the Michigan Department of Transportation, as appropriate.
- J. Resume and qualification of the preparer.

Section 5.23 Performance Guarantees

A. Intent and Scope of Requirements

To insure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Township Board may require that a performance guarantee in the form of a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Planning Commission or the Township Board covering the estimated cost of improvements be deposited with the Treasurer of the Township to insure the completion of the improvements or of the conditions imposed and in accord with Section 505 of 2006 P.A. 110, as amended, known as the Michigan Zoning Enabling Act. (amended 9/12/06)

Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, driveways and parking, streets, acceleration/deceleration lanes, traffic control devices, storm drainage, sidewalks, exterior lighting and utilities and land reclamation activities. The performance guarantee shall not cover the principal building(s).

B. General Requirements

The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an irrevocable bank letter of credit, cash escrow, or other form acceptable to the Township.
2. The performance guarantee shall be submitted to the Township at the time of issuance of the building permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the Township Treasurer shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.

3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements to be covered by the guarantee, and the amount of such estimate shall be verified by the Township Engineer. The exact amount of the performance guarantee shall be determined by the Township Engineer. The form of the guarantee shall be approved by the Township Treasurer.
4. The Township Board shall determine the means of releasing portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the guarantee is held shall have been completed before any release shall be made.
5. An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least one (1) year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Building Official that all landscape materials are being maintained in good condition.

C. Unsatisfactory Completion of Improvements

Whenever required improvements are not installed or maintained within the time stipulated in the guarantee, according to the approved plans, or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent contractor, and assess all costs of completing said improvements, including administrative costs, against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

Section 5.24 Single Family Residential Open Space Preservation Option

The purpose of an open space community is to maintain the rural, natural and scenic qualities of the Township. Toward this end, all open space community developments shall be designed to promote the preservation and protection of natural features, significant wildlife habitats, sensitive environments and scenic vistas. The provisions set forth in this Section encourage innovative and livable residential neighborhoods through permanent dedication of open space. In accordance with 2006 P.A. 110, as amended, known as the Michigan Zoning Enabling Act, single family residential subdivisions and site condominiums may be approved in the R-1, R-2 Single Family Residential Districts, subject to the standards and review procedures set forth herein. These standards are not intended as a device for circumventing the Zoning or Subdivision Regulations of the Township, the standard set forth therein, nor the planning concepts upon which the Zoning Ordinance has been based. (amended 9/12/06)

These standards are not intended as a device for circumventing the Zoning or Subdivision Regulations of the township, the standards set forth therein, nor the planning concepts upon which the Zoning Ordinance has been based.

A. Criteria.

In selecting the Open Space Option, the applicant must present a proposal for residential development in accordance with the procedures applicable for the type of development proposed (subdivision or condominium) that meets each of the following:

1. An open space community should result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of the Zoning Ordinance. Such elements may include the following: preservation of open space along major thoroughfares; buffering developments from lakes, rivers, streams and wetlands; extensive landscaping; transition areas from adjacent residential land uses; unique site design features; and unified access.
2. **Open Space**
The proposed development shall contain one hundred (100) percent of all Michigan Department of Environmental Quality (MDEQ) regulated wetlands, floodplains, or other watercourse as Open Space Preservation Areas. A minimum of fifty (50) percent of the gross parcel acreage must be included within the Open Space Preservation Areas. Further subdivision of open space lands, or their use for other than recreation, conservation or agriculture shall be prohibited.
3. **Development Parcel Coverage**
The development, i.e. the dwelling units and associated lots and roadways, shall not exceed fifty (50) percent of the gross parcel acreage.
4. **Unified Control**
The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
5. **Protection from Development in Perpetuity**
The applicant shall guarantee to the satisfaction of the Township and the Planning Commission that all Open Space Preservation Areas will remain perpetually in an undeveloped state.
6. **Cohesive Neighborhood**
The proposed development shall be designed to create a cohesive neighborhood through common open space areas for passive and/or active recreation and resident interaction. All open space areas should be equally available to all residents of the open space community. Where appropriate, the development should incorporate future connections to adjacent parcels, through greenways, pedestrian trails, or roadways to provide to ensure the development of integrated neighborhoods.
7. **Density Impact**
The proposed type and density of use shall not result in an unreasonable increase in the need for or impact upon public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this Zoning Ordinance, and shall not place an unreasonable impact upon the subject site and surrounding land, surrounding property owners and occupants, and/or the natural environment.
8. **Compliance with Applicable Regulations**
The proposed open space community shall comply with all applicable Federal, State, and local regulations.

B. **Regulatory Flexibility**

To encourage flexibility and creativity, the Planning Commission may grant specific departures from the requirements of the Zoning Ordinance for yard, lot, and bulk standards as a part of the approval process, provided that such modification results in enhanced buffering from adjacent land uses or public rights-of-ways, or further preservation of natural features.

Any regulatory modification shall be approved through a finding by the Planning Commission. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals (ZBA). No part of an open space community plan may be appealed to the ZBA. Any deviation of an approved plan shall require approval from the Planning Commission. This provision shall not preclude an individual lot or dwelling unit owner from seeking a variance following final approval of the open space community, provided such variance does not involve alterations to open space areas as shown on the approved open space community site plan.

C. **Project Design Standards**

A proposed open space community shall be reviewed and approved in accordance with the approval procedures identified within the Subdivision Control Ordinance and Zoning Ordinance and must comply with the following project design standards:

1. **Permitted Uses**

Single family detached residential dwelling units and accessory uses and buildings incidental to the principal permitted uses are allowed. Accessory uses may include recreational activities that are passive and occur on common open space areas only.

2. **Density**

The number of dwelling units permitted within an open space community shall be determined through the review of a parallel plan prepared by the applicant. The parallel plan for the project shall be consistent with all State, County, and Township requirements and design criteria identified within Subdivision Control Ordinance. The parallel plan shall meet all standards for lot size, lot width and setbacks normally required for development in the applicable zoning district, public road improvements, and contain an area that conceptually would provide sufficient area for storm water management. Lots in the parallel plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).

The Planning Commission shall review the parallel design and determine the number of lots that could be feasibly constructed and be economically viable following the parallel plan. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable within open space development.

3. **Water and Sewer Service**

All open space communities shall connect to the public water and sanitary sewer systems, when deemed feasible by the Township.

4. **Open Space Requirements**

All Open Space Preservation Areas shall meet the following provisions:

- a) Grading in the open space shall be minimal and limited to those areas where accessory uses and/or the Planning Commission has approved structures. Existing topography shall be preserved to the extent feasible.

- b) Stormwater management ponds may be included and/or constructed within the open space area provided such basins or ponds shall be designed compatible with the open space areas. These stormwater management facilities shall appear as though they are part of the natural landscape. Fencing adjacent to basin areas shall be prohibited.
- c) Allowable Structures: Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the open space, subject to approval by the Planning Commission.

5. **Open Space Location**

The location of the Open Space Preservation Areas shall meet the following standards to the greatest extent feasible:

- a) Open space shall be provided within sensitive environmental areas, including but not limited to wetlands and other watercourses and woodlands, as well as along the public street rights-of-way to provide additional buffering from the traffic and enhance views from the roadway provided the open space along such rights-of-way shall generally have a depth of at least fifty (50) feet. The open space along a right-of-way shall be either preserved in a natural wooded condition, or landscaped. The open space shall contain native species and shall have a minimum of one (1) evergreen tree, two (2) shrubs, and one (1) large deciduous tree for each forty (40) linear feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees may be credited, towards meeting the requirement for number of trees listed in this subsection.
- b) The open space, where feasible, should provide an ecological link to permanent open space in surrounding lands and is located to connect open spaces, public parks, or bicycle /pedestrian paths throughout the community;
- c) The open space should be designed and located in a central position or in close proximity to all or most of the dwelling units;
- d) All sensitive environmental feature areas, natural features and animal and plant habitats of significant value are included in the Open Space Preservation Areas and are adequately protected.

C. **Guarantee of Open Spaces**

The Open Space Preservation Areas shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such a conservation easement. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall not be changed to another use

D. **Internal Roads**

Internal roads within an open space community shall generally be public roads where feasible. Roads shall comply with Bay County Road Commission standards for public roads. If significant natural features would be preserved by a reduction in road width, the Planning Commission may reduce the required pavement width of private roads to a minimum of twenty-two (22) feet within an easement of at least forty-five (45) feet.

Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per dwelling. One (1) canopy tree shall be provided on each side of the internal road for every forty (40) feet or fraction thereof of road frontage. Existing trees to be preserved within five (5) feet of the road right-of-way or easement may be credited towards meeting this requirement.

E. Pedestrian Circulation

The open space community plan shall provide safe and convenient pedestrian access to all open space areas from the following: all residential areas including lots not adjoining open space areas; connections between open space areas; public thoroughfares; open space areas, trails, or pathways on adjoining parcels; and connections between appropriate on-site and off-site uses.

Trails within the open space community may be constructed of gravel, wood chips or other similar material, provided they meet applicable barrier-free standards, however the Planning Commission may require construction of ten (10) foot wide paved bicycle paths through portions of the development or along any public rights-of-way abutting the open space community. The Planning Commission may require the construction of sidewalks for open space communities on both sides on the road. Sidewalks shall only be required on one (1) side of single loaded roads.

Section 5.25 Building Numbering

A. Purpose

The purpose of this section is to protect the public health, safety, and general welfare of the persons and property within the Township of Bangor by requiring proper identification numbers to be located upon buildings and premises within the Township so that the same can be readily identifiable for proper and efficient fire and police protection; for mail delivery services, and for the convenience of all members of the public having any need to determine or describe the location of such building or premises.

B. Regulations

The owner or owners of all premises within the Township of Bangor improved with buildings or occupied for public business purposes shall securely affix thereon a proper identification number as determined and assigned by the Township which can be easily read from the abutting street upon which the property front.

Where multiple number of buildings are assigned one identification number, each building shall be assigned a further number or letter by the Township in the event the owner or owners of the same have not located an appropriate identification number or letter upon the premises occupied by each such building. Such identification of a multiple number of buildings shall not, however, apply to outbuildings which are subordinate and incidental to the principal building upon the premises and which do not exceed three in number.

Residential buildings are required to have address numbers (Arabic) a minimum of six (6) inches in height with a minimum stroke width of one (1) inch that contrast to the exterior of the building.

Commercial properties are required to have address numbers (Arabic) a minimum of twelve (12) inches in height with a minimum stroke width of one and a half (1½) that contrast to the exterior of the building.

Section 5.26 Non-Dedicated Road Provisions

- A. Prior to the issuance of a building permit, any residential building built more than 800 feet from any fire hydrant measured by the roadway, shall have a fire hydrant installed or have an approved alternative means of fire suppression.
- B. Any non-dedicated roads shall have a street sign as approved by the Bay County Road Commission.
 1. Property owner must request in writing to the Bangor Township Supervisor the installation of a street sign and its location and also agree to incur the expense of the sign and its installation.
 2. After receiving the request, the Township shall request an estimate for the installation of the sign from the Bay County Road Commission.
 3. After receipt of the estimate, the Township will require payment prior to the sign installation.

Section 5.27 Wind Energy Conversion Systems (WECS)

1. Small Structure Mounted Wind Energy Conversion Systems. On-Site Wind Energy Conversion Systems mounted to a structure's roof, walls or other elevated surface shall be a permitted use in all zone districts. Small Structure Mounted Wind Energy Systems shall be subject to the regulations and requirements of *Section 17.02 II.* and *LL.* of this ordinance.
2. Small-Scale Wind Energy Conversion Systems. On-Site Wind Energy Conversion Systems and anemometer towers 60 feet or less in height shall be a special land use in all residential zone districts and a permitted use on all non-residential zone districts. Small-Scale Wind Energy Systems shall be subject to the regulations and requirements of *Section 17.02 JJ.* and *LL.* of this ordinance. Small-Scale Wind Energy Systems in a residential zone district shall be subject to the special land use requirements of *Section 18.03* of this ordinance.
3. Mid-Scale Wind Energy Conversion System. On-Site Wind Energy Conversion Systems and anemometer towers greater than 60 feet and 120 feet or less in height shall be a special land use in all zone districts. Mid-Scale Wind Energy Systems shall be subject to the regulations and requirements of *Section 17.02 JJ.* and *LL.* of this ordinance as well as the special land use requirements of *Section 18.03* of this ordinance.
4. Large-Scale Wind Energy Conversion System. On-Site Wind Energy Conversion Systems and Utility Grid Wind Energy Conversion Systems greater than 120 feet in height shall be a special land use in the I-1 and I-2 Districts. Large-Scale Wind Energy Systems shall be subject to the regulations and requirements of *Section 17.02 KK.* and *LL.* of this ordinance as well as the special land use requirements of *Section 18.03* of this ordinance.
5. Prior to installation of an on-site use wind energy system with a tower higher than sixty (60) feet, an application for a Special Land Use permit shall be filed with the Charter

Township of Bangor that will include: 1) applicant identification, 2) a site plan, and 3) documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met.

6. Prior to the installation of an anemometer tower more than sixty (60) feet in height, an application for a Special Land Use permit shall be filed with the Charter Township of Bangor that will include: 1) applicant identification, and 2) a site plan. (amended 12/23/10)

ARTICLE 6.00

**R-1, R-2, R-3
SINGLE FAMILY RESIDENTIAL DISTRICTS**

Section 6.01 Statement of Intent

The intent of the Single-Family Residential Districts is to provide for a variety of single family housing needs. It is further the intent of this district to permit residential development in accordance with the Township's Master Plan and to establish restrictions on land which will provide for the orderly long-term transition of land from rural to urban residential uses, while also accommodating limited non-residential uses customarily incidental to single family dwellings.

It is further intended that development occur within platted subdivisions or similar developments. Preservation of natural features, open space, woodlands, wetlands, and flood prone areas is encouraged.

Section 6.02 Permitted Uses and Structures

In all R-1, R-2, and R-3 Districts no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

- A. Single-family detached dwellings.
- B. Publicly owned and operated parks, parkways, and recreational facilities (excluding Commercial Recreation and Indoor Recreation) (Subject to Section 17.02 CC).
- C. Adult care and child care facilities that provide care for up to six (6) individuals, including child day care facilities and adult foster care facilities.
- D. Essential public services, provided that there is no building or outdoor storage areas.
- E. Farms (Subject to Section 17.02.Q)

Section 6.03 Uses Permitted by Special Approval

- A. Public, private and parochial educational institutions providing elementary, intermediate, and high school programs and under the jurisdiction of a public school district board of education or a similar body authorized by the State of Michigan to provide primary and secondary education services. (Subject to Section 17.02 EE)
- B. Two family dwellings.
- C. Adult care and child care facilities that provide care for seven (7) to twelve (12) individuals (Subject to Section 17.02.B)
- D. Churches or other buildings used for religious worship (Subject to Section 17.02.J).
- E. Museums, libraries, and municipal buildings.

- F. Cemeteries (Subject to 17.02.I).
- G. Roadside stands for the display and sale of produce raised on the premises (Subject to Section 17.02 DD.)
- H. Essential service buildings when operating requirements necessitate the location of said building at the specific site within the residential zoning district to serve the immediate vicinity (excluding storage yards). (Subject to Section 17.02.P)
- I. Bed and Breakfast facilities (Subject to Section 17.02.H)
- J. Convalescent or nursing home in the R-3 District (Subject to Section 17.02.M)
- K. Marinas and Boat liveries. (Subject to Section 17.02 HH).
- L. Domestic Centers.
- M. Campgrounds.
- N. Public and private stables, riding academies.
- O. *Nursery schools and adult day care facility. (Amended by Ordinance #310, effective 09/21/06)*
- P. Water treatment plant.
- Q. Home occupations.
- R. Golf courses.
- S. Hospital.
- T. *Professional offices. (Amended by Ordinance #312, effective 10/19/06; Amended by Ordinance #385, effective 05/11/21)*

Section 6.04 Permitted Accessory Uses

Accessory buildings, uses, and activities customarily incidental to any of the above named principal permitted uses (subject to Section 5.03)

Section 6.05 Development Standards and Requirements

A. Site Plan Review

Site plan review and approval shall be required for all uses except detached one family residential and farm uses, in accordance Article 18.00.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses within all of the Single Family Residential Districts are subject to the area, height, bulk, and placement requirements in Article 16.00, Schedule of Regulations.

C. Paved Access

All roads in a subdivision or condominium shall be hard surfaced. All access routes shall connect with publicly dedicated hard surfaced roads.

Adopted: 11/08/05

Effective: 11/17/05

ARTICLE 7.00
RM-1, RM-2, RM-3,
Multiple Family Residential Districts

Section 7.01 Statement of Intent

The intent of the RM Districts is to address the various housing needs of the Township residents by providing locations for development of multiple family housing. These districts not only provide for the various housing needs of the Township, but may also act as a transitional area between single-family residential and nonresidential uses. Multiple-family housing within the Township should be designed in consideration of the following objectives:

- Multiple family housing should preserve significant natural features of the site. Accordingly, preservation of open space, protection of flood prone areas, protection of wooded areas, and preservation of other natural features is encouraged.
- Multiple family housing should be provided with necessary services and utilities, including usable outdoor recreation space and well designed internal road network.
- Multiple family housing should be designed to be compatible with surrounding or nearby single-family housing. Accordingly, multiple-family development generally should be located where it serves a transition zone between single-family residential uses and non-residential uses.
- Multiple-family developments should have direct access to a paved thoroughfare

Section 7.02 Permitted Uses and Structures

In all RM Multiple-Family Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

- A. Two-Family dwellings
- B. Multiple-Family dwellings
- C. Adult and child care facilities that provide care for up to six (6) individuals, including child day care and adult foster care facilities.
- D. Essential public services, provided there is no building or outdoor storage yard.
- E. Public, private and parochial educational institutions providing elementary, intermediate, and high school programs and under the jurisdiction of a public school district board of education or a similar body authorized by the State of Michigan to provide primary and secondary education services. (Subject to Section 17.02 EE)
- F. Churches or other buildings used for religious worship (Subject to Section 17.02.J).

- G. Museums, libraries, and municipal buildings.
- H. Cemeteries (Subject to 17.02.I).
- I. Publicly owned and operated parks, parkways, and recreational facilities (excluding Commercial Recreation and Indoor Recreation) (Subject to Section 17.02 CC).
- J. Single-family detached dwellings. (amended 04/08/08)

Section 7.03 Uses Permitted by Special Approval

- A. Housing for the elderly (subject to Section 17.03.M)
- B. Hospitals (subject to Section 17.02.U)
- C. Essential public service buildings when operating requirements necessitate the location of said building at the specific site within the residential zoning district to serve the immediate vicinity (excluding outdoor storage yards) (subject to Section 17.02.P)
- D. Adult care and child care facilities that provide care for seven (7) or more individuals (subject to Section 17.02.B)
- E. Churches and other buildings to be used for religious worship (subject to Section 17.02.J)
- F. Public, private and parochial elementary, intermediate or high schools licensed by the State of Michigan to offer courses in general education (subject to Section 17.02 EE)
- G. Home occupations.
- H. Nursery schools.
- I. Golf Courses.
- J. Hospitals.
- K. Farms.
- L. Public or private stables.
- M. Professional offices of physicians and/or dentists that benefit from being located adjacent to hospitals, provided that there is no parking in the required front yard and the site is adjacent to the hospital property.
- N. Domestic Center.

Section 7.04 Permitted Accessory Uses

- A. Accessory buildings, uses, and activities customarily incidental to any of the above named

principal permitted uses (subject to Section 5.03)

Section 7.05 Development Standards and Requirements

A. Site Plan Review

Site plan review and approval shall be required for all uses, in accordance with Article 17.00.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses within the RM, Multiple Family Residential Districts are subject to the applicable area, height, bulk, and placement requirements in Article 16.00, Schedule of Regulations.

C. Paved Access

All roads within a condominium, subdivision, or other multiple family development shall be hard surfaced. All access routes shall connect with publicly dedicated hard surfaced roads.

D. Other Provisions

All other applicable provisions of this Zoning Ordinance shall be complied with.

ARTICLE 8.00

RMH, RESIDENTIAL MANUFACTURED HOME PARK DISTRICT

Section 8.01 Statement of Intent

The RMH District is intended to provide for the location and regulation of manufactured home parks within the Township. These districts should be located in areas where they will be compatible with adjacent land uses. Accordingly, mobile home parks shall be located in conformance with the following:

- In areas designated as high-density single family residential in the Township Master Plan. Manufactured home parks shall serve as transition zone between residential and non-residential districts. Manufactured home parks should not be located where they would interrupt the continuity of permanent single-family neighborhoods.
- With paved vehicular access to a hard surfaced major thoroughfare or collector road according to the specifications in Rule R125.1922.
- Sanitary sewer and water supply shall be available with sufficient capacity to serve the residents and to provide fire protection. Public sewer systems shall be required in manufactured home parks, if available within 200 feet of the park's boundaries at the time of preliminary plan approval. If a public sewer system is unavailable, the park shall connect to a state-approved sewage system.

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

Section 8.02 Permitted Uses And Structures

In all RMH Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

- A. Manufactured home parks
- B. Adult and child care facilities that provide care for up to six (6) individuals.
- C. Essential services, provided there is no building or outdoor storage.

Section 8.03 Development Standards

A. Preliminary Site Plan Review

Preliminary plans shall be submitted to the Township for review by the Planning Commission, prepared in accordance with these provisions. Article 18.00, Site Plan Review of this ordinance shall not apply to the RMH District. The plans shall include the location, layout, general design

and description of the project. The preliminary plan requirement of this ordinance does not include detailed construction plans.

In preparing the preliminary plan and when reviewing the plan, the following procedures and requirements shall apply, except where said procedures and requirements are superseded by the Manufactured Housing Commission Rules.

1. Application Filing.

Any person requesting any action or review under the provisions of this Ordinance shall file an application on the forms provided by the Township. The information required shall be typed or legibly written on the form or on separate sheets attached to the form. Not less than fifteen (15) copies of the preliminary plan shall accompany the form.

2. Required Information.

The following required information shall be included on all preliminary plans:

- a) Name of development and general location sketch.
- b) Name, address and phone number of owner(s), developer and designer. Date drawn and revisions dates shall be indicated on the site plan.
- c) Property code, a legal description and address of the property in question.
- d) Boundary dimensions (to the nearest foot) of the property clearly indicated on the ~~site~~ plan, differentiated from other contiguous property.
- e) Existing zoning classification of the parcel.
- f) Adjacent land uses and zoning, and if the parcel is part of a larger parcel, boundaries of total land holding.
- g) To facilitate determination of off-street parking needs and similar matters, the applicant shall indicate the name and nature of the uses proposed to occupy the accessory building(s) if this has been determined, or shall indicate cases where exact occupancy has not yet been determined.
- h) All plans shall include a north arrow and scale.
- i) The area of the site excluding all existing and proposed public right-of-way.
- j) The minimum dimensions of typical home site.
- k) The location and dimension of all existing and proposed structures on the property and all existing structures within 100 feet of the subject property. Proposed manufactured homes need not be shown.
- l) The location and widths of all abutting streets and alleys, and driveways.
- m) Traffic and pedestrian circulation patterns, and the proposed location and dimensions of sidewalks.
- n) Parking lots including layout and typical dimensions of parking spaces, number of

spaces provided (including how computed, per ordinance requirements) and type of surfacing.

- o) Preliminary location of well/water service and sewage treatment facilities.
- p) If proposed, the location and dimensions of rubbish storage areas and screening construction.
- q) Easements for public right-of-way, utilities, access, shared access, and drainage.
- r) Notation of any variances that have been or must be secured.
- s) Landscaping plan indicating location, types and sizes of material. A landscaping maintenance plan for pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials.
- t) The locations of all signs and lighting structures.
- u) The location of any outdoor storage of material(s) and the manner in which it shall be screened or covered.
- v) Location and size of all wetland areas.

3. **Processing and Review**

Applications accepted by the Township shall be submitted, along with authorized review fees, to appropriate Township staff and consultants for their written reviews and recommendations. The application shall be submitted along with all recommendations to the Planning Commission. Official receipt of the application is the time the preliminary plan arrives or is delivered to the office of the Building Official.

The staff may advise and assist the applicant in meeting Ordinance requirements but shall have no power to approve or disapprove any application or in any way restrict an applicant's right to seek formal approval thereof.

4. **Planning Commission Action**

The Planning Commission shall review all applications at a public meeting. The Planning Commission may consider all recommendations of the staff and consultants. The Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township officially receives a completed application with a complete plan along with authorized fees paid. All applications that the Planning Commission has been charged with the authority to approve under the provisions of this Ordinance shall be approved, denied, or approved subject to conditions. The Planning Commission may postpone an application for further study or to obtain additional information, provided that final action is taken within the sixty (60) day review period.

The following criteria shall be used by the Township Planning Commission as a basis upon which preliminary plans will be reviewed. The Township shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

- a) The preliminary site plan shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent

properties and the proposed use.

- b) The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties. Detailed grading plan and topographic survey shall not be required.
- c) There shall be reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users. The Planning Commission shall be guided in their review of the preliminary plan by Section 8.03.B.10, Landscaping and Screening.
- d) All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access in accordance with the requirements of Section 8.03.B.5.
- e) Where possible and practical, drainage design shall recognize existing natural drainage patterns.
- f) Exterior lighting shall be subject to the requirements of the Manufactured Housing Commission and be arranged and limited in intensity and height so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.
- g) Adequate services and utilities including sanitary sewers, and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.
- h) Any use permitted in this zoning district must also comply with all applicable Federal, State, County and Local health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting.
- i) It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with sound site development standards of the Township.
- j) All development phases shall be designed to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a subsequent phase.

5. **Filing Fees**

All applications shall be accompanied by a filing fee to cover the cost of processing and reviewing the application. The fee shall be established by resolution of the Township Board. The filing fee shall be paid before the approval process begins. Upon notification of deficient payment of fees, administrative officials charged with enforcement of the Ordinance shall suspend further review of the application and shall deny any new permits.

The Township shall use any fees toward the expense of processing and reviewing the

application. Any portion of the fee not needed to pay such expense shall be refunded without interest to the applicant within 30 days of final action on the application. A schedule of the current filing fees is available in the office of the Township Clerk.

6. **Authorized Applicant**

The full name, address, telephone number, and signature of the applicant shall be provided on the application. The applicant must be the owner, or have identified legal interest in the property, or be an authorized agent of the owner.

7. **Records**

The Township shall keep accurate records of all decisions on all applications submitted pursuant to this Ordinance.

B. **Minimum Requirements**

Manufactured home parks shall be subject to all the rules and requirements as established and regulated by Michigan law and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements:

1. **Parcel Size for Overall Park**

The minimum parcel size for manufactured home parks shall be fifteen (15) acres.

2. **Minimum Site Size**

Manufactured home parks shall be developed with an average site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured home park residents. This open space shall be in addition to the open space required by Section 8.03.B.9.

3. **Setbacks**

Manufactured homes shall comply with the following minimum distances and setbacks:

- a) For a home not sited parallel to an internal road, twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes. For a home sited parallel to an internal road, fifteen (15) feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home or the same internal road or any intersecting internal road. (Rules 125.1941(1)(a)&(b))
- b) Seven (7) feet from any on-site parking space of an adjacent home site.
- c) Ten (10) feet from an attached or detached structure or accessory of an adjacent home that is not used for living purposes for the entire year.
- d) Fifty (50) feet from any permanent community-owned structures, such as clubhouses, maintenance or storage facilities.
- e) One hundred (100) feet from any baseball, softball or similar recreational field.
- f) Seven (7) feet from the edge of an internal road, provided that such road is not dedicated to the public. Manufactured homes and other structures in the RMH

District shall be set back at least twenty (20) feet from the right-of-way line of a dedicated public road within the manufactured home park.

- g) Seven (7) feet from the edge of the back of the curb or the edge of an internal road paving surface.
- h) Seven (7) feet from a common sidewalk.
- i) In order to better assure compatibility with the established character of the Township, all manufactured homes, accessory buildings and parking shall be set back not less than twenty (20) feet from any manufactured home park boundary line, except that a minimum setback of fifty (50) feet shall be provided from right-of-way lines, as declared by the county and state road commissions, of abutting streets and highways per Rule R125.1944(2).
- j) Fifty (50) feet from the edge of any railroad right-of-way.

4. **Maximum Height**

Buildings in the MHP district shall not exceed two (2) stories or thirty five (35) feet. However, storage sheds shall not exceed one story and the height of the manufactured home they are intended to serve.

5. **Roads**

Roads shall satisfy the minimum dimensional, design, and construction requirements of the Manufactured Housing Commission Rules except as follows:

- a) The main entrance to the park shall have access to a hard surfaced public thoroughfare or permanent easement that shall be recorded by the developers. Sole access to the park via an alley is prohibited. Access and hardsurfacing shall comply with Rule R125.1290(1)(B).
- b) All roads shall be hard-surfaced and may be constructed with curbs and gutters.
- c) In order to assure that a Clear Vision Zone, as described in paragraph 8.03.B.5.e below, is provided at all intersections with County roads and to assure that all construction in a public road right-of-way is performed in accordance with adopted County standards, entryway details, including road section specifications, storm water drainage, landscaping and signage shall be subject to the review and approval of the Township Board. Additionally, all public road improvements proposed, as part of the manufactured home park design shall be built to the standards of the public authority that will own and maintain the road.
- d) Entranceway structures, including but not limited to, walls, columns and gates marking the entrance to a manufactured housing park, may be permitted, and may be located in a required setback specified in Section 8.03.B.3 above, except as provided in this Section. Such entranceway structures shall be designed to maintain a Clear Vision Zone as described in paragraph 8.03.B.5.e below and to permit unobstructed access by all emergency equipment and shall comply with all codes and ordinances of the Township. Sight distance shall be approved by the Township Council and a driveway permit obtained. The structure shall also be approved by the Township Building Official

- e) The clear vision zone is an unobstructed triangular area described as follows: the area formed at the intersection of two road right-of-way lines where the two (2) sides of the triangular area are twenty-five (25) feet long measured along abutting public rights-of-way lines, and the base of the triangle is a line connecting the two end points of the triangle's sides; also, the area formed at the intersection of a road right-of-way line and a driveway where the two (2) sides of the triangle are ten (10) feet long measured along the abutting public rights-of-way line and the edge of the driveway, and the base of the triangle is a line connecting the two end points of the triangle's sides.

6. **Parking**

Parking spaces for individual manufactured homes, community facilities in the park, visitors and employees shall be provided as follows:

- a) All manufactured home sites shall be provided with two (2) parking spaces per Manufactured Housing Commission Rules.
- b) In addition, a minimum of one (1) parking space for every three (3) manufactured home sites shall be provided for visitor parking located convenient to the area served. Visitor parking spaces shall be counted and designated separately from all other parking spaces including those spaces required for employees and any community facility.
- c) No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building.
- d) If the owner of the manufactured home park shall permit storage of boats, motorcycles, recreation vehicles, and similar equipment in the manufactured home park, common areas for the storage of that equipment shall be provided by the owner within the park. Such storage shall be limited to use only by residents of the manufactured home park. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in a required setback specified in 8.03.B.3 above on the perimeter of the manufactured home park. Such storage area shall be screened from view from existing residences adjacent to the manufactured home park in accordance with the screening provisions described in Section 8.03.B.10 below. Park owners who prohibit storage of boats, off-the-road motorcycles, recreation vehicles and similar equipment are not required to construct common areas for storage.

7. **Sidewalks**

Consistent with the overall design and development of residential areas in the Township, concrete sidewalks with a minimum width of five (5) feet shall be provided along one side of collector streets in the manufactured home park. In addition, a concrete sidewalk shall be constructed along the public road(s) on which the manufactured home park fronts, in accordance with the requirements of the Township. Such sidewalk shall be located within the road right-of-way or easement, beginning one (1) foot inside the right-of-way or easement line.

8. **Accessory Buildings and Facilities**

Any accessory buildings and facilities constructed within the park shall be designed and serviced consistent with the following requirements:

- a) Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by only residents and employees of the park.
- b) Site-built buildings within a manufactured home park shall be constructed in compliance with the Township Building Code and shall require all applicable permits. Any addition to a manufactured home unit that does not comply with the standards of the U.S. Department of Housing and Urban Development for manufactured homes shall comply with the Township Building Codes. Site plan approval shall be required prior to construction of any on-site building within a manufactured home park, except for storage sheds or garages for individual manufactured homes.
- c) The installation of any shed, carport or garage shall comply with codes and ordinances of the Township and shall require a building permit. Storage underneath a manufactured home or unscreened outdoor storage on any manufactured home site is prohibited. Storage sheds need not be supplied by the owner of the manufactured home development.

9. **Open Space**

Open space shall be provided in any manufactured home park containing fifty (50) or more manufactured home sites. The open space shall comply with the following requirements:

- a) A minimum of two (2) percent of the park's gross acreage shall be dedicated to usable open space, provided that a minimum of twenty-five thousand (25,000) square feet of open space shall be provided.
- b) Open space shall be located conveniently in relation to the majority of dwelling units intended to be served. Up to twenty-five (25) percent of the required open space may consist of wetlands and similar limited use areas, subject to regulation by the Michigan Department of Environmental Quality.

10. **Landscaping and Screening**

A landscape and screening plan shall be incorporated in the preliminary plans submitted for site plan review to the Township Planning Commission. The preliminary plan shall indicate the type and size of landscape planting and screening improvements to be completed in the proposed manufactured home park.

a) **Perimeter Screening**

All manufactured home parks shall be screened from existing adjacent residences by either a six (6) foot screen wall or a densely planted landscaped screen.

1) **Screen Wall Option**

If provided, screen walls shall be constructed of masonry material that is constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall.

2) **Landscape Screen Option**

If a landscaped greenbelt is used, it shall consist of closely-spaced

evergreen plantings not more than ten (10) feet apart that can be reasonably expected to form a complete visual barrier, at least six (6) feet above ground level at maturity. Deciduous plant materials may supplement the evergreen materials provided that visual screening, consistent with these requirements, shall be maintained throughout the year.

b) **Landscaping Adjacent to Road**

A landscaped berm measuring at least two and one-half (2 ½) in height shall be constructed along the public roads on which the manufactured home park fronts. The berm shall be constructed with slopes no steeper than one (1) foot vertical rise for each four (4) feet horizontal run. Landscaping adjacent to the road shall comply with the following requirements, consistent with landscaping required for other types of development in the Charter Township of Bangor. The landscape berm may be eliminated to preserve existing vegetation.

Type	Requirements
Deciduous or evergreen tree	One (1) per forty (40) lineal feet of road frontage
Deciduous or evergreen shrubs	One (1) per six (6) lineal feet of road frontage

c) **Site Landscaping**

A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured home sites.

d) **Parking Lot Landscaping**

Off-street parking lots containing more than fifteen (15) spaces shall be provided with at least ten (10) square feet of interior parking lot landscaping per space. Such areas shall measure at least one hundred-fifty (150) square feet and shall be covered by grass, ground cover, shrubs or other live plant material. At least one (1) deciduous tree shall be planted per parking lot landscaped area.

11. **Signs**

Signs shall be permitted in accordance with the following regulations and other safety provisions of this ordinance. However, in order to avoid visual obstructions, signs above a height of thirty (30) inches from the established street grades shall not be permitted within the triangular area formed by the intersection of any street right-of-way lines and a diagonal line connecting at points twenty-five (25) feet from the intersection of the street right-of-way lines.

a) The following signage shall be permitted within a manufactured housing park:

- 1) Two (2) signs, each of which shall not exceed five (5) feet in height and sixteen (16) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line, or,
- 2) One (1) sign that shall not exceed five (5) feet in height and thirty-two (32) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line.

- b) Management offices and community buildings in a manufactured home park shall be permitted one (1) identification sign not to exceed six (6) square feet in area.

12. **Trash Dumpsters**

If proposed, trash dumpsters shall comply with the following requirements:

- a) Dumpsters shall be set back a minimum distance of fifty (50) feet from the perimeter of the manufactured home park and at least fifteen (15) feet from any habitable building, in a location that is clearly accessible to the servicing vehicle.
- b) Dumpsters shall be screened on three sides with a decorative masonry wall or wood fencing, not less than six (6) feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides.
- c) Dumpsters shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.

13. **Canopies and Awnings**

Canopies and awnings may be attached to any manufactured homes and may be enclosed for use as a sunroom or recreation room, but not as living space. Canopies and awnings shall comply with the setback and distance requirements set forth in this Article and shall require a building permit.

14. **Water and Sanitary Sewer Service**

All manufactured home parks shall be served by approved central water and sewage systems, which shall meet the requirements of the Michigan Department of Environmental Quality. The plumbing connections to each manufactured home site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.

15. **Storm Drainage**

All storm water drainage improvements shall be subject to the review and approval by the Michigan Department of Environmental Quality (MDEQ) in accordance with the MDEQ Manufactured Home Park Standards.

16. **Telephone and Electric Service**

All electric, telephone, cable TV, and other lines within the park shall be underground.

17. **Fuel Oil and Gas**

Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured home sites. All fuel lines leading to manufactured home sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations including Rule R125.1937.

18. **Operational Requirements**

a) **Permit**

It shall be unlawful for any person to operate a manufactured home park unless that individual obtains a license for such operation. The Building Official shall

communicate the Township's recommendations regarding the issuance of such licenses to the Director of the Bureau of Construction Codes and Fire Safety, Department of Labor and Economic Growth. Additionally, no manufactured home unit shall be placed on a lot in an approved manufactured home park until a building permit has been obtained to approve the manufactured home setup on the lot.

b) **Violations**

Whenever, upon inspection of any manufactured home park, the Building Official finds that conditions or practices exist which violate provisions of this Ordinance or other regulations referenced herein, the Building Official shall give notice in writing by certified mail to the Director of the Bureau of Construction Code and Fire Safety, Department of Labor and Economic Growth, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.

c) **Inspections**

The Township Building Official has the authority, to enter upon the premises of any manufactured home park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein. No manufactured home dwelling shall be occupied until a certificate of occupancy for that dwelling is obtained from the Township Building Department.

d) **License**

A manufactured home park shall not be operated until a license has been issued by the Bureau of Construction Codes and Fire Safety, Department of Labor and Economic Growth. Buildings constructed on-site, such as a management office or clubhouse, shall require a Building Permit prior to construction and a Certificate of Occupancy prior to use.

19. **Sale of Manufactured Homes**

New or used manufactured homes in manufactured home developments, which are to remain on-site, may be sold by the resident, development owner, licensed retailer, or broker, provided that the manufactured housing development management permits the sale.

20. **School Bus Stops**

School bus stops shall be located in an area that is acceptable to the school district and the manufactured home park developer.

21. **Mailbox Clusters**

The United States Postal Service may require that manufactured home parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mailbox clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured home park road with a public road.

ARTICLE 9.00

O-1, OFFICE SERVICE DISTRICT

Section 9.01 Statement of Intent

The intent of the Office Service District is to provide areas in the Township and an environment appropriate for various types of administrative and professional offices, as well as certain personal services which can serve as a transitional use between more intensive land uses (such as commercial uses) and less intensive residential uses. This district is intended to prohibit those types of retail uses and other activities that typically generate large volumes of traffic, traffic congestion, parking problems, and other impacts that could negatively affect the use of enjoyment of surrounding property.

Section 9.02 Permitted Uses And Structures

In all O-1 Districts, no building or part thereof, shall be erected, used, or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

- A. Professional and executive offices.
- B. Office buildings and uses where goods or wares are not commercially created, exchanged, or sold.
- C. Insurance offices, brokerage houses, and real estate offices.
- D. Business or private educational institutions operating for profit completely within an enclosed building.
- E. Financial institutions, including banks, credit unions, and savings and loan associations.
- F. Medical or dental offices, without clinics or urgent care facilities.
- G. Public buildings, post offices, libraries, fire stations, community centers, and maintenance buildings without outdoor storage.
- H. Photographic studios.
- I. Essential services provided there is no building or outdoor storage areas.

Section 9.03 Uses Permitted By Special Approval

- A. Funeral homes, mortuaries, and crematoriums (subject to Section 17.02.S)
- B. Hospitals, medical or dental clinics, or urgent care facilities (subject to Section 17.02.U)
- C. Public and private service clubs and lodge halls.
- D. Adult care centers, child care centers, preschool and day care centers provided that the outdoor recreation area shall be in the rear or side yard only. (Subject to Section 17.02.B)

- E. Essential public service buildings provided there is no outdoor storage area. (Subject to Section 17.02.P)
- F. Uses of the same nature or class as uses listed in this district as either a permitted principal use or a special use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.
- G. Standard restaurant within a medical or professional office building provided the restaurant is accessible only from the interior of such building.
- H. Domestic Centers
- I. Multiple-family dwellings, including garden apartments, townhouses, multiplex units, condominiums and two-family dwellings
- J. Convalescent homes, nursing homes and similar facilities.
- K. Single-family detached dwellings and accessory buildings and uses customarily incidental to same. (amended 09/29/08)

Section 9.04 Permitted Accessory Uses

Accessory buildings, uses, and activities customarily incidental to any of the above named principal permitted uses (subject to Section 5.03)

Section 9.05 Development Standards and Requirements

Land use restrictions shall include the restrictions set forth below which shall prevail over conflicting requirements of this or any other Ordinance.

A. Site Plan Review

Site plan review and approval is required for all permitted uses, in accordance with Article 18.00.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses in the O-1, Office Service District are subject to the area, height, bulk, and placement requirements in Article 16.00, Schedule of Regulations.

C. Paved Access

All development(s) shall front upon and take access from a hard-surfaced road via a hard surfaced access drive.

D. Site Connections

Site development shall provide for parking configurations arranged to allow for connections between uses on adjoining lots, common driveways or other access management technique in accordance with Article 20.00.

E. Other Provisions

All other applicable provisions of this Zoning Ordinance shall be complied with.

ARTICLE 10.00**C-1, NEIGHBORHOOD SERVICE COMMERCIAL DISTRICT****Section 10.01 Statement of Intent**

The intent of the Neighborhood Service Commercial District is to provide areas of the Township wherein convenience shopping and local service facilities can be optimally located so as to best serve the immediate residential neighborhoods. These districts shall be located to encourage concentration of such uses as recommended by the Township Master Plan. The purpose of these districts is to prevent excessive commercial strip developments that may deteriorate traffic operations and safety, create unattractive roadway corridors, which may eventually lead to blight. It is further the intent of this district to permit only commercial uses that are appropriate and compatible with the surrounding neighborhoods in terms of architecture, height, traffic patterns, and screening.

Section 10.02 Permitted Uses and Structures

In all C-1 Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

- A. Professional and medical offices.
- B. Retail establishments with goods marketed to the surrounding neighborhood including sales of bakery goods (including bakery items produced on the premises), groceries, meats, seafood, dairy products, drugs, hardware, greeting cards, furniture, clothes, flowers, books, antiques, art galleries, beer/wine sales, convenience stores (without gasoline sales) and similar retail establishments.
- C. Banks, credit unions, savings and loans and similar financial institutions with drive-through teller windows, including any automatic teller drive-through lanes. All drive-through facilities must be within the principal building or attached by a canopy.
- D. Personal service establishments which perform services on the premises including dry cleaning drop-off stations (without on-site processing), self-service laundries, dressmakers and tailors, shoe repair shops, beauty/barber shops, tailors, photographic studios and similar establishments.
- E. Restaurants, delicatessens, bagel/donut shops, ice cream/frozen yogurt parlors and similar establishments serving food or beverages. Uses that provide open front window service for walk-up patrons only may be permitted.
- F. Business services such as mailing, copying, data processing.
- G. Rental and sales of videos, compact discs, records, and similar items.

- H. Adult care centers, child care centers, preschool and day care centers provided that the outdoor recreation area shall be in the rear or side yard only. (Subject to Section 17.02.B)
- I. Public and quasi-public buildings such as township/state/county offices, court buildings, post offices, public museums, libraries and community centers.
- J. Essential services such as telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations, provided that the architecture is in keeping with surrounding uses, as determined by the Planning Commission. (Subject to Section 17.02.P)
- K. Vehicle wash establishments, vehicle service stations, either self-serve or full-service.
- L. Gymnasiums, reducing salons, and health clubs.
- M. Hospitals.
- N. All those permitted Uses in the O-1, Office Service District. *(Amended by Ordinance #355, effective 08/24/17)*
- O. Processor *(Amended by Ordinance #356, effective 09/28/17)*
- P. Provisioning Center *(Amended by Ordinance #356, effective 09/28/17)*
- Q. Safety Compliance Facility *(Amended by Ordinance #356, effective 09/28/17)*
- R. Secure Transporter *(Amended by Ordinance #356, effective 09/28/17)*
- S. Marihuana Microbusiness *(Amended by Ordinance #378, effective 08/22/19)*
- T. Marihuana Retailer *(Amended by Ordinance #378, effective 08/22/19)*
- U. Class A Marihuana Microbusiness *(Amended by Ordinance #398, effective 08/17/22)*

Section 10.03 Uses Permitted by Special Approval

- A. Automobile parts sales provided no automobile shall be worked on or stored on the premises.
- B. Personal fitness centers, aerobic studios, tanning salons.
- C. Urgent (emergency) care centers, hospitals.
- D. Bed and Breakfast facilities (Subject to Section 17.02.H)
- E. Outdoor display, sales or storage (Subject to Section 17.02.BB)

- F. Mini-warehouses (Subject to Section 17.02.Y)
- G. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or a Special Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.
- H. Domestic Centers
- I. Any service established of an office, showroom, or workshop nature (within a completely enclosed building) of a taxidermist, decorator, upholsterer, caterer, exterminator, building contractor (including carpeting, electrical, glazing, heating, painting, paper hanging, plumbing, roofing, ventilating and plastering), and similar establishments which require a retail adjunct, provided however that the office, showroom, workshop and storage area does not exceed a gross floor area of 2,500 square feet.
- J. Single-family detached dwellings and accessory buildings and uses customarily incidental to same.
- K. Establishments with open front windows drive-in or drive-through service and establishments serving alcoholic beverages shall be permitted.
- L. Funeral Homes.
- M. Multiple-family dwellings, including garden apartments, townhouses, multiplex units, condominiums and two-family dwellings.
- N. Convalescent homes, nursing homes, adult foster care facilities and similar facilities.
- O. Open-air outdoor entertainment.
- P. All those Uses Permitted by Special Approval in the O-1, Office Service District. (Amended by Ordinance #355, effective 08/24/17)

Section 10.04 Permitted Accessory Uses

Accessory buildings, uses and activities customarily incidental to any of the above-named permitted uses. (Subject to Section 5.03)

Section 10.05 Development Standards and Requirements

A. Site Plan Review

Site plan review and approval is required for all permitted uses, in accordance with Article 18.00.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses in the Neighborhood Service Commercial District are subject to the area, height, bulk, and placement requirements in Article 16.00, Schedule of Regulations.

C. **Paved Access**

Vehicle access drives for all development must provide hard-surfaced access to a public primary or secondary hard-surfaced road.

D. **Site Connections**

Site development shall provide for parking configurations arranged to allow for connections between commercial uses on adjoining lots, common driveways or other access management technique in accordance with Article 20.00

E. **Other Provisions**

All other applicable provisions of this Zoning Ordinance shall be complied with.

ARTICLE 11.00

RC, RECREATION COMMERCIAL DISTRICT

Section 11.01 Statement of Intent

The intent of the RC, Recreation Commercial District is to advantageously use the Township's open space waterfront environment to provide for retail and service commercial activities oriented to the recreation, amusement, and unique shopping needs of local residents and tourists.

Operations and building design among the various businesses within the District are intended to be compatible, with adequate open space and landscaping to ensure a quality environment. Specialty stores and pedestrian oriented development should be encouraged within this District.

Section 11.02 Permitted Uses and Structures

In the RC District, no building or part thereof shall be erected, used, or structurally altered, no land or premises used in whole or in part, except for one or more of the following permitted uses or structures.

- A. Restaurants, delicatessens, bagel/donut shops, ice cream/frozen yogurt parlors and similar establishments serving food or beverages. Establishments with open front windows drive-in or drive-through service shall not be permitted.
- B. Essential public services provided there is no building or outdoor storage yard.

Section 11.03 Uses Permitted By Special Approval

- A. Golf courses and driving ranges (Subject to Section 17.02.T and 17.02.O).
- B. Campgrounds and recreational vehicle parks (Subject to Section 17.02 CC).
- C. Outdoor and indoor commercial recreation such as miniature golf, go cart track, batting cages, tennis courts, soccer field. (Subject to Section 17.02 CC).
- D. Riding stables and arenas (Subject to Section 17.02 FF).
- E. Marinas and liveries (Subject to Section 17.02 HH).
- F. Recreational resort areas, and conference centers for recreation, educational, religious, or other institutional or organizational purposes.
- G. Drive-in theatres (Subject to Section 17.02.N).
- H. Domestic Centers
- I. Open-air outdoor entertainment
- J. Condominiums
- K. Yacht Clubs
- L. Multiple-Family Residential

M. Other uses similar to the above

Section 11.04 Permitted Accessory Uses

Accessory buildings, uses, and activities customarily incidental to any of the above named principal permitted uses (subject to Section 5.03).

Section 11.05 Development Standards and Requirements

Land use restrictions shall include the restrictions set forth below which shall prevail over conflicting requirements of this or any other Ordinance.

A. Site Plan Review

Site plan review and approval is required for all permitted uses, in accordance with Article 18.00.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses in the RC District are subject to the area, height, bulk, and placement requirements in Article 16.00, Schedule of Regulations.

C. Paved Access

All development(s) shall front upon and take access from a hard-surfaced road via a hard surfaced access drive.

D. Site Connections

Site development shall provide for parking configurations arranged to allow for connections between uses on adjoining lots, common driveways or other access management techniques in accordance with Article 20.00.

E. Other Provisions

All other applicable provisions of this Zoning Ordinance shall be complied with.

ARTICLE 12.00

C-2, GENERAL COMMERCIAL DISTRICT

Section 12.01 Statement of Intent

The intent of the General Commercial District is to provide a district wherein both convenience and comparison-shopping goods and the community's overall commercial and business facilities can be centralized to most economically, efficiently, and effectively serve the general Township areas immediately adjacent, and the region-wide population with a wide variety of compatible retail uses.

It is further the intent of the District to provide areas wherein those commercial, business, and service uses which primarily cater to the motoring public may be located without encroaching into other districts where their unique needs or circumstances would render them undesirable. It is intended that all intensive commercial developments be located in areas designated as such within the Township Master Plan.

Section 12.02 Permitted Uses And Structures

In all C-2, Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

- A. All permitted uses in the C-1, Neighborhood Service Commercial District.
- B. Retail establishments or retail centers up to sixty thousand (60,000) square feet in gross floor area, including sales of bakery goods (including bakery items produced on the premises), groceries, meats, seafood, dairy products, drugs, books, shoes, apparel, florists, hardware, furniture, home furnishings, paint, wall paper, appliances, auto parts, greeting cards, art galleries, beer/wine sales and similar retail establishments.
- C. Wholesale and discount clubs, outlet stores, home improvement centers and similar establishments up to sixty thousand (60,000) square feet in gross floor area.
- D. Banks, credit unions, savings and loans and similar financial institutions.
- E. Banquet halls, assembly halls, fraternal halls, private clubs or fraternal organizations, lodge halls or similar places of assembly.
- F. Funeral homes and mortuary establishments (Subject to Section 17.02 S)
- G. Indoor movie theaters, cinemas, concert halls, and playhouses.
- H. Automobile service stations. (Subject to Section 17.02 F)
- I. Automobile maintenance/service establishments and automobile repair malls (minor maintenance and repair). (Subject to Section 17.02 F)
- J. Automobile dealership for sales of new vehicles as an individual establishment or within an auto sales mall including accessory used auto sales, auto service, and auto body repair. (Subject to Section 17.02 E).

- K. Automobile sales (used). (Subject to Section 17.02 E)
- L. Restaurant, excluding drive-in or drive-through service or live entertainment or dancing.

Section 12.03 Uses Permitted by Special Approval

- A. Automobile wash (automatic, semi-automatic or self serve) when within a completely enclosed building. (Subject to Section 17.02 G)
- B. Billiard halls.
- C. Brew-pubs.
- D. Commercial outdoor display, sales or storage of items such as farmers market, flea market, new and used farm implements, mobile homes, swimming pools, motor homes, recreational vehicles and boats and/or rental of such vehicles. (Subject to Section 17.02 BB)
- E. Carnivals, fairs, fairgrounds, amusement parks, golf driving ranges and outdoor assembly/entertainment. (Subject to Section 17.02 CC)
- F. Drive-in establishments for the retail delivery of products to customers in automobiles where the type of drive-in establishment is not otherwise specifically included in this Ordinance. (Subject to Section 17.02 N)
- G. Essential service facilities and related accessory storage yards, including telephone exchange buildings and public utility offices, but not including, transformer stations, substations, or gas regulator stations, provided that the architecture and screening is provided to maintain compatibility with surrounding uses, as determined by the Planning Commission. (Subject to Section 17.02 P)
- H. Lawn and garden centers, nurseries and greenhouses. (Subject to Section 17.02 BB)
- I. Large institutional uses.
- J. Motels, hotels and motor lodges. (Subject to Section 17.02 Z)
- K. Bowling alleys, indoor ice and roller skating rinks, and similar types of indoor recreation. (Subject to Section 17.02 CC)
- L. Radio and television towers. (Subject to Article 24.00)
- M. Restaurant, bar or tavern, including with live entertainment or dancing.
- N. Restaurant with drive-in or drive-through service. (Subject to Section 17.02 R)
- O. Shopping centers and other stores of over sixty thousand (60,000) square feet of gross floor area.
- P. Veterinary offices, clinics and hospitals. (Subject to Section 17.02 GG)

- Q. Outdoor display, sales or storage (subject to Section 17.02 BB)
- R. Mini-warehouses (Subject to 17.02 Y)
- S. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.
- T. Domestic Centers
- U. All special uses in the C-1, Neighborhood Service Commercial District

Section 12.04 Permitted Accessory Uses

Accessory buildings, uses and activities customarily incidental to any of the above-named permitted uses. (Subject to Section 5.03)

Section 12.05 Development Standards and Requirements

A. Site Plan Review

Site plan review and approval is required for all uses in accordance with Article 18.00.

B. Area, Height, Bulk and Placement Regulations

Buildings and uses in the C-2, General Commercial District are subject to area, height, bulk, and placement requirements in Article 16.00, Schedule of Regulations.

C. Paved Access

Vehicle access drives for all development must provide hard-surfaced access to a public primary or secondary hard-surfaced road.

D. Site Connections

Site development shall provide for parking configurations arranged to allow for connections between commercial uses on adjoining lots, common driveways, or other access management techniques in accordance with Article 20.00.

E. Other Provisions

All other applicable provisions of this Zoning Ordinance shall be complied with.

ARTICLE 13.00**I-1, LIGHT INDUSTRIAL DISTRICT****Section 13.01 Statement of Intent**

The I-1, Light Industrial District is designed so as to primarily accommodate industrial parks, wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and in no manner detrimentally affect any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location is not to be permitted.

Section 13.02 Permitted Uses And Structure

In all I-1, Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used, in whole or in part, except for one or more of the following permitted uses or structures:

- A. Any use with the principal function of conducting research, design, testing and pilot or experimental product development.
- B. Experimental, film or testing laboratories.
- C. Vocational schools and other types of technical training facilities.
- D. Computer programming, data processing, and other computer related services.
- E. Essential services and buildings (Subject to Section 17.02.P).
- F. Warehousing and wholesale establishments.
- G. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceutical, toiletries, pottery, ceramics, hardware and cutlery, tools, dies, gauge, machine shops, clothing, electrical and electronic equipment, jewelry, instruments, optical goods, and food products (except fish, sauerkraut, vinegar, yeast, and rendering or refining of fats and oils).
- H. The manufacturing, fabricating, processing, packaging, assembling, or treatment of products indoors from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, rubber, precious or semiprecious metals or stones, sheet metal, textiles, tobacco, wax, wood, yarns and plastics, cast or stamped.
- I. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.

- J. Manufacture or assembly of electrical appliances, electronic instruments and devices and radios.
- K. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, eaves, and the like.
- L. Business services (mailing, copying, data processing, etc.).
- M. Commercial greenhouses with sales permitted only as an accessory use comprising no more than ten (10) percent of the total floor and growing areas.
- N. Health clubs/fitness centers accessory to industrial use either within the same building or within one-quarter (1/4) mile of the industrial building.
- O. Lumberyards and millworks, woodworking and machinery provided any mills are completely enclosed.
- P. Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses including outdoor storage.
- Q. Offices, professional or corporate offices clearly incidental to or within a quarter (1/4) mile of a principal industrial permitted use.
- R. Print shops and book publishing.
- S. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations.
- T. Radio and television studios.
- U. Quarters for security or emergency personnel.
- V. Manufacture of automation components, robotics instrumentation components, and similar items.
- W. Commercial and private kennels. (Subject to Section 17.02.W)
- X. Indoor gun ranges. (Subject to Section 17.02 CC)
- Y. Leasing and rental of recreational, landscaping, or moving equipment, including, but not limited to boats, canoes, jet skis, tillers, trucks, vans, and trailers.
- Z. Mini-warehouse facilities. (Subject to Section 17.02.Y)
- AA. Bowling alleys, indoor ice and roller skate rinks, racquetball, and tennis courts, and similar types of indoor recreation uses.

- BB. Outdoor recreation uses, including tennis and archery courts, miniature golf courses and golf driving ranges, children’s amusement park, and similar types of outdoor recreation uses.
- CC. Vehicle wash establishment, vehicle repair garages, undercoating, and painting service stations, new vehicle dealership and used vehicle sales.
- DD. Exhibition halls and stadiums.
- EE. Building contractor offices and supply yards.
- FF. Athletic clubs/gymnasium.
- GG. Veterinary hospitals and clinics.
- HH. Mobile home sales.
- II. Trailer or home equipment real sales or service.
- JJ. Outdoor display and sales of garages and swimming pools.
- KK. Growing products and foodstuffs.
- LL. Other assembly, manufacturing or commercial uses or a similar nature to the above when located and arranged according to a plan providing for conditions in harmony with the District, and allowed by the Planning Commission.
- MM. Grower: Class A, Class B, and Class C *(Amended by Ordinance #356, effective 09/28/17)*
- NN. Processor *(Amended by Ordinance #356, effective 09/28/17)*
- OO. Provisioning Center *(Amended by Ordinance #356, effective 09/28/17)*
- PP. Safety Compliance Facility *(Amended by Ordinance #356, effective 09/28/17)*
- QQ. Secure Transporter *(Amended by Ordinance #356, effective 09/28/17)*
- RR. Marihuana Microbusiness *(Amended by Ordinance #378, effective 08/28/19)*
- SS. Marihuana Retailer *(Amended by Ordinance #356, effective 08/22/19)*
- TT. Class A Marihuana Microbusiness *(Amended by Ordinance #398, effective 08/17/22)*

Section 13.03 Uses Permitted by Special Approval

- A. Child day care and adult day care centers. (Subject to Section 17.02.B)
- B. Indoor tennis facilities and recreation centers. (Subject to Section 17.02 CC)

- C. Urgent care facilities.
- D. Hotels and motels. (Subject to Section 17.02.Z)
- E. Full service restaurants.
- F. Freezer locker plants and cold storage.
- G. Airports and Heliports. (Subject to Section 17.02.C)
- H. Radio, television and other communication towers. (Subject to Article 24.00)
- I. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Land Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.
- J. Domestic Centers
- K. Tire vulcanizing and recapping.
- L. Excavation/removal of gravel, sand, topsoil or earth.
- M. Single-Family detached dwelling and accessory buildings and use customarily incidental to the same.
- N. Petroleum and gas storage and distribution facilities.
- O. Multiple-family dwellings, including garden apartments, townhouses, multiplex units, condominiums and two-family dwellings.

Section 13.04 Permitted Accessory Uses

Accessory buildings, uses and activities customarily incidental to any of the above-named permitted uses. (Subject to Section 5.03)

Section 13.05 Development Standards and Requirements

A. Site Plan Review

Site plan review and approval is required for all uses except detached one family residential and farm uses, in accordance with Article 18.00.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses in the I-1, Light Industrial District are subject to the area, height, bulk, and placement requirements in Article 16.00, Schedule of Regulations.

C. Paved Access

Vehicle access drives for all development must provide hard-surfaced access to a public primary or secondary hard-surfaced road.

D. **Outdoor Storage**

All outdoor storage areas shall be screened from public view from off-site with screening in accordance with the provisions of Article 19.00.

E. **Other Provisions**

All other applicable provisions of this Zoning Ordinance shall be complied with.

ARTICLE 14.00

I-2, GENERAL INDUSTRIAL DISTRICT

Section 14.01 Statement of Intent

The intent of the I-2, General Industrial District is to provide areas of the Township to accommodate the manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, which have the potential for emitting obnoxious odors, generating heavy truck traffic, producing noises, display bright light, and other external physical effects which may impact the surrounding areas. It is further the intent of this District to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw materials as well as from previously prepared materials.

Section 14.02 Permitted Uses And Structures

In all General Industrial Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used, in whole or in part, except for one or more of the following permitted uses or structures:

- A. All permitted uses in the I-1, Light Industrial District as described in Section 13.02.
- B. Essential service buildings and necessary structures, storage yards and other related uses. (Subject to Section 17.02.P) The assembly or manufacture of automobiles, automobile bodies, automotive parts and accessories, cigars and cigarettes, electrical fixtures, batteries and other electrical apparatus and hardware; cement, lime gypsum or plaster of paris; general assembly operations similar to the above.
- C. Truck tractor and trailer sales, rental and repair.
- D. Marinas and boat liveries and ancillary uses. (Subject to Section 17.02 HH)
- E. Metal plating, buffing and polishing.
- F. Truck terminals.
- G. Major auto engine and body repair, and undercoating shops.
- H. Food processing plants.
- I. Extractive uses such as sand and gravel mining, and other similar excavation processes (subject to Section 5.11)
- J. Asphalt, transit mix or concrete plant. (Subject to Section 17.02.D)
- K. Machine Shops: metal and plastic molding and extrusion shops; millwork lumber and planning mills; painting and sheet metal shops; and welding shops.
- L. Heating and electric power generating plants.
- M. Grain elevators.

- N. Open Storage: All storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than one hundred and fifty (150) feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All open storage shall be screened from streets, an on all sides which abut any Residential or Commercial District by a solid six (6) foot permanent wall or fence, meeting the requirements set forth in Section 19.02 E, and all stored materials not be piled to a height of more than ten (10) feet.

Section 14.03 Uses Permitted By Special Approval

- A. Special uses in the I-1, Light Industrial district that are not listed as permitted uses in this District.
- B. Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located on a lot or parcel the boundary of which is not less than eight hundred (800) feet distant from the nearest lot line of any lot or parcel zoned for residential use. The buildings, structures and storage areas of such uses shall be located not less than three hundred (300) feet from the nearest lot line of any other lot or parcel.
1. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
 2. Blast furnace, steel furnace, blooming or rolling mill.
 3. Manufacture of corrosive acid or alkali, cement, lime or gypsum.
 4. Petroleum or other flammable liquids, production, refining or storage. (Subject to Section 17.02 AA)
 5. Manufacturing and assembly; heavy stamping including processing of raw materials into finished products.
 6. Bottling and packaging plants.
- C. Composting and recycling centers. (Subject to Section 17.02.L)
- D. Child day care facilities when on the perimeter of the district or affiliated with firms within the district (Subject to Section 17.02 B).
- E. Urgent care facilities.
- F. Central dry cleaning plants and laundries, provided that such plants shall not deal directly with consumers at retail.
- G. Agricultural seed processing, storage and sales.
- H. Breweries and distilleries.
- I. Proving grounds, when directly related to an adjoining business.
- J. Landfill (Subject to Section 5.12).

- K. Oil and gas processing plant. (Subject to Section 17.02.AA)
- L. Foundaries.
- M. Smelting of copper, iron or zinc ore.
- N. Stock yards, slaughter houses.
- O. Tire vulcanizing and recapping plants.
- P. Radio, television and other communication towers. (Subject to Article 24.00)
- Q. Accessory incinerators.
- R. Accessory propane sales.
- S. Junk yards. (Subject to Section 17.02.V)
- T. Coal, coke or fuel yards. (Subject to Section 17.02.K)
- U. Adult regulated uses. (Subject to Section 17.02.A)
- V. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.
- W. Domestic Centers
- X. Conversion or composing of sewage or sludge into a usable or saleable product.
- Y. Small aircraft landing fields
- Z. Marine terminals
- AA. Multiple-Family residential
- BB. Stone docks

Section 14.04 Permitted Accessory Uses

Accessory buildings, uses and activities customarily incidental to any of the above-named permitted uses (Subject to Section 5.03).

Section 14.05 Development Standards and Requirements

A. Site Plan Review

Site plan review and approval is required for all uses in accordance with Article 18.00.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses in the I-2, General Industrial District are subject to the area, height, bulk, and placement requirements in Article 16.00, Schedule of Regulations.

C. **Paved Access**

Vehicle access drives for all development must provide hard-surfaced access to a public primary or secondary hard-surfaced road.

D. **Outdoor Storage**

All outdoor storage areas shall be screened from public view from off-site with screening in accordance with Article 19.00,

E. **Other Provisions**

All applicable provisions of this Zoning Ordinance shall be complied with.

ARTICLE 15.00
PUD
PLANNED UNIT DEVELOPMENT DISTRICT

Section 15.01 Statement of Intent

The intent of this chapter is to provide, through the use of the planned unit development (PUD) concept, an added degree of flexibility in the density, placement, bulk and interrelation of buildings and uses within all zoning districts, except the Residential Manufactured Housing Park District, and the implementation of new design concepts so as to encourage a more efficient and innovative use of land and public services and the preservation of natural features through the use of a unified, flexible, planning approach, while at the same time maintaining adequate amounts of light, air, access and required open space and facilitating the economical provisions of public services and utilities. To further this intent, the respective district regulations may be waived by the Township Board, as part of a PUD, after recommendation of the Planning Commission and as provided for in this chapter. The general boundaries of any PUD approved by the Township Board shall be indicated on the Zoning Map as information for zoning purposes.

Section 15.02 Qualifying Conditions

The following provisions shall apply to all planned unit developments:

- A. The planned unit development site shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as one (1) integral unit.

- B. A PUD zoning classification may only be approved in conjunction with either an approved overall PUD concept plan or an approved PUD site plan.

Section 15.03 Applications for Approval

The application process for a PUD involves a three (3) step process including an optional pre-application conference, preliminary site plan review and final site plan review by the Planning Commission and recommendation to the Township Board. The Township Board may also approve a preliminary PUD concept plan for those projects having multiple phases. The following procedure shall be followed when applying for planned unit development (PUD) approval:

- A. **Optional Pre-application Conference.**
Before submitting an application for approval of a PUD, the applicant may confer in a pre-application conference with the Township Planner, the Engineer, the Building Official, and the Fire Department to obtain information and guidance regarding land development regulations, the Township's Master Plan and the application process. At the pre-application conference the applicant shall submit a preliminary sketch plan for the proposed PUD, containing both maps and a written statement. All maps shall show enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed. The maps that are a part of the preliminary sketch plan may be in general schematic form but must contain enough information to obtain feedback from Township officials and consultants.

- B. **Contents of Preliminary PUD Plan.**
Upon completion of the pre-application conference stage, a preliminary PUD application shall be submitted to the Planning Commission for its review. At a minimum, the preliminary PUD plan shall contain the following information:

1. Name, address and phone number of applicant.
2. Name address, and phone number of Michigan registered surveyor, civil engineer, architect, landscape architect, or community planner who prepared the preliminary plan.
3. Legal description of the property
4. Description of existing and proposed use(s).
5. A vicinity map at a scale no greater than one to one thousand (1:1000) feet showing property lines, streets, existing and proposed zoning, and such other items as the Planning Commission may require to show how the proposed development relates to adjacent land uses.
6. A preliminary development plan at a scale approved by the Commission showing topography at two (2) foot intervals; location and type of residential, commercial, and industrial land uses; layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvements drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other information as the Planning Commission deems necessary.
7. Proposed schedule for the development of the site.

C. Public Hearing by Planning Commission.

Within thirty (30) days of receipt of a complete application for approval of a preliminary PUD plan the Planning Commission shall hold a public hearing. Notice of the public hearing shall be in accordance with Section 18.03.E.

D. Planning Commission Review of Preliminary PUD Plan.

Within thirty (30) days after the public hearing, the Planning Commission shall review the preliminary plan to determine if it is consistent with the intent and purposes of this Ordinance; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Planning Commission may extend the thirty (30) day review time of the preliminary plan by an additional sixty (60) days if it feels that additional time is necessary to grant approval in principle. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant submits a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

E. Planning Commission Review of Final PUD Plan.

Within one (1) year of approval in principle of the preliminary plan, the developer shall submit a final PUD plan to the Planning Commission. Failure to submit a final PUD plan in a timely fashion will render previous approval of the preliminary plan null and void. The final plan shall be in general conformance with the preliminary plan approved in principle. The Planning Commission shall take action on the request for final PUD plan approval within forty five (45) days of receipt of a complete final PUD plan application, in accordance with Section 22.03.F.

F. Final PUD Plan Submittal Requirements.

The final PUD site plan shall include all the following information:

1. Application form and required fee.
2. A narrative indicating the period of time within which the project will be completed.
3. Building footprints, setbacks, floor plans and elevations showing height and materials for all proposed structures; typical layout for condominium projects.
4. Proposed locations of utility services (with sizes), noting which will remain and which are to be removed, including storm drainage, sanitary/storm sewer, fire hydrants, and any public or private easements.

5. General description and location of stormwater management system including pre- and post-site development run-off calculations used for determination of stormwater management.
6. A landscape plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade.
7. A site grading plan with existing and proposed topography at a minimum of two-foot contour intervals and with topography extending a minimum of fifty (50) feet beyond the site in all directions and further where required to indicate stormwater run-off into an approved drain or detention/retention pond.
8. Locations of significant natural, historical, and architectural features, including landmark trees, that will be designated “to remain,” and/or location and acreage of areas “not to be disturbed;” noting protection method such as a fence, barrier or police line installed prior to site preparation.
9. Location and method of screening for all refuse storage stations/dumpsters.
10. Location and dimensions of parking spaces, loading/unloading areas and calculations to meet the parking requirements.
11. Details of exterior lighting including locations, height, method of shielding.
12. Locations of all signs including:
 - a) Location, type, height and method of lighting for identification signs;
 - b) Location and type of any directional or regulatory/traffic control signs, with details for any sign not conforming to the Michigan Manual of Uniform Traffic Control Devices.
13. Details of site circulation and access design, including:
 - a) Indication of street pavement widths and pavement type;
 - b) Street horizontal and vertical dimensions, including curve radii;
 - c) Dimensions of access points, including deceleration or passing lanes, distance from adjacent driveways or intersection streets, including those across a street;
 - d) Identification of width and material to be used for pedestrian paths.
14. Written verification of access easements or agreements, if applicable.
15. A note on each plan sheet stating, “Not to be used as construction drawings.”
16. Any additional graphics or written materials requested by the Planning Commission to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public primary and secondary schools and utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.
17. The following information shall be submitted as a part of an application for permission to commence any type of development within a one hundred year floodplain:
 - a) The elevation in relation to mean sea level of the floor, including basement, of all structures;
 - b) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
 - c) Proof of development permission from appropriate local, state, and federal agencies including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under authority of Act 245 of the Public Acts of 1929, as amended by Act 167 of the Public Acts of 1968, the Flood Plain Regulatory Authority;
 - d) Base flood elevation data where the proposed development is subject to Act 288 of the Public Acts of 1967, the Subdivision Control Act as amended, or greater than five (5) acres in size; and
 - e) Additional information that may be reasonably necessary to determine compliance with the provisions of this chapter.

G. Standards for Approval of Final PUD Plan.

Based upon the following standards, the Planning Commission shall deny, approve, or approve with conditions, the proposed planned unit development.

1. The Planning Commission shall use the standards for approval of Section 18.02.G, Site Plan Review and may also utilize the standards for approval of Section 18.03.F Required Standards and Findings, should such standards be deemed necessary by the Planning Commission.
2. The applicant must demonstrate in writing that the proposed PUD:
 - a) Is recommended for planned unit development on the Township's adopted Future Land Use map or other map; and/or,
 - b) Includes areas having significant natural, historical, and architectural features; and/or,
 - c) Will provide a complementary mixture of uses or housing types, or clustering of units to preserve common open space, in a design not possible under the underlying zoning district dimensional regulations; and/or,
 - d) Will achieve a higher quality development than is otherwise possible with the regulations for the underlying zoning district. It is not the intent of the PUD to circumvent the requirements of the underlying zoning district.
3. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one that could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
4. The number and dimensions of off-street parking shall be sufficient to meet the minimum required by the ordinances of the Township. However, where warranted by overlapping or other parking arrangements, the Planning Commission may reduce the required number of parking spaces.
5. All streets and parking areas within the planned unit development shall meet the minimum construction and other requirements of Township Ordinances, unless modified by the Planning Commission.
6. Extensive landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
7. Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land.
8. Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development.
9. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided.
10. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
11. The uses proposed shall be consistent with the Township's Master Plan or an approved overall PUD concept plan.
12. Sidewalks shall be provided along all public rights-of-way and private street easements. The Planning Commission shall prepare a report stating its conclusions on the PUD request, the basis for its decision, the decision, and any conditions relating to an affirmative decision.

H. Status of Planning Commission Approval.

Approval of a PUD application by Planning Commission confers on the applicant and any subsequent owners of the PUD property the right to utilize the property included as part of the approved PUD in accordance with the overall density, dwelling unit mix and final plan of the

approved PUD. However, for the total PUD or for each portion of the PUD, if staging of development is planned, a site plan review is required for each phase in accordance with Section 18.02, Site Plan Review, prior to the issuance of building permits, and for any portion of the PUD having an approved site plan, in accordance with said Section 18.02, the approved site plan shall take precedence over the approved PUD preliminary concept plan for the area of the approved site plan

I. Signed Agreement.

If the application and site plan are approved by the Planning Commission, the applicant and all owner(s) of record or the legal representative of the owner(s) of record of all property included within the planned development shall then sign an agreement that the approved application and site plan, and the conditions of approval, shall be binding upon the applicant and owner(s) of record and upon their heirs, successors, and assigns. Such agreement shall be reviewed and approved by the Township Board. The application and site plan shall not be officially approved nor may the building permit be issued, until said agreement has been signed as required herein and has been received by the Township Clerk.

J. Revocation or Changes.

The Planning Commission may revoke a PUD or any portion thereof in instances where substantial construction activity has not been ongoing anywhere within the PUD within a three (3) year period. Revocation of any portion of a PUD reverts that portion of the PUD to the status and requirements of the original zoned district, without benefit of the PUD provisions. Proposed changes in a PUD, other than those considered a part of site plan review for all or a portion of the PUD, must be processed in the same manner as the original PUD procedure. The Planning Commission shall give notice of intention to revoke such approval at least ten (10) days prior to review by the Planning Commission.

ARTICLE 16.00

SCHEDULE OF REGULATIONS

Section 16.01 Schedule of Regulations

Districts	Min. Lot Area (in square feet or acres)	Min. Lot Width (in linear feet)	Minimum Yard Requirements ¹¹ (in linear feet)			Maximum Height ^{9,10}		Minimum Dwelling Unit Size
			Front ¹	Side ¹⁸	Rear	Stories	Feet	
R-1 Single Family Residential ¹²								
Single Family Dwelling	12,000 sq. ft. ²	80 feet	25 ⁶	8	40	2 ½	35	1,200 ²⁰
R-2 Single Family Residential ¹²								
Single Family Dwelling	10,400 sq. ft. ²	70 feet	25 ⁶	8	40	2 ½	35	1,200 ²⁰
R-3 Single Family Residential ¹²								
Single Family Dwelling	9,600 sq. ft. ²	70 feet	25 ⁶	8	40	2 ½	35	1,200 ²⁰
RM-1 Multiple Family Residential ^{13, 19}								
Two Family Building	12,000 sq. ft. ²	100 feet	30	10	40	2 ½	35	¹⁵
Multiple Family Building ¹³	---	---				2 ½	35	^{14, 16, 17}
RM-2 Multiple Family Residential ¹²								

Districts	Min. Lot Area (in square feet or acres)	Min. Lot Width (in linear feet)	Minimum Yard Requirements ¹¹ (in linear feet)			Maximum Height ^{9, 10}		Minimum Dwelling Unit Size
			Front ¹	Side ¹⁸	Rear	Stories	Feet	
Two Family Building	12,000 sq. ft. ²	100 feet	30	10	40	2 ½	35	¹⁵
Multiple Family Building ¹³	---	---				3		14, 16, 17
RM-3 Multiple Family Residential ¹²								
Two Family Building	12,000 sq. ft. ²	100 feet	30	10	40	2 ½	35	¹⁵
Multiple Family Building ¹³	---	---				5		14, 16, 17
RMH Residential Manufactured Home Park								
O-1 Office Service								
	43,560 sq. ft.	150 feet	40 ^{4,5}	10 ^{3, 4, 7}	30 ⁴	4	50	---
C-1 Neighborhood Commercial								
	20,000 sq. ft.	100 feet	30 ^{4,5}	20 ^{3,4}	20 ⁴	2	35	---
RC Recreation Commercial								
	40,000 sq. ft.	120 feet	40 ^{4,5}	20 ^{3,4}	40 ⁴	2	35	---

Districts	Min. Lot Area (in square feet or acres)	Min. Lot Width (in linear feet)	Minimum Yard Requirements ¹¹ (in linear feet)			Maximum Height ^{9, 10}		Minimum Dwelling Unit Size
			Front ¹	Side ¹⁸	Rear	Stories	Feet	
C-2 General Commercial								
	40,000 sq. ft.	120 feet	40 ^{4,5}	20 ^{3,4}	40 ⁴	2	35	---
I-1 Light Industrial								
	43,560 sq. ft.	150 feet	50	20 ^{4,8}	50 ⁴	3	50	---
I-2 General Industrial								
	10 acres	300 feet	100	50 ⁴	100 ⁴	3	50	---

(amended 9/12/06, 10/10/06, 01/07/08)

Section 16.02 Footnotes to Schedule of Regulations

1. Any lot or parcel of land that abuts a lake, pond, stream, or other water body shall provide a setback along such waterfront as well as along every public or private road. The setback adjacent to the waterfront for all principal and accessory structures, including original construction, reconstruction, extensions, enlargements, or other alterations on such waterfront lot shall not extend closer to the water than the waterfront building line established by the location(s) of the principal structures in closest proximity to and adjacent to the lot. In no instance shall the principal structure or any accessory structures be located within forty (40) feet of the waterfront property line or high water mark, whichever is to the structure.
2. The minimum lot area for any lot without municipal sanitary sewer and water shall be one (1) acre in area and subject to Bay County Health Department approval.
3. Side yards shall not be required on lots within the interior of the district, except as may otherwise be required herein or by the Township Building Code. If a structure has walls that contain windows, doors or other openings facing a lot line on the interior of the district, the minimum of 10 side yard setback shall be provided. (amended 01/07/08)
4. Parking may be permitted within the required front yard setback provided, however, that a minimum setback of fifteen (15) feet is maintained between the parking area and the proposed right-of-way line. Such setback area shall be landscaped in accordance with the requirements of Section 19.02. Parking may be permitted in the side and rear yard setbacks. (amended 10/10/06)
5. The Planning Commission may reduce the required front yard setback within any O-1, C-1, RC, or C-2 District when no parking will be located between an existing or proposed structure and the existing or proposed right-of-way. In no case shall the front yard setback be less than twenty (20) feet from the

existing or proposed right-of-way.

6. Where front yard setbacks of lesser depth than specified in the Schedule of Regulations exist in front of existing dwellings on more than sixty (60) percent of the lots of record on one side of the street in any one block, the depth of the front yard for any single family dwelling thereafter erected or placed on any lot in such block need not be greater than the average depth of the front yards of such existing dwellings. In no case shall the front yard setback be less than twenty (20) feet.
7. The required side yard setback adjacent to any R-1, R-2, R-3, RMH, RM-1, RM-2, or RM-3 shall be twenty (20) feet.
8. The required rear yard setback adjacent to any R-1, R-2, R-3, RMH, RM-1, RM-2, or RM-3 shall be fifty (50) feet.
9. Exceptions to height regulations:
 The following structural appurtenances may be permitted to exceed the height limitations for permitted uses, upon Planning Commission approval:
 - a) Chimneys, church spires, cupolas, domes, towers, flagpoles, pent houses, monuments may be erected to a height not exceeding sixty (60) feet.
 - b) Farm silos and other farm features shall be limited to fifteen (15) feet above the stated height limit for the district such structure is located.
 - c) Any mechanical equipment located on the roof of any building shall not exceed a height of twelve (12) feet above the surrounding roof surface, and shall occupy no more than twenty (20%) percent of the total roof area. All roof top mechanical equipment shall be completely screened on all sides of the building. Such screening shall be architecturally compatible with the building design.
 - d) Structural extensions appropriate to the building design, such as a parapet or cornice, shall be limited to five (5) feet above the stated height limit of the district.
10. Where the maximum height is described in both feet and stories, the maximum height shall be whichever is less.
11. Projections into yards shall be in conformance with Section 5. 08.E.
12. Unless otherwise noted in this Ordinance, all principal structures permitted in each district shall be subject to the area, height and placement regulations given for a single family or two family dwelling.
13. The minimum land area required for each dwelling unit shall be based upon the following standard. Dwelling unit density shall be computed on the basis of the total gross area of the lot or parcel less that portion of surface water, wetlands regulated by the State of Michigan, and other undevelopable areas that exceed twenty five (25) percent of the total gross area of the lot or parcel of land.

<u>District</u>	<u>Land Area Required</u>
RM-1	7,260 square feet
RM-2	4,840 square feet
RM-3	3,630 square feet

14. A maximum of ten (10) percent of the dwelling units in any one development may be of the efficiency or studio unit type. The minimum required floor space per dwelling unit shall be:

<u>Unit Type</u>	<u>Minimum Floor Space Required</u>
Efficiency	400 square feet
One-bedroom	650 square feet
Two-bedroom	850 square feet
Three-bedroom	1,050 square feet

An additional one hundred (100) square feet of floor space shall be required for each additional bedroom in excess of three (3) bedrooms.

15. The minimum required floor space for a two-family dwelling shall be nine hundred sixty (960) square feet per dwelling unit. (amended 10/10/06)
16. Multiple family buildings and structures, including townhouse structures, shall be limited to a maximum length of two hundred (200) feet. The required side yard setback shall be increased two (2) feet for each ten (10) feet or fraction thereof by which a building or structure exceeds forty (40) feet in overall dimension along the adjoining lot line.
17. When two (2) or more multiple family or townhouse dwelling structures are erected on the same lot or parcel, a minimum setback of thirty (30) feet must be maintained between said structures. An additional two (2) feet from each ten (10) feet or fraction thereof shall be provided for the total length of that portion of the two (2) structures lies opposite each other.
18. In all R-1, R-2, and R-3 single-family residential zoning districts, the total of two (2) side yards shall equal not less than twenty (20) feet in width. (amended 9/12/06)
19. Townhouse dwellings are contingent upon the following regulations:
- a. Have common or adjacent walls fully dividing each dwelling unit from any other and extending from the basement or foundation to the roof, and,
 - b. Not exceed eight (8) units in any series or one hundred and eighty (180) feet in overall building length, and,
 - c. Be designed and arranged so that any unit shall adjoin any other unit along the longer dimension of the building (side) if an end unit or both sides, if an interior unit, and,
 - d. Have two separate and private means of ingress and egress, which shall be located at opposite ends of the dwelling unit.
20. The minimum required floor space for a three or more family dwelling shall be eight hundred and fifty (850) square feet per dwelling unit. (amended 10/10/06)

ARTICLE 17.00

SITE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES

Section 17.01 Intent and Scope of Application

Each use listed in this Article, whether permitted by right or subject to approval as a special use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use which is of a size or type, or which possesses characteristics that are unique or atypical in the district in which the use is located. These standards are further intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district.

Unless otherwise specified, each use listed in this Article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

Section 17.02 Site Development Standards

A. Adult Book or Supply Stores, Adult Motion Picture Theaters, Adult Live Stage Performing Theaters, Adult Outdoor Motion Picture Theaters, Group "A" Cabarets, and Massage Parlors or Massage Establishments

In the development and execution of this Ordinance and this Section, it is recognized that there are certain uses that, because of their very nature, have serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. The special regulations in this section are intended to prevent a concentration of these uses in any one area, so as to prevent the blighting, deterioration, or downgrading of an area. The following requirements are intended to accomplish these purposes:

1. The establishment of the types of Adult Regulated Uses listed below shall be prohibited if the establishment of such use will constitute the second such use within a one thousand (1,000) foot radius (that is, not more than one such use within one thousand (1,000) feet of another). The distance between uses shall be measured horizontally between the nearest property lines.
 - a. Adult Book or Supply Stores
 - b. Adult Motion Picture Theaters
 - c. Adult Motion Picture Arcade
 - d. Adult Motel
 - e. Adult Model Studio
 - f. Adult Live Stage Performing Theaters
 - g. Adult Outdoor Motion Picture Theaters
 - h. Group "A" Cabarets

- i. Massage Parlors or Massage Establishments
2. It shall be unlawful to hereafter establish any Adult Regulated Use if the proposed regulated use will be within a six hundred (600) foot radius of the following:
 - a. Any "Class C" establishment licensed by the Michigan Liquor Control Commission.
 - b. Pool or billiard halls.
 - c. Coin-operated amusement centers.
 - d. Disco or dance centers that typically cater to teens.
 - e. Ice or roller skating rinks.
 - f. Pawn shops.
 - g. Indoor or drive-in movie theaters.
 - h. Public parks, playgrounds, or other recreation uses.
 - i. Churches, convents, monasteries, synagogue, or similar religious institutions.
 - j. Day care centers or nurseries.
 - k. Any public, private or parochial nursery, primary, or secondary school.
 - l. Any residentially used or zoned land, including land that is zoned R-1, R-2, R-3, RM-1, RM-2, and RM-3

The distance between uses shall be measured between the nearest property lines.

3. The building and premises shall be designed and constructed so that material depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined in this Ordinance) cannot be observed by pedestrians or from vehicles on any public right-of-way. This provision shall apply to any display, decoration, sign, show window, or other opening.

B. Adult Care and Child Care Facilities

The following regulations shall apply to adult care and childcare facilities that provide care for seven (7) or more individuals:

1. **Licensing**
In accordance with applicable state laws, all such facilities shall be registered with or licensed by the Department of Social Services and shall comply with the minimum standards the State of Michigan has outlined for such facilities.
2. **Outdoor Play Area - Child Care Facilities**
A minimum of one hundred fifty (150) square feet of outdoor play area shall be provided, and maintained per child, provided that the overall size of the play area shall not be less than five

thousand (5,000) square feet. The outdoor play area shall be suitably fenced and screened from abutting residentially zoned or used land by a greenbelt, which shall be landscaped in accordance with Article 19.00.

3. **Loading**
Such facilities shall provide an adequate and safe off-street location for loading and unloading passengers.

C. **Airports and Related Uses**

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

1. **Plan Approval**
The plans for such facilities shall be approved by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics prior to submittal to the Township for review and approval.
2. **Minimum Standards**
The standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation shall be complied with.
3. **Clear Zones**
All required "clear zones" (as defined by the FAA) shall be owned by the airport facility.
4. **Aircraft and Vehicle Parking**
Sufficient parking shall be provided for aircraft storage. Additional vehicular parking shall be provided for airport users, and for offices, restaurants, sales rooms, and other uses associated with the airport, subject to the requirements in Article 23.00.
5. **Approval from Utility Companies**
The plans for such facilities shall be submitted to all utility companies serving the area, including companies that have communications towers within two miles of the proposed facility.
6. **Setback**
No portion of any landing strip or pad, runway, or similar facility shall be located closer than five hundred (500) feet to any parcel of land that is zoned or used for residential purposes. The setback shall not apply to landing strips used for private, non-commercial use.

D. **Asphalt, Transit Mix and Concrete Plants**

Concrete plants shall comply with the following regulations:

1. **Setbacks**
In order to reduce the effects of airborne dust, dirt and noise, plant equipment, stockpiles, truck staging areas, and similar operations shall be located no closer than one hundred (100) feet to any public or private road right-of-way line, no closer than one hundred (100) feet to any adjacent property lines, and no closer than five hundred (500) feet to any residence that is not zoned industrial.
2. **Access**

Asphalt, transit mix and concrete plants shall have direct access onto a paved primary road. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.

3. **Stacking Spaces**

A minimum of five (5) stacking spaces large enough to accommodate the largest truck expected shall be provided on the premises for trucks waiting to be loaded. All stacking and waiting areas shall be contained on the site.

4. **Layout**

Concrete batch plants and operations shall be entirely enclosed within a building.

5. **Outside Storage**

Outside storage of materials other than sand, gravel and other natural materials used in the manufacturing process shall be prohibited. Sand and gravel storage and temporary storage of processed materials, where necessary, awaiting transport shall be enclosed on three sides with a wall or maintained landscaped berm. The location and size of sand and gravel storage areas shall be shown on the site plan. At no time shall stockpiles exceed thirty-five (35) feet in height.

6. **Screening**

Plant facilities, including parking and loading areas, shall be screened in accordance with Article 19.00. At the discretion of the Planning Commission, vegetative plantings or other means of sound absorption may be required to mitigate noise impacts.

7. **Truck Traffic**

Trucks hauling mixing materials to the site shall be loaded and covered in accordance with all applicable State and County and local regulations. A truck haul route shall be designated and subject to Planning Commission approval. A schedule for cleaning and other necessary maintenance of roadways at the point of access shall be included on the plan.

8. **Back-up Alarm**

All trucks using the facility shall be fitted with an automatic back-up alarm. Such alarm shall have a listening device that automatically adjusts the volume so the alarm can be heard just above the ambient noise level.

9. **Truck Washes**

All truck washing activities shall be carried on within a designated hard surfaced area. Such area shall be designed so that wash water is captured and disposed of by an approved method as noted below. Truck washing shall be limited to only those trucks that are permanently housed on the plant site.

10. **Pollution Control**

- a. Plants shall comply with the dust and noise standards set forth in Article 25.00. The plan for fugitive dust shall address emissions from stockpiles, process sources, and traffic.
- b. Plant building floor drains shall not be permitted to connect with a dry well or septic system. Unless a MDEQ groundwater discharge permit has been obtained, all drains must be connected to a closed holding tank. A plan for off-site disposal of holding tank effluent must be noted on the site plan.

- c. Appropriate measures must be taken to ensure that storm water discharged into drainage ways, storm drains, wetland areas or groundwater meets applicable standards of the Bay County Drain Commissioner.
- d. All hazardous materials used in the production process including additives, fixants and liquid asphalt as well as any fly ash stored on site must be contained in sealed bins and housed within a building with concrete floors. Manufacturer's specifications (including potential hazards) for such additives, fixants, and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain fixants, and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain any possible spills shall be submitted to the Planning Commission for review and posted on site. Copies of this plan shall be forwarded to the Bay County Health Department.

11. **Plan Approval**

The applicant shall obtain required approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Environmental Quality (MDEQ) Air Quality Control Division, Michigan Pollution Control Commission and MDEQ Ground Water Division. Evidence of approvals from these agencies shall be submitted to the Township prior to final approval.

12. **Excess Asphalt or Concrete**

The proposed recovery system for excess asphalt, concrete or similar materials must be noted on the site plan and approved by the Township. The plan shall included a means of sealing the recovery area to prevent leaching of hazardous materials into the ground. Storage of such excess materials on the site shall not exceed the limits specified in the approved recovery plan. Excess asphalt, concrete, or similar materials from other locations shall not be brought onto the site for recovery.

13. **Performance Guarantee**

Prior to issuance of a building permit, the Township may require submission of a performance guarantee.

14. **Height of Structure**

Structures on site including stacks and towers shall not exceed a height of thirty-five (35) feet.

15. **Odor**

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or a hazard on adjoining property, or which could be detrimental to human, plant, or animal life. The use of any furnace or combustion device in association with concrete, asphalt, or transit mix plants shall be equipped with recognized and approved equipment, methods, or technology to reduce the quantity of airborne fumes emitted into the open air.

E. **Automobile or Vehicle Dealers**

Automobile or vehicle dealers with repair facilities or outdoor sales space shall be subject to the following requirements. These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles.

1. **Grading, Surfacing, and Drainage**

Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material, and shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Township.

2. **Driveway Location**

The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

3. **Servicing of Vehicles**

Any servicing of vehicles, including major motor repair and refinishing, shall be subject to the following requirements:

- a. Service activities shall be clearly incidental to the vehicle sales operation.
- b. Vehicle service activities shall occur within a completely enclosed building.
- c. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building or a six (6) foot privacy fence.
- d. The building containing service operations shall be located a minimum of fifty (50) feet from any property line or the required setback which ever is greater.
- e. There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the service building.

4. **Setbacks**

Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the setback and other requirements for parking lots.

5. **Groundwater Protection**

The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.

F. **Automobile Filling Stations, Automobile or Vehicle Service Stations, Automobile Repair Garages**

The following regulations shall apply to Automobile Filling Stations and Automobile or Vehicle Service Stations, including tire, battery, muffler and undercoating shops:

1. **Frontage**

Such uses shall have access to and front upon a paved primary road.

2. **Minimum Lot Width and Area**

The minimum lot width required for such uses shall be one hundred (120) feet. The minimum lot area required for such use shall be one (1) acre.

3. **Minimum Setbacks**

Repair garages or other buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of forty (40) feet shall be maintained on all sides that abut property that is zoned or used for residential purposes. Pump islands and canopies shall comply with the following requirements:

**Minimum Setback
from Right-of-Way Line**

Nearest Edge of Pump Island	30 feet
Nearest Edge of Unenclosed Canopy	20 feet

4. Ingress and Egress

Ingress and egress drives shall be a maximum of thirty (30) feet wide. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes.

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near a vehicular or pedestrian entrances or crossings.

5. Layout

All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served. Service bay doors and windows shall be oriented so they face away from abutting residentially zoned and so that they do not face onto adjacent thoroughfares unless screened by landscaping.

6. Outside Storage

Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding two (2) days. Such vehicles must be stored in the rear yard within a six (6) foot masonry screening wall or an acceptable substitute that is not less than six (6) feet in height.

7. Vehicle Sales and Storage

The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises are prohibited.

8. Groundwater Protection

The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.

9. Exterior Lighting.

Exterior lighting shall be confined within the site. Canopy lighting shall be a recessed concealed light source so as not to distract motorist on the adjacent roadways.

G. Automobile Wash or Vehicle Wash Establishment

The following regulations shall apply to Automobile Wash or Vehicle Wash Establishments:

1. **Layout**
All washing activities shall be carried on within a fully enclosed, roofed building. Vacuuming activities shall be permitted in the rear and side yards only. Such activities are to be located at least fifty (50) feet from adjacent residentially zoned property. Entrances and exits shall not face abutting residentially zoned or used property.
2. **Entrances and Exits**
Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
3. **Orientation of Open Bays**
Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto any adjacent thoroughfares unless screened by landscaping or acceptable substitute.
4. **Exit Lane Drainage**
Exit lanes shall be sloped to drain water back to the wash building to drainage grates.
5. **Truck Washes**
Truck washes must be at least one hundred (100) feet from all property line and entirely screened from residential uses. The screening shall include both a wall and landscaping.

H. Bed and Breakfast Facilities

Bed and breakfast facilities shall be subject to the following regulations:

1. **Bed and Breakfast as Accessory Use**
The bed and breakfast operations shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit that is the principal dwelling on the site. Not more than twenty five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
2. **Maximum Number of Units**
No more than six (6) bed and breakfast sleeping rooms shall be established in a bed and breakfast dwelling unit. However, the Planning Commission may limit the number of sleeping rooms based on site or building limitations and principles of good design.
3. **Principal Residence**
The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
4. **Kitchen Facilities**
There shall be no separate cooking facilities for the bed and breakfast operation, other than those that serve the principal residence. Food may be served only to those persons who rent a

room in the bed and breakfast facility. Dining space sufficient to seat all guests shall be provided.

5. **Building Requirements**

A building used for bed and breakfast operations shall comply with the following minimum requirements:

- a. There shall be at least two (2) exits to the outdoors, with separate means of egress provided from each room.
- b. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants. Rooms shall be designed to accommodate no more than two (2) occupants.
- c. Each sleeping room shall be equipped with a smoke detector. A fire escape plan shall be graphically displayed in each guest room. A fire extinguisher in proper working order shall be placed on every floor.
- d. At least one (1) bathroom shall be provided for each two (2) rooms on the same floor.

6. **Parking**

Adequate off-street parking shall be provided for bed and breakfast patrons, in accordance with Article 23.00. Off-street parking in the front yard is prohibited.

7. **Duration of Stay**

Duration of stay of guests shall be limited to a maximum of seven (7) days.

8. **Guest Register**

All Bed and Breakfast operations shall maintain a guest register. Such register is subject to inspection during reasonable hours by the Building Official.

9. **Signs**

Signs shall comply with Article 21.00 of this ordinance.

I. **Cemeteries and Pet Cemeteries**

The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:

1. **Size**

The minimum parcel size shall be five (5) acres and have a minimum frontage of three hundred thirty (330) feet on a public road.

2. **Location**

No portion of any cemetery that is located in a wetland or within the 100-year flood boundary shall be developed or platted for gravesites.

3. **Master Plan**

Any crematorium, mausoleum, columbarium, or other building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission approval.

4. **Setbacks**
No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.
5. **Location of Entrances**
Entrances to cemeteries shall be from a paved primary road, and shall be designed to minimize traffic congestion.
6. **Screening**
Screening shall be provided along all property lines abutting a residential district or street in a residential district, in accordance with Article 19.00.

J. Churches and Religious Institutions

The following regulations shall apply to all Religious Institutions, including churches, synagogues, temples, and so forth:

1. **Lot Width**
The minimum lot width for religious institutions shall be one hundred fifty (150) feet.
2. **Parking Setback**
Off-street parking shall be prohibited in the front and side setback area and within fifteen (15) feet of the rear property line.
3. **Frontage and Access**
Religious institutions shall be located on a paved primary road.
4. **Landscaping**
Religious institutions shall comply with the landscaping requirements set forth in Article 19.00.
5. **Maximum Height**
Churches may exceed the maximum height standard for the districts in which they are located provided that the front, side and rear setbacks are increased by one (1) foot for every foot by which the building exceeds the maximum permitted height.

K. Coal, Coke and Fuel Yards

Prior to establishment of a coal, coke, or fuel yard (including propane fuel distributors), an impact assessment shall be prepared in accordance with Section 5.19, and submitted to the Planning Commission for review.

L. Composting Centers

1. The applicant shall submit an Impact Assessment in accordance with Section 5.19, describing the expected odors, aesthetic impact, environmental impacts, vehicular and truck impacts associated with the use, and any mitigation measures to be employed.
2. The site plan shall clearly illustrate the layout of the composting operation, including: buildings, staging area, parking, on-site truck maneuvering (truck turning radii shall be illustrated) curbing area, landscaped buffers, sales area and fencing.

3. Commercial composting operations shall be at least five hundred (500) feet from any residential district.
4. All composting operations shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland or other surface water body. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.
5. Documentation shall be provided indicating that the soils percolate and are not characterized by a high water table.
6. The applicant shall describe acceptable methods for control of odors.
7. A landscaped screen as described Article 19.00 shall be provided on all sides adjacent to a residential district. A landscaped screen as described in Article 19.00 shall be provided on all other sides unless waived by the Planning Commission in consideration of adjacent uses and topographic features.
8. Access shall be provided solely on Class A truck routes.
9. All storage areas shall be enclosed in a building.

M. Convalescent Homes, Nursing Homes, Rest Homes, and Orphanages and Congregate Care Facilities

The following regulations shall apply to Nursing Homes, Convalescent Homes, Rest Homes, Orphanages, and Congregate Care Facilities.

1. **Frontage and Access**
Such uses shall front onto a paved primary road and the main means of access to the facility for residents or patients, visitors, and employees shall be via the paved road. In no case shall access to a nursing home, convalescent home, or rest home be from a residential street in a platted subdivision.
2. **Setbacks**
The principal building and all accessory buildings shall be set back a minimum distance of seventy five (75) feet from all property lines.
3. **Open Space**
Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.
4. **Minimum lot Area.**
Such facilities shall have a minimum lot area of three (3) acres.

N. Drive-In Establishments

1. **General Provisions**

The following provisions shall apply to all drive-in establishments:

- a. **Location of Driveways**
Driveways serving drive-in establishments shall be located off of a paved primary road. The nearest edge of any entrance or exit drive shall be located no closer than sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
- b. **Screening**
Shall be provided along all property lines abutting property that is zoned for residential, commercial, or office use, subject to the requirements in Article 19.00.
- c. **Setbacks**
The main and accessory buildings shall be setback a minimum of sixty (60) feet from any adjacent right-of-way or residential property line.

2. **Drive-In Theaters**

The following regulations shall apply to Drive-In Theaters:

- a. **Setbacks**
The face of the theater screen shall not be closer than five hundred (500) feet to any public road or highway right-of-way, and shall be constructed so it is not visible from any road, highway, or residentially-zoned district.
- b. **Frontage and Road Access**
Such uses shall front onto a paved primary road and the main means of access to the theater shall be via such road. In no case shall access to a drive-in theater be off of a residential street. The nearest edge of any entrance or exit drive shall be located no closer than two hundred and fifty (250) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
- c. **Access Drive Design**
The access drive shall be designed with separate entrance and exit lanes that shall be separated by a landscaped median strip at least ten (10) feet in width. There shall be a minimum of two (2) entrance and two (2) exit lanes, and each lane shall be at least ten (10) feet in width.
- d. **Stacking Space**
A minimum of fifty (50) stacking spaces shall be provided on the premises for vehicles waiting to enter the theater.
- e. **Screening**
The entire drive-in theater site shall be screened in accordance with Article 19.00.

O. **Driving Ranges**

1. **Minimum Dimensions and Setbacks**

Driving ranges shall have sufficient width and length and shall be designed in such a manner as to prevent golf balls from being hit outside the perimeter of the driving range. The minimum length of the driving range shall be three hundred (300) yards, measured from the tee to the end of the range. Tees shall be set back at least twenty-five (25) yards from each

side property line, unless the applicant can demonstrate that golfers will be oriented toward the center of the range so that golf balls will not be hit beyond the side property lines. No netting to prevent the flight of golf balls shall be permitted along any side lot line.

2. **Screening or Slopes**

The Planning Commission may require a landscaped buffer or fencing along the perimeter to screen the driving range from adjacent properties or to prevent balls from being hit outside of the driving range. Screening shall comply with the standards in Article 19.00. The Planning Commission may also require that the sides of the driving range slope upward and be rough mowed so as to intercept stray golf balls.

3. **Special Use Requirements for Outdoor Recreation Facilities**

Driving ranges shall comply with the requirements for Outdoor Recreation Facilities in Section 17.02 CC.

4. **Lighting**

All lighting shall be shielded from adjacent properties and rights-of-way and in accordance with the requirements of this Ordinance.

P. **Essential Public Services Structures, Storage Yards and Substations**

Essential public services structures, substations, and similar uses shall comply with the following regulations:

1. **Location**

Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of existing development.

2. **Design**

All such buildings shall be architecturally compatible with buildings in the vicinity and shall be screened in accordance with Article 19.00. Electric or gas regulator equipment and apparatus shall be setback a minimum of thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. Such facilities cannot be located in the required front yard.

3. **Off-site Impact**

Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation. Essential public service storage yards shall be screened from any adjacent residential district in accordance with Article 19.00.

4. **Security Fencing**

Security fencing may be permitted, subject to the requirements in Article 5.00. Adjacent to a residential district, such fencing shall be decorative masonry and eight (8) feet high, subject to modification by the Planning Commission.

Q. **Farms**

The following provisions shall apply to Farms as defined in Article 3.00 and consistent with the provisions of the Michigan Right to Farm Act:

1. **Location**

Feedlots and commercial livestock operations shall not be located within a subdivision, proprietor or assessor's plat or in a floodplain or regulated wetlands.

2. **Minimum Size**
The minimum size for a farm shall be ten (10) acres, except that feedlots and commercial operations for livestock and fowl shall have at least forty (40) acres.
3. **Prohibited Uses**
Farms shall not be used for the disposal of garbage, rubbish, offal from rendering plants, or for the slaughtering of animals except where the animals have been raised on the premises for consumption by residents on the premises.
4. **Setbacks**
Farms shall comply with the following setback requirements:
 - a. Farm buildings used to house large animals, feed lots and livestock confinement areas shall be located at least one hundred (100) feet from residentially used or zoned property and all road right-of-way.
 - b. Runoff from pasture feeding and watering areas shall be separated from any surface water by vegetative buffer that is at least sixty-six (66) feet in width.
5. **Pesticide Management**
Pesticides shall be located in a lockable building or storage facility that shall be ventilated to dissipate dust and fumes. New pesticide storage facilities shall have a concrete floor that is sloped to a sump for containment of spills. To prevent potential contamination of the groundwater, the storage facility shall not have a floor drain. New bulk pesticide storage areas shall be located a minimum of one hundred (150) feet from any single family residential water well and a minimum of two hundred (200) feet from surface water.
6. **Manure Management**
Manure shall be stored in a manner that minimizes odors and runoff. Consideration should be given to partial paving of confinement areas, storage ponds, and other accepted agricultural practices regarding runoff control. All manure shall be stored at least one hundred (100) feet from any property line.
7. **Exceptions**
These provisions shall not apply to garden plots for single-family residents, or to a collection of farm buildings that is operated for educational, demonstration, or recreational purposes (such as a "petting zoo" or "interpretive farm"). Petting farms shall be limited to buildings only.

R. **Fast-Food and Drive-Through Restaurants**

The following regulations shall apply to Fast-Food and Drive-Through restaurants:

1. **Minimum Frontage**
The site shall have a minimum of two hundred (200) feet of frontage on a paved primary road.
2. **Location of Driveways**
Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line).

3. **Control of Sound Level**
Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
4. **Stacking**
Stacking space and lanes shall be provided as specified in Article 23.00.

S. **Funeral Homes or Mortuaries**

The following regulations shall apply to Funeral Homes and Mortuaries:

1. **Assembly Area**
A minimum of nine thousand (9,000) square feet (30 car capacity) shall be provided off-street for vehicles to be used in funeral processions.
2. **Screening**
Service, loading, and parking areas shall be screened from adjacent residential areas in accordance with Article 19.00.
3. **Caretaker's Residence**
A caretaker's residence may be provided within the main building of the funeral home or part of an accessory building.
4. **Loading Requirements**
One (1) loading berth shall be provided per five thousand (5,000) square feet of gross floor area, and one (1) additional berth shall be provided for each additional ten thousand (10,000) square feet of floor area. Each loading berth shall measure at least 10 ft. x 25 ft.
5. **Location**
Such uses shall front onto a paved primary road and the main means of access shall be via the paved road.

T. **Golf Courses and Country Clubs, and Par-3 Golf Courses**

The following regulations shall apply to Golf Courses, Country Clubs, and Par-3 Golf Courses:

1. **Lot Size**
Regulation length 18-hole golf courses shall have a minimum lot size of one hundred (160) acres, of which a minimum of one hundred ten (110) acres of usable land shall be allocated to fairways, roughs, and greens. Nine-hole courses with regulation length fairways shall have a minimum lot size of ninety (90) acres. Eighteen-hole par-3 courses shall have a minimum lot size of fifty (50) acres. Country clubs shall have a minimum lot size of forty (40) acres.
2. **Setbacks and Fairway Width**
Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred fifty (150) feet subject to review by the Planning Commission. Fairways shall be designed so that existing or future dwelling units are located a minimum of two hundred ten (210) feet from the center of the fairway.
3. **Access**

Golf courses and country clubs shall have direct access onto a paved public road.

4. **Shelter Buildings**

At least one (1) shelter building with toilet facilities shall be provided per nine holes. The shelter shall meet all requirements of the Bay County Health Department and the Township Building Code.

5. **Impact on Water Supply**

A hydrogeological study shall be completed and submitted to document the impact of the golf course watering system on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells.

6. **Building Setbacks**

Buildings shall be setback a minimum of one hundred 100 feet from any property line that abuts residentially zoned or used property, and seventy five (75) feet from any other property line.

7. **Turf Maintenance Plan**

The proposed turf maintenance plan and chemical application plan for the first year and for long-term turf maintenance shall be submitted for review.

8. **Chemical Storage**

Detailed plans for chemical storage shall be provided. Buildings in which chemicals are stored shall be designed to contain spills and shall not have floor drains that discharge into a septic system or other pathway to the groundwater. Plans for emergency containment and clean up shall also be provided.

U. **Hospitals**

The following regulations shall apply to Hospitals:

1. **Frontage and Access**

Hospitals shall have a minimum of six hundred sixty (660) feet of frontage on a primary road and the main means of access to the hospital for patients, visitors, and employees shall be via the arterial or highway. In no case shall access to a hospital be off of a residential street. A minimum of two (2) entrances/exits shall be provided located no less than three hundred thirty (330) feet apart.

2. **Setbacks**

The principal building and all accessory buildings shall be set back a minimum distance of one hundred (100) feet from all property lines. The minimum setback shall be increased twenty (20) feet for each story in excess of two (2) stories, up to a maximum of six (6) stories.

3. **Screening**

Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a masonry wall constructed in accordance with Article 19.00.

4. No power plant or laundry facility shall be located closer than three hundred (300) feet to any adjacent residential use or zoning.

V. **Junk Yards or Salvage Yards**

The following regulations shall apply to Junk Yards and Salvage Yards:

1. **Setbacks**
A minimum setback of two hundred fifty (250) feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing and junk materials shall be set back at least two hundred fifty (250) feet from any road or highway right-of-way line, and at least three hundred (300) feet from any property line which abuts a residentially-zoned district.
2. **Screening**
The entire junkyard or salvage yard site shall be screened with an eight (8) foot obscuring masonry wall, or solid wood fence constructed in accordance with Article 19.00. The wall or fence shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.
3. **Surfacing**
All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Planning Commission so as to confine any wind-borne dust within the boundaries of the site.
4. **Regulated Activities**
Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.
5. **Permits**
All required Township, County, and State permits shall be obtained prior to establishing a junkyard.
6. **Stacking**
Junk, automobiles, or other debris shall not be stacked in a manner such that the material could be visible outside the site. Junkyards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.

W. **Kennels**

The following regulations shall apply to Kennels as defined herein.

1. **Operation**
Any such kennel shall be subject to all permit and operational requirements established by County and State regulatory agencies.
2. **Lot Size**
The lot on which any such kennel is located shall be a minimum of five (5) acres in size.
3. **Setbacks**
Buildings in which animals are kept, animal runs, and exercise areas shall be located at least one hundred (100) feet from any property line.

4. **Sound Control**
All animals shall be housed in a masonry building that is fully soundproofed, using insulation, soundboards, and acoustic tile. The animals shall be kept inside the building between the hours of 9:00 p.m. and 7:00 a.m.
5. **Odor Control**
Non-absorbent surfaces (such as sealed concrete or ceramic tile) shall be used throughout the kennel. Dog waste shall be power flushed or otherwise removed on a regular schedule, but no less than four (4) times daily.
6. **Kennels Prohibited in Subdivisions**
Regardless of lot size, kennels shall not be permitted in platted residential subdivisions or condominium developments.

X. **Reserved**

Y. **Mini-Warehouses**

The following regulations shall apply to Mini-Warehouses:

1. **Permitted Use**
Mini-warehouse establishments shall provide for storage only, which must be contained within an enclosed building. No water service shall be provided. Electric service shall be limited to one hundred (100) amperes, telephone service shall be allowed only when an alarm system is installed.
2. **Site Enclosure**
The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high fence, constructed in accordance with Article 19.00.
3. **Exterior Appearance**
The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.
4. **Resident Manager**
A resident manager may be permitted on the site for the purposes of maintaining the operation of the facility in conformance with the conditions of the approval.
5. **On-Site Circulation and Parking**
 - a. All one-way driveways shall be designed with one twelve (12) foot wide loading/unloading lane and one fifteen (15) foot travel lane.
 - b. All two-way driveways shall be designed with one twelve (12) foot wide loading/unloading lane and two (2) twelve (12) foot travel lanes.
 - c. The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

Z. **Motels and Hotels**

The following regulations shall apply to Motels:

1. **Design**
Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
2. **Services**
Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service.
3. **Parking**
Off-street parking for semi-trailers shall be specifically designated and separated from passenger vehicles.
4. **Fire Protection**
The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes, and as approved by the Fire Department.

AA. **Oil and Gas Processing Plants**

The following regulations shall apply to oil and gas processing or sweetening plants:

1. **Setbacks**
 - a) Oil and gas processing plants shall be located a minimum of thirteen hundred (1,300) feet from any property line, wetlands, or surface water and a minimum of five hundred (500) feet from any residential zoned property.
 - b) Oil and gas processing plants shall be located a minimum of two thousand six hundred and forty (2,640) feet from population concentrations, such as subdivisions, apartment buildings, residential developments, or mobile home parks, and from uses whose occupants would be difficult to evacuate, such as hospitals or nursing homes.
2. **Density**
There shall be no more than one (1) oil and gas processing facility in operation per square mile section of land. Such facilities shall be designed to service all oil and gas wells that are expected to need such service within a two (2) mile radius.
3. **Screening**
Oil and gas processing facilities shall be screened in accordance with Article 19.00.
4. **Air Pollution Control**
Emissions from the plant shall meet or exceed all applicable state and federal pollution standards. The plant operator shall provide the Township with the instrument shut down set points, which shall be subject to review and approval. All monitors shall be maintained in proper working order at all times. The operator also provide the Township with an emergency preparedness plan in the event a complaint requires a plant shut down, and submit an odor complaint response plan for Planning Commission approval.
5. **Fire Detection**
The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes, and as approved by the Fire Chief.

6. **Automatic Alarm System**

In the event that instruments, sensors, or monitors detect a malfunction of the system, including but not limited to the detection of gas leaks, odors, fire, flare failure, or improper operation of the processing equipment, an alarm system shall be set to automatically operate. The alarm system shall be operated through a bonded alarm company approved by the Township. The alarm company shall be instructed to contact the Township Fire Department dispatcher and plant operating personnel.
7. **Site Security**

The following security measures shall be maintained on the site:

 - a) **Fencing**

The site shall be fully enclosed with an eight-foot fence or masonry wall.
 - b) **Locking of the Facility**

All building doors and fence gates shall be kept closed and locked, except when personnel are at the site during the daytime hours.
 - c) **Signs**

"Poisonous Gas" or other appropriate warning signs shall be placed at fifty (50) foot intervals along the fence surrounding the facility. The warning signs shall have a reflective surface.
 - d) **Telephone Monitoring System**

In the event of a break-in or other lapse of security, the bonded alarm system shall automatically be put into operation, and operating personnel and local law enforcement officials shall be notified.
8. **Preventative Maintenance**

The facility shall be maintained in proper operating condition at all times. Manufacturer's recommendations concerning periodic maintenance shall be adhered to.
9. **Site Closure**

In the event that operation of the facility is terminated for a period exceeding six (6) months, all equipment and surface piping shall be removed and foundations shall be destroyed to a depth of thirty-six (36) inches below grade. The entire site shall be evenly graded and re-seeded.
10. **Other Approvals**

The applicant shall submit proof of permits and approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Natural Resources (MDNR) Waste Management Division, Michigan Pollution Control Commission, Bay County Health Department, Bay County Road Commission, Bay County Drain Commission, MDNR Environmental Response Division, and Michigan Department of State Police Fire Marshal Division.
11. **Performance Guarantee**

Prior to issuance of a building permit, the Township may require submission of a performance guarantee.

BB. Open-Air Business, Commercial Outdoor Display, Sales or Storage

The following regulations shall apply to all such uses, whether operated year round or on an intermittent basis, or as a principal or accessory use:

1. **Driveway Location**
The nearest edge of any driveway serving an open-air business shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way) and at least twenty (20) feet from any side property line.
2. **Lot Width**
The minimum lot width for open-air businesses shall be one hundred (100) feet.
3. **Loading and Parking**
All loading, truck maneuvering and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads or property.
4. **Storage**
Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials. Storage areas shall consist of a permanent, durable and dustless surface (gravel) and shall be graded and drained to dispose stormwater without a negative impact on adjacent property.
5. **Sales and Display**
All outdoor sales and display areas shall have an approved paved or aggregate surface and a stormwater drainage system.
6. **Screening**
All outdoor sales, display or storage area property lines adjacent to a residential district shall be screened in accordance with Article 19.00.
7. **Outdoor Display of Vehicles**
The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks, or tractors which are for sale, rent, or lease shall comply with the requirements in Section 17.02.E.
8. **Plant Material Nursery**
Nurseries that deal with plant materials shall comply with the following:
 - a) Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.
 - b) The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.
9. **Flea Markets**
Flea markets shall not be permitted as a year round use.
10. **Christmas Tree Sales**
The sale of cut trees that are displayed and sold during the Christmas Season shall be permitted. A temporary permit must be obtained from the Township. All trees, poles, lights,

or other items incidental to this use shall be removed from the premises by December 31st, and no trees shall be stored or displayed within ten (10) feet of a right-of-way or property line. Off-street parking areas must be provided.

11. **Permit Required**

A temporary use permit shall be required for all intermittent uses.

CC. **Recreation**

1. **Campgrounds**

Campgrounds for travel trailers, tents, tent-campers, and motor homes, shall comply with the following requirements:

a. **Setbacks.**

Buildings, structures, and areas designated for camping shall be located a minimum of one hundred (100) feet from all property lines. The storage of vehicles not set up for occupancy shall be located a minimum of two hundred (200) feet from all property lines, and shall be screened in accordance with Article 19.00.

b. **Minimum Campsite Size.**

Each campsite shall be at least two thousand (2,000) square feet in size for campsites designed to serve motor homes, trailers, etc. Campsites designed for tent camping shall be at least six hundred (600) square feet in size.

c. **Utilities.**

Each campsite shall either be provided with individual electric and water hookups approved by the Bay County Health Department, or shall have convenient access to approved service buildings. Sewer hook-ups are optional.

d. **Minimum Parcel Size.**

A campground shall have a minimum of ten (10) acres.

e. **Temporary Residency.**

Campgrounds shall be for seasonal recreation use only. This provision shall not apply to the manager or caretaker.

f. **Accessory Use.**

Accessory uses shall include but not be limited to rental cabins and trailers, swimming docks, and game rooms.

g. **Phone**

Each facility shall be provided with at least one (1) public phone.

h. **Access**

Such use shall provide direct vehicular access to a paved primary road.

2. **Commercial Outdoor Recreation Facilities**

Outdoor recreation facilities, such as, but not limited to recreational fields, rinks or courts, including football, softball, soccer, tennis basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, commercial riding stables, animal racing, music concert pavilions and band shells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings,

office for management functions, spectator seating and service areas, including locker rooms and rest rooms, shall comply with the following regulations:

- a. **Setbacks.**
Principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines, unless otherwise specified herein.
- b. **Access.**
Outdoor recreation uses shall have direct access onto a primary road.
- c. **Impact on Surrounding Properties.**
The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Planning Commission may specify the hours of operation in order to assure compatibility with adjacent uses.
- d. **Nuisance Impacts.**
Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired. The site shall be periodically cleared of debris.
- e. **Parking.**
All parking for outdoor recreation uses shall be provided in off-street parking lots, designed in accordance with Article 23.00, and setback a minimum of forty (40) feet from any residential district.
- f. **Screening.**
Outdoor recreation uses shall be screened from view from adjacent property zoned or used for residential purposes, in accordance with Article 19.00.
- g. **Accessory Facilities.**
Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless otherwise listed as a permitted use in the district in which the facility is located.

3. **Off-Road Vehicle and Snowmobile Trails, Outdoor Gun Ranges, and Auto Racing Tracks**

Courses or trails for off-road vehicles, snowmobiles, gun ranges or similar use shall comply with the following regulations:

- a. **Minimum Parcel Size.**
A minimum of eighty (80) acres shall be required for such uses or other size parcel deemed appropriate for the proposed use by the Planning Commission.
- b. **Location.**
The site shall be located in a predominantly undeveloped area so as to minimize adverse impact on adjacent uses.
- c. **Operations Plan.**
The applicant shall provide an operations plan clearly outlining the types, location and intensity of uses approved by the Planning Commission. The Planning

Commission may regulate the operation and hours of activity to minimize any adverse effects on adjacent properties.

4. **Private Institutional or Community Recreation Facilities and Athletic Clubs.**

a) **Enclosure.**

Outdoor swimming pools in single-family districts shall be enclosed within a six (6) foot high fence. All fences shall be subject to the requirements in Article 5.00 and 19.00. Entry shall be by means of a self-closing, self-latching gate. The latch shall be on the inside so that it is not readily available for children to open. Gates shall be securely locked when the pool is not in use.

b) **Setbacks.**

In all districts swimming pools shall be set back a minimum distance of sixty (60) feet from all property lines. In no case shall a swimming pool be located in an easement or right-of-way.

c) **Swimming Pool Clubs.**

Swimming pool clubs in residential districts shall be incorporated as non-profit organizations, and shall be maintained and operated for the exclusive use of members and their guests. Membership shall be limited by subdivision or another clearly defined geographic area as specified in the club's articles of incorporation.

d) **Site.**

The proposed site for any of the uses permitted herein which would attract persons from or are intended to serve areas beyond the immediate neighborhood shall have at least one property line abutting an arterial road, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.

e) **Landscaping.**

All such landscaping shall be maintained in a healthy condition. There shall be no parking or obscure the use from abutting residential districts. Front, side and rear yards shall be landscaped in trees, shrubs and grass.

f) **Parking.**

Off-street parking shall be provided so as to accommodate not less than one half of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to the issuance of a building permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal memberships, the off-street parking requirements shall be determined by the Planning Commission on the basis of usage.

g) **Other Standards.**

Swimming pools shall meet the standards of this Ordinance, all applicable building and health codes.

5. **Indoor Recreation Facilities**

Indoor recreation facilities, such as, but not limited to, bowling establishments, fitness centers, indoor archery ranges, indoor firearms ranges, indoor tennis courts, indoor skating rinks, arcades, indoor driving ranges, and similar indoor recreation uses shall comply with the following regulations:

- a) **Setbacks.**
Indoor recreation uses shall be set back a minimum of seventy-five (75) feet from any property line that abuts a residential district.
- b) **Adverse Impacts.**
The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises.
- c) **Buildings.**
All uses shall be conducted completely within a fully enclosed building. The buildings shall be soundproof.
- d) **Access.**
Indoor recreation uses shall have direct access onto a primary road.

6. **Private Swimming Pools**

- a) **Permits**
For permanent above or below ground swimming pools, and for portable pools with a diameter exceeding twelve (12) feet or an area exceeding one hundred (100) square feet, a building permit and electrical permit must be obtained for its alteration, erection and construction. The application for such permit shall include the name of the owner, a plot plan showing the dimensions and site location of the pool plus nearby buildings, fences, gates, septic tanks, tile fields, public utilities, and easements. The application for a below ground pool shall be accompanied by plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping and valve layout. Any other information affecting construction and safety features deemed necessary by the Township or the County Health Department shall also be submitted.
- b) **Encroachment**
No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
- c) **Setbacks**
Minimum side yard setback shall comply with required side yard spaces specified for the zoning district wherein the pool is located. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear or side yard setback shall not be less than ten (10) feet between the pool outside wall and the side or rear property line, or less than four (4) feet between pool wall and any building on the lot.
- d) **Enclosure**

All swimming pools shall be completely enclosed by a chain-link fence or a fence of comparable safety not less than four (4) feet nor more than six (6) feet in height, and set a distance of not less than four (4) feet from the outside perimeter of the pool wall. Except, that if a building is located on a lot not having any means of public access, a fence shall not be required on any such side, except for swimming pools above grade (e.g. portable) which have a side wall with a smooth surface not less than four (4) feet in height and with all means of access being secured, raised and/or locked to prevent unauthorized use. All openings in any such fence or building shall be equipped with a self-closing, self-latching gate or door which shall be securely locked with a tamperproof lock when the pool is not in use. Provided, however, that if the entire premises is enclosed by fence or wall, then said fence requirement may be waived by the Building Inspector, after due inspection and approval.

e) **Electrical requirements**

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

f) **Location**

A private swimming pool shall be located in only the side or rear yards. On a waterfront lot, swimming pools may be located in the waterfront yard or front yard following Zoning Board of Appeals approval, and subject to the special requirements in Section 5.03 C.2.

DD. **Roadside Stands**

The following regulations shall apply to all Roadside Stands, which shall be temporary uses, as defined in Article 3.00:

1. **Use**

Each farm may have a maximum of one (1) seasonal roadside stand, and all produce or products for sale shall be grown on the premises or be made from produce grown on the premises.

2. **Building Size**

Any roadside stand shall not be greater than two hundred fifty (250) square feet in size, nor shall it have more than one (1) story. The stand shall be of portable construction, permitting it to be removed from its roadside location during seasons when it is not in use.

3. **Site Maintenance**

Suitable trash containers shall be placed on the premises for public use. Adequate provisions shall be made for waste collection and removal. Plant and vegetable waste shall be removed daily so that it does not rot or cause odors. Litter shall be picked up and disposed of daily. Crates and equipment shall be stored out of view.

4. **Building Setbacks**

Any building containing a roadside stand shall be located no closer than forty-five (45) feet to the nearest edge of the paved surface of any paved public road, and no closer than forty-five (45) feet to the improved gravel surface of any unpaved public road.

5. **Parking**

Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in Article 23.00, except that hard-surfacing shall not be required. Parking maneuvering shall not conflict with traffic flow on the road.

6. **Signs**

Signs used in connection with the roadside stand shall be temporary, and shall be removed when the stand is not in use. No sign shall be placed within a public right-of-way and shall meet clear vision requirements.

EE. **Schools, Public/Private/Parochial**

Public, private and parochial elementary, intermediate or high schools licensed by the State of Michigan to offer courses permitted subject to the following conditions:

1. The minimum lot or parcel width shall be three hundred (300) feet.
2. The minimum lot or parcel area shall be:
 - ten (10) acres for elementary schools
 - twenty (20) acres for intermediate schools
 - forty (40) acres for high schools
3. The lot or parcel location shall be such that at least one (1) property line abuts a primary road. All ingress and egress shall be directly onto said road.

FF. **Stables and Riding Arenas**

1. **Private Stables**

Private stables, as defined in Article 3.00 of this Ordinance, are intended for the keeping of any horses for the non-commercial use of the residents of the principal residential use on the site. Private stables shall comply with the following requirements. (amended 01/07/08)

a) **Minimum Size**

Private stables shall have a minimum of five (5) acres with one (1) acre of open pasture per horse.

b) **Setbacks**

All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line.

c) **Maintenance**

All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall not be a nuisance.

2. **Public Stables**

Public stables, as defined in Article 3.00 of this Ordinance, are intended for the housing of horses on a fee basis. Public stables shall comply with the following requirements. (amended 01/07/08)

- a) **Minimum Size**
Public stables shall have a minimum of one (1) acre per animal, but in no event shall there be less than twenty (20) acres.
- b) **Setbacks**
All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public. However, horses may be pastured to the property line, except that horses may be pastured no closer to the road than the front setback line or the front of the house, whichever is greater, unless otherwise permitted by the Planning Commission.
- c) **Maintenance**
All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall not be a nuisance.

3. **Riding Arenas**

Riding arenas may be permitted as an accessory use subject to the following requirements:

- a) **Minimum Size**
Riding arenas shall have a minimum of one (1) acre per animal, but in no event shall there be less than ten (10) acres.
- b) **Setbacks**
The riding arena shall be located at least one hundred (100) feet from any property line. Outdoor tracks shall be permitted provided they are setback at least fifty (50) feet from any property line.

All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public. However, horses may be pastured to the property line.
- c) **Maximum Height**
Riding arenas shall comply with the height requirements for the district in which they are located.
- d) **Maintenance**
Riding arenas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one hundred (100) feet from any property line and shall not be a nuisance.
- e) **Permitted Use**
Riding arenas shall be used for no other purpose except for riding, exercising, and training of horses. Riding arenas may contain stables.

f) **Approval Criteria**

The Planning Commission shall determine that all of the following criteria will be met prior to approving the plans for a riding arena:

- 1) All requirements set forth in this sub-section will be complied with.
- 2) The arena will be for private use only for riding horses that are permanently stabled on the same property.
- 3) No living quarters will be located in the arena building.
- 4) The arena will be compatible in terms of appearance and function with surrounding land uses.
- 5) The arena is not likely to negatively affect the value of other property in the area in which it is located.

4. **Stables for Breeding and Training Horses**

Stables which are used solely for breeding and training horses and which do not satisfy the definition of "private or public stable" or "riding arena" shall be considered bona fide farms, as defined in Article 3.00, and shall be subject to the regulations applicable to farms.

GG. **Veterinary Clinics**

Veterinary clinics shall comply with the following requirements:

1. **Small Animal Clinics**

All activities shall be conducted within a completely enclosed building. If the small animal clinic does not include outdoor kennels, animal runs or exercise areas, the setbacks of the district for principal buildings shall apply. Outdoor animal runs and kennels shall meet the setback requirements for kennels.

2. **Large Animal Clinics**

a) **Range of Services**

The veterinary clinic shall cater to horses, livestock and other farm animals. A small animal clinic may be an accessory use.

b) **Accessory Office Uses**

Any office area shall be an accessory use to the clinic and shall be attached to the treatment or surgical facilities.

c) **Setbacks**

All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line and a minimum of fifty (50) feet from any occupied dwelling and any other building to be used by the public.

d) **Maintenance**

All stables and treatment areas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be removed from the premises or spread and cultivated so as not to be a nuisance and to control odors and flies.

e) **Setback of Stable or Paddock**

No stable or confined paddock area shall be located nearer than one hundred (100) feet to any property line. Horses and livestock may, however, be pastured to the property line provided the pasture is properly fenced.

HH. **Marinas, Boat Liveries, and Bathhouses**

1. All dredging, construction or development of any marina or boat livery shall be subject to all applicable requirements of the Township, County and State, and federal ordinances, licenses regulations and requirements.
2. **Discharge of Waste**
The flushing or discharge of boat toilets, discarding of other waste or refuse from boats in marinas is prohibited unless there is an authorized pump-out facility.
3. **Restroom Facilities**
Each marina or livery shall provide suitable, safe and sanitary toilet and refuse facilities within buildings designed for this purpose. No less than one (1) toilet shall be provided for each forty (40) boat spaces or less within not more than five hundred (500) feet of walking distance of each boat space or launch area.
4. **Trash Receptacles**
Refuse and garbage containers shall be provided and kept in clean and sanitary condition for the use of boat owners. Such containers must be screened in accordance with the standards of this Ordinance and located within one hundred and fifty (150) feet of walking distance of each boat space or launch area. All such facilities shall be subject to the approval of the Township and Bay County Health Department.
5. **External Illumination**
Lighting for the external illumination of said facilities shall be directed away and be shielded from adjacent residentially zoned or used districts. External lighting shall be provided for parking areas, buildings, grounds and water areas.
6. **Site Layout and Landscaping**
The general design, layout and locations of uses and support systems shall be developed to enhance the waterfront property and the natural environment. A minimum fifty (50) foot landscaped setback shall be maintained between the shore's edge and any marina development. The Planning Commission may approve alternatives, as it deems necessary to accommodate peculiar circumstances of unforeseen problems in order to carry out the spirit and intent of this Section.
7. **Fire Protection.**
All marina and livery facilities shall conform to all applicable Township, county, state and federal fire codes and standards.

II. **Small Structure Mounted Wind Energy Conversion System Standards.**

The following standards shall apply to Small Structure Mounted WECS.

1. Purpose. Designed to primarily serve the needs of a home, farm or small business.

2. Height. The maximum permitted height, measured from the highest point of the roof, excluding chimneys, cupolas, spires, and similar projections, to the highest point of the WECS including the top of the blade in its vertical position, for Small Structure Mounted WECS is as follows:

Zoned District	Maximum Height
Residential	12 feet
Non-Residential (one acre or less)	12 feet
Non-Residential (greater than one acre)	15 feet

as per *Section 5.13*.

3. Setbacks. Small Structure Mounted WECS, including any support apparatus, shall be setback a minimum of 15 feet from the property line, street right-of-way, or overhead utility lines if mounted directly on the roof of the structure.
4. Location and Separation: The Small Structure Mounted WECS shall not be affixed to a wall on facade of a building facing a street. If more than one Small Structure Mounted WECS is installed on the same structure, a separation equal to the height of the Small Mounted WECS shall be maintained between the base of each Small Structure Mounted WECS. However, no more than two Small Structure Mounted WECS shall be located on any parcel of land located in a residential zoned district.
5. Guy Wires. Guy wires shall not be permitted as part of the Small Structure Mounted WECS.
6. Sound Pressure Level and Noise. Small Structure Mounted WECS shall not exceed 55 dB(A) at the property line closest to the WECS. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe windstorms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A). Vibrations shall not be produced which are audible beyond the property on which the Small Structure Mounted WECS is located.
7. Construction Codes, Towers & Interconnection Standards. Small Structure Mounted WECS shall comply with all applicable state construction and electrical codes and local building permit requirements. Small Structure Mounted WECS shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 *et seq.*), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 *et seq.*), and other applicable local and state regulations. An interconnected Small Structure WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards, except that off-grid systems are exempt from this requirement.
8. No lettering, advertising or graphics, except for manufacturer insignia, shall be permitted on any part of the structure, hub or blades.
9. Safety. A Small Structure Mounted WECS shall have automatic braking, governing or a feathering system to prevent uncontrolled rotation or over speeding. All Small Structure Mounted WECS shall have lightning protection.

10. **Illumination.** Wind Energy Conversion Systems may not be artificially lighted unless otherwise required by the FAA or approved authority or authorized by the Planning Commission.
11. **Signal Interference:** WECS shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite or emergency communication.

JJ. Small-Scale and Mid-Scale Wind Energy Conversion System Standards

The following standards shall apply to Small-Scale and Mid-Scale WECS, including On-Site WECS and Anemometer Towers:

1. **Purpose.** Designed to primarily serve the needs of a home, farm, or small business.
2. **Height.** The maximum permitted height, measured from the average grade to the highest point of the tower including the top of the blade in its vertical position, for Small-Scale WECS and Mid-Scale WECS are as follows:

	Minimum Height	Maximum Height
Small-Scale WECS	No minimum	60 feet
Mid-Scale WECS	Greater than 60 feet	120 feet or less

For the purpose of this section, grade shall be defined as the base grade of the lot or parcel of land to which the WECS is located.

3. **Setbacks.** The minimum required setback for Small-Scale WECS and Mid-Scale WECS are as follows:

	Minimum Setback
Small-Scale WECS	110% of the height of the tower
Mid-Scale WECS	110 % of the height of the tower in the I-1 and I-2 District 110% of the height of the tower in all other districts

*Height shall be measured consistent with *Section 5.13*.

No part of the WECS structure, including guy wire anchors, may extend closer than 10 feet to the owner’s property lines, or the distance of the required principal structure setback in the respective zoning district, whichever results in the greater setback.

4. **Minimum Lot Area.** The minimum lot area for a property to be eligible to have a Small-Scale or Mid-Scale WECS shall be as follows:

	Minimum Lot Area
Small-Scale WECS	Two Acres
Mid-Scale WECS	Five Acres

5. Minimum Ground Clearance. The minimum vertical blade tip clearance from grade shall be 20 feet for a WECS employing a horizontal axis rotor.
6. Sound Pressure Level. On-site WECS shall not exceed 55 dB(A) at the property line closest to the WECS. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
7. Construction Codes. Towers & Interconnection Standards. On-Site WECS including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-Site WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1959, MCL 259.481 *et seq.*), and other applicable local and state regulations. An interconnected On-Site WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards, except that off-grid systems are exempt from this requirement.
8. No lettering, advertising or graphs, except for manufacturer insignia, shall be permitted on any part of the tower, hub or blade.
9. Safety. An On-site WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least 6 feet above the guy wire anchors.
10. Illumination. Wind Energy Conversion Systems may not be artificially lighted unless otherwise required by the FAA or approved authority or authorized by the Planning Commission.
11. Signal Interference. WECS shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite or emergency communication.

KK. Large-Scale Wind Energy Conversion System Standards

The following standards shall apply to Large-Scale Wind Energy Conversion Systems, including On-Site Wind Energy Conversion Systems and Anemometer Towers.

1. Maximum Height. The distance between the grade and the highest point of the tower, including the top of the blade in its vertical position ground. The maximum permitted height of a Large-Scale WECS tower shall be 200 feet from existing grade to the center of the hub, and the total height of the tower and blade in the full vertical position may not exceed 350 feet.

For the purpose of this section, grade shall be defined as the base grade of the lot or parcel of land to which the WECS is located.

2. Setbacks. A distance equal to 110% of the height of the tower including the top of the blade in its vertical position from all property lines or from the lease unit boundary where the WECS is located, public roads, and communication or electrical lines. Operations and maintenance office building, a substation, or ancillary equipment shall comply with every property setback requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the setback and placement requirements applicable to public utilities.
3. Tower Separation. Turbine/tower separation shall be based on: 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics [prevailing wind, topography, etc.] of the particular site location. At a minimum, there shall be a separation between towers of not less than three (3) times the turbine (rotor) diameter; and the WECS shall be designed to minimize disruption to farmland activity. Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/tower separation.
4. Minimum Lot Area Size. The minimum lot size for a property to be eligible to have an On-Site WECS or Utility Grid WECS shall be five acres.
5. Minimum Ground Clearance. The minimum vertical blade tip clearance from grade shall be 20 feet for a WECS employing a horizontal axis rotor.
6. Sound Pressure Level. Audible noise or the sound pressure level from the operation of the WECS shall not exceed fifty five (55) dB(A), or the ambient sound pressure level plus five (5) dB(A), whichever is greater. The audible noise of sound pressure shall be measured at the property lines or the lease unit boundary where the WECS is located, whichever is farther from the sources of the noise. This sound pressure shall not be exceeded for more than three minutes in any hour of the day.
7. Safety. The WECS shall meet the following safety requirements:
 - a. The WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
 - b. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS.
 - c. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
 - d. All collection system wiring shall comply with all applicable safety and stray voltage standards.
 - e. WECS towers shall not be climbable on the exterior.
8. Post-Construction Permits, Construction Codes, Towers, and Interconnection Standards. The WECS shall comply with all applicable state construction and electrical codes and local building permit requirements.
9. Pre-Application Permits.

- a. Utility Infrastructure. The utility infrastructure shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, as amended, MCL 259.431 *et seq.*), the Michigan Tall Structures Act (Public Acts 259 of 1959, as amended, MCL 259.481 *et seq.*), and other applicable local and state regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid WECS shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
 - b. Environment.
 - 1) All large scale WECS shall comply with Section 5.19, Impact Assessment.
10. Utilities. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All aboveground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.
11. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
12. The following additional standards apply only to Utility Grid Wind Energy Conversion Systems:
- a. Visual Impact. Utility Grid WECS projects shall use tubular towers and all WECS in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using WECS of similar design, size, operation and appearance throughout the project.

The design of the WECS' buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and the existing environment.
 - b. Avian and Wildlife Impact. Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact analysis, as required below.
 - c. Shadow Flicker. Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis, as required below.
 - d. Electromagnetic Interference. No Utility Grid WECS shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WECS. No Utility Grid WECS shall be installed in any location within the line where operation

of the microwave communications link where operation of the WECS is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

13. Illumination. Wind Energy Conversion Systems may not be artificially lighted unless otherwise required by the FAA or approved authority or authorized by the Planning Commission.
14. Signal Interference. WECS shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite or emergency communication.

LL. Wind Energy Conversion System Site Plan Review Procedure

An application for a WECS shall be reviewed in accordance with all applicable requirements in *subsections II., JJ. and KK.* of this section and *Section 18.03* Special Uses. In addition to these requirements, site plans and supporting documents for WECS shall include the following additional information:

1. Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
2. A copy of that portion of any of the applicant's lease(s) with the land owner(s) granting authority to install the WECS and/or Anemometer Tower; legal description of the property(ies), Lease Unit(s); and the site plan showing the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
3. The phases, or parts of construction, with a construction schedule.
4. The project area boundaries.
5. The location, height and dimensions of all existing and proposed structures and fencing.
6. The location, grades and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
7. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries. For Large-Scale WECS, documentation from the Bay County Road Commission and/or Michigan Department of Transportation, as applicable, shall be provided indicating the jurisdiction's approval for use of public streets for transportation of WECS.
8. All new infrastructures above ground related to the project.
9. A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
10. Description of operations, including anticipated regular and unscheduled maintenance.
11. For Utility Grid Wind Energy Conversion Systems only:

- a. A copy of noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the Utility Grid WECS will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to Bangor Township within 60 days of the commercial operation of the project.
- b. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles.
- c. A copy of an Environmental Analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- d. A copy of an Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

The analysis shall indicate whether a post-construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.

- e. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of the year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the

problems.

- f. A restoration plan for the site after completion of the project which includes the following supporting documentation:
 - 1) The anticipated life of the project.
 - 2) The estimated decommissioning costs net of salvage value in current dollars.
 - 3) The method of ensuring that funds will be available for decommissioning and restoration.
 - 4) The anticipated manner in which the project will be decommissioned and the site restored.

- g. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation on the project.

The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude Bangor Township from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours. (amended 12/23/10)

ARTICLE 18.00

GENERAL PROCEDURES AND RELATED STANDARDS

Section 18.01 Purpose

The purpose of this Article is to provide procedures and standards for the processing of all requests for Township action or review under the provisions of this Ordinance.

Section 18.02 Site Plan Review

A. Site Plan Approval Required

The following buildings, structures and uses, including their erection or structural alteration, change or creation of a new use within an existing building or structure or within a new building or structure, or modifications or amendments, thereto require site plan review and approval under this section.

1. A building containing two (2) or more dwelling units.
2. Any principal building, structure, or addition thereto, except single family residential dwellings, their customary accessory uses and farm buildings, permitted in any residential district.
3. Essential service buildings and structures.
4. Any parking lot or parking lot expansion when not a part of a development or use for which site plan review and approval is required elsewhere in this section.
5. Any use in any of the following zoning districts:
 - a) R-1 Single Family Residential District, except single family dwellings
 - b) R-2 Single Family Residential District, except single family dwellings
 - c) R-3 Single Family Residential District, except single family dwellings
 - d) RM-1 Multiple Family Residential District, except single family dwellings
 - e) RM-2 Multiple Family Residential District, except single family dwellings
 - f) RM-3 Multiple Family Residential District, except single family dwellings
 - g) O-1 Office Service District
 - i) C-1 Neighborhood Commercial District
 - j) RC Recreation Commercial District
 - k) C-2 General Commercial District
 - l) I-1 Light Industrial District

- m) I-2 General Industrial District
- 6. All Special Uses.
- 7. Any mineral extraction operation, excavation, earth removal operation, grading activity, earth-filling activity and any other activity resulting in the removal or addition of earth, soil, or other similar material except for such activities as are a normal, necessary and integral part of any other activity which is exempted from or not required to undergo site plan review. Excavations necessary for basements and drain fields for single-family residences and grading or excavation necessary for drain fields or septic tanks do not require site plan review.
- 8. Manufactured Home Park Plans: Approval of the Planning Commission and Township Board shall be required for the site plan of a mobile home/manufactured housing park in accordance with Article 8.00. The Michigan Department of Commerce shall have the authority to approve the construction plans.

B. Site Plan Not Required

Site plan review and approval is not required for the following activities:

- 1. Construction, moving, relocating or structurally altering a single family dwelling, including any customary accessory structures
- 2. Development of a principal agricultural use, or the construction, moving, relocation or structural alteration of permitted agricultural structures, including any customary accessory structures.
- 3. Any excavation, filling, soil removal, or mining that are less than one thousand (1,000) square feet in area provided that such activity is normally and customarily incidental to single family and agricultural uses as described in this subsection. (updated 05/13/08)

C. Prohibitions Related to Site Plan Approval

No grading, removal of vegetation, filling of land or construction shall commence for any development for which site plan approval is required until a site plan is approved and is in effect.

D. Optional Preliminary Review

An applicant may submit an application for review of a preliminary site plan by the Planning Commission prior to submittal of a complete site plan. The purpose of a preliminary site plan is to permit the applicant to obtain preliminary feedback on the potential location of buildings, points of egress and ingress to the site, and an indication of other likely improvements necessary to facilitate the preparation of the site plan. Generally the preliminary submittal should include the building footprint, general parking lot lay out, location of driveways, conceptual grading, conceptual landscaping, conceptual building elevations and materials, and similar items. The direction given to an applicant during a preliminary site plan review is non-binding. The Township may require a review fee for a preliminary site plan review.

E. Application for Site Plan Approval

1. Any person having a legal interest in a lot or parcel may apply for site plan approval by filing a completed site plan application with all necessary forms and fees and submitting no fewer than fifteen (15) copies of the site plan to the Township at least fifteen (15) days prior to the date of the regularly scheduled Planning Commission meeting at which the site plan is to be first considered.
2. All site plans sheets shall be prepared and sealed by a civil engineer, architect, landscape architect, or registered in the State of Michigan, as appropriate for their field of expertise. The name, address, and phone number of other professionals shall be given on appropriate sheets of the plans.

F. Information Required with or on a Site Plan

Each site plan submitted for review shall provide (or be submitted concurrently with documents containing) the following information:

1. Scale, north arrow, name of development, date plan drawn and date of revisions.
2. Name, address and phone number of property owner and applicant; name, address and phone number of developer.
3. The applicant's interest in the property, and if the applicant is not the fee simple owner, a signed authorization from the owner(s) for the application.
4. Name, address and phone number of firm or person who prepared the site plan.
5. A vicinity map; the property code; legal description of the property, including parcel boundary dimensions and area. Where a metes and bounds description is used, lot line angles or bearings shall be based upon a boundary survey prepared by a registered surveyor and shall correlate with the legal description.
6. Existing topography (minimum contour interval of two feet); existing natural features such as trees; wooded areas, streams, marshes, ponds and other wetlands; clear indication of all natural features to remain and to be removed. Groups of trees shall be shown on an approximate outline of the total canopy; individual deciduous trees of six (6) inch caliper or larger and individual evergreen trees eight (8) feet in height or higher, where not a part of a group of trees, shall be accurately located on the site plan.
7. Existing buildings, structures, and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain and to be removed.
8. General description of deed restrictions, if any.
9. Owner, use, and zoning classification of adjacent properties; location and outline of buildings; drives, parking lots, and other improvements on adjacent properties within one hundred (100) feet of the property boundaries; curb cuts on sites on opposite sides of the road.
10. Existing public utilities on or serving the property including location and size of water

lines and hydrants; location, size and inverts for sanitary sewer and storm sewer lines; location of manholes and catch basins; location and size of well, septic tanks and drain fields.

11. Name and right-of-way of existing streets, private roads and/or recorded easements on or adjacent to the property; surface type and width; spot elevations of street, private road or recorded easement surface, including elevations at intersections with streets and drives of the proposed development.
12. Zoning classification of the subject property; location of required yards; total ground floor area and lot coverage (percent). In the case of residential units, the plan shall note dwelling unit density, lot area per dwelling unit, and a complete schedule of the number, size and type of dwelling units.
13. Grading plan, showing finished contours at a minimum interval of two (2) feet, and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.
14. Location and exterior dimensions of proposed buildings and structures with the location to be referenced to property lines or to a common base point; distances between buildings; height in feet and stories; finished floor elevations; contact grade elevations; and all required setbacks.
15. Floor plans of principal buildings and architectural elevations of principal buildings, canopies, and structures, including rooftop mechanical equipment and method of screening. Architectural elevations shall be drawn to scale, showing the location and extent of all materials. Each material shall be identified as to type and color by drawing notes. All gateway structures, canopies and trash enclosures shall be indicated on the drawings.
16. Location and alignment of all proposed streets and drives; right-of-ways where applicable, (with approval of the appropriate agency having jurisdiction,) location and typical details of curbs; turning lanes, with details (where applicable); location, width, surface elevations and grades of all entries and exits; curb radii.
17. Location and dimensions of proposed parking lots; numbers of spaces in each lot; dimensions of spaces and aisles; drainage pattern of lots; typical cross-section showing surface, base and sub-base materials; angle of spaces.
18. Location and size of proposed improvements of open space and recreation areas, and maintenance provisions for such areas.
19. Location, width, and surface of proposed sidewalks and pedestrian ways.
20. Location and type of proposed screens and fences; height, typical elevation and vertical section of screens, showing materials and dimensions.
21. Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosures; showing materials and dimensions.
22. Location, type, size, area, and height of existing and proposed signs.

23. Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed sanitary sewer, water and storm drainage utilities; location and size of retention ponds and degree of slope of sides of ponds; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks, and drain fields where applicable. If on-site water and sewer facilities are to be used, evidence of the approvability of such facilities shall be submitted prior to Planning Commission approval of site plan.
24. Landscape plan showing number location, type and size of plant materials along with a maintenance plan.
25. Description of measures to be taken to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established.
26. Location of proposed retaining walls; dimensions and materials of same, fill materials; typical vertical sections; restoration of adjacent properties, where applicable.
27. Location, type, direction, and intensity of outside lighting.
28. Right-of-way expansion where applicable; reservation or dedication of right-of-way to be clearly noted.
29. Location of underground transport lines (For example, pipelines).
30. Where applicable there shall be room allocated on each lot or parcel for a septic field and an alternate field.
31. The number of employees of industrial facilities.
32. A full and adequate explanation of the anticipated future use of the land, whenever the proposed activity is temporary.
33. An impact statement consistent with the provisions of this Ordinance shall be submitted when the Planning Commission or Township Board deems it necessary and appropriate in its sole discretion in order for the Commission or Board to arrive at a determination with respect to the application. Similarly, the Planning Commission or Township Board may require traffic, engineering, environmental or other studies, assessments or investigations at the applicant's expense.
34. The site plans submittal information for a manufactured housing park shall be as described in the Mobile Home Commission Act.

G. Standards for Site Plan Review

In reviewing the site plan, the Planning Commission shall determine that the following standards are observed:

1. That all required information has been provided.
2. That the proposed development conforms to all regulations of the Zoning District in which it is located.

3. That the applicant may legally apply for site plan review.
4. That the plan meets the specifications of Charter Township of Bangor for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been approved by the Township Fire Department.
5. That soils not suited to development will be protected or altered in an acceptable manner.
6. That the proposed development will not cause soil erosion or sedimentation problems.
7. That the proposed development properly respects floodways and/or flood plains on or in the vicinity of the subject property.
8. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of watercourses in the area. Development or usage of the kind shall not in any way increase surface water runoff to adjacent property owners.
9. That the proposed development is coordinated with improvements serving the subject property and with the other development in the general vicinity.
10. That outside lighting will not adversely affect adjacent or neighboring properties or traffic on adjacent streets, consistent with the provisions of this Ordinance. The Planning Commission shall require a photometric study when it is determined necessary.
11. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
12. That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
13. That vehicular and pedestrian traffic within the site as well as to and from the site is both convenient and safe.
14. That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets and adjacent properties, and includes safe and convenient parking for handicapped users.
15. That the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.
16. That the plan provides for the proper expansion of existing public streets serving the site, where applicable.
17. That all phased developments are ordered in a logical sequence so that any individual phase will not depend in any way upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
18. That landscaping and screening are provided and will be maintained.

19. That the proposed site is in accord with the spirit and purpose of this Ordinance and not be inconsistent with or contrary to the objectives sought to be accomplished by this Ordinance and principles of sound planning.
20. That adequate assurances have been received so that clearing the site of topsoil, trees and other natural features before the commencement of building operations, will occur only in those areas approved for the placement of physical improvements.
21. That the development will not substantially reduce the natural retention storage capacity of any watercourse, thereby increasing the magnitude and volume of flood at other locations.
22. That the development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, hillsides or wooded areas, but will preserve and incorporate such features into the development's site design.

H. Planning Commission Action

The Planning Commission shall study the site plan and shall approve, approve subject to conditions, or reject the site plan. The Planning Commission may require reasonable changes in the proposed site plan. The Planning Commission shall include in its study of the site plan consultation with the Township Engineer, Township Planner, Township Building Official, the Township Fire Department and other government officials, departments and public utility companies that might have an interest in or be affected by the proposed development.

Upon Planning Commission approval of a site plan, the applicant, the owner(s) of record, or the legal representative thereof, the Planning Commission Chairperson and Secretary shall each sign four (4) copies of the approved site plan. The Planning Commission Secretary shall transmit one (1) signed copy of the plan and any conditions attached to the Building Official, and one (1) signed copy each to the Office of the Township Clerk and the applicant. The Planning Commission shall notify the applicant in writing of its action and the reasons therefore within thirty (30) days following the action.

I. Expiration of an Approved Site Plan

Approval of a site plan shall expire and be of no effect unless a land use permit and a building permit shall have been issued and actual construction has commenced within three hundred sixty-five (365) days of the date of Planning Commission approval of the site plan. Development shall be completed within two (2) years of the date of Planning Commission approval of a site plan. Failure to complete development within the two (2) year period will require re-submittal of the site plan for review.

If an approved site plan has expired as set forth herein, no permits for development or use of the subject property shall be issued until all applicable requirements of this Article have been satisfied. The Planning Commission may, at its discretion, upon application of the property owner, provide one (1) twelve (12) month extension of site plan approval.

J. Amendment of an Approved Site Plan

A previously approved site plan may be amended by the Planning Commission upon application in accordance with the procedures identified in this Article. Minor changes during construction or certain changes in use may be approved by the Building Official when not more than two (2)

of the following items apply. The Building Official has the authority to require any minor change to be submitted to the Planning Commission for review and approval. If more than two (2) of the following items apply, the Planning Commission must review and approve the amendments. Additionally, the Building Official may refer any amendment request to the Planning Commission if, in the opinion of the Building Official, the proposed amendments require the Commission's review to determine that the integrity of the originally approved plan is preserved with the proposed revisions.

1. A change in the internal floor plan that does not increase the intensity of use or parking requirements.
2. Movement of a building, drive, road, or parking by up to five (5) feet during construction due to an unanticipated and documented constraint, to improve safety or to preserve a natural feature. The site plan shall still meet all required setbacks and other standards of this Ordinance.
3. An increase in open space or alteration of the open space boundary by up to ten (10) feet with no decrease in overall open space area.
4. Expansion, replanting, or alterations of landscaping areas or change in plant materials to similar species, consistent with the other requirements of this Ordinance.
5. Relocation of a trash receptacle to a more inconspicuous location.
6. Relocation of a sign or light fixture meeting the dimensional and location standards of this Ordinance.
7. Relocation of sidewalks, bike paths, or pathways with the intent of improving public convenience and safety.
8. The relocation or installation of fencing, including the change in type and height.
9. An increase in the building gross floor area up to five (5%) percent, provided such increase does not exceed 2,000 square feet.

K. Fees

Any application for site plan approval shall be accompanied by a fee as determined by resolution of the Township Board and amended from time to time. Such fee may be utilized by the Township to obtain the services of one (1) or more expert consultants qualified to advise as to whether the proposed development will conform to the applicable Township Ordinances, policies and standards, and for investigation and report of any objectionable elements.

L. Revocation

Any site plan approval shall be revoked when the construction of said development is not in conformance with the approved plans, in which case the Planning Commission shall give the applicant notice of intention to revoke such approved plans at least ten (10) days prior to review of the permit by the Planning Commission. After conclusion of such review, the Planning Commission shall revoke its approval of the development if the Commission feels that a violation in fact exists and has not been remedied prior to such hearing.

M. Performance Guarantee

To insure compliance with the Zoning Ordinance and any condition imposed there under, the Planning Commission, may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of all aspects of site improvements shown on the approved site plan, except the principal buildings or structures. Such performance guarantee shall be in accordance with Section 5.23.

The performance guarantee shall be deposited at the time of the issuance of the building permit authorizing the activity of the project. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses.

N. As Built Drawings

The following requirements shall pertain to as-built drawings:

1. The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all appurtenances that were installed on a site for which a site plan was approved. The drawings shall be submitted to the Township prior to the release of any performance guarantee or part thereof covering such installation.
2. The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
3. The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of the licensed or registered (State of Michigan) professional who prepared the drawings.
4. The following requirements shall prevail relative to the subject of as-built drawings, with the exception that developers of a mobile home park are specifically exempted from the requirement of providing as-built drawings as stated in the Michigan Mobile Home Act. This exemption applies only to the as-built drawings.

O. Phasing of Development

The applicant may divide the proposed development into two or more phases. In such case each phase-specific site plan shall cover only the portion of the property involved. A final site plan shall be submitted for review and approval for each phase.

P. Site Plan Field Inspection

The Building Official shall be responsible for inspecting all improvements for conformance with the approved site plan. All sub-grade improvements, such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved by appropriate agencies prior to covering. The applicant shall be responsible for requesting the necessary

inspections. The Building Official shall obtain inspection assistance from the Township Fire Department and/or consulting professional personnel where appropriate. The Building Official shall notify the Township Board and the Planning Commission in writing when any development does not pass inspection with respect to the approved site plan. In such case, the Building Official shall periodically notify the Township Board and Planning Commission of progress toward compliance with the approved site plan and when compliance is achieved.

Section 18.03 Special Uses

The intent of this Section is to establish the process and standards whereby special uses may be granted. The types of uses requiring special approval shall be deemed to be permitted uses in their respective districts, subject, as to each specific use, to satisfaction of the procedures, requirements and standards set forth in this Ordinance. Each specific use for which a permit is sought shall be considered as an individual case and shall conform to the detailed application of the following procedures and standards in a manner appropriate to the particular circumstances of such use. Each use as listed in any district requiring special approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district and will not be detrimental to the orderly development of adjacent districts and uses.

A. General Provisions

The formulation and enactment of this Ordinance is based upon the division of unincorporated portions of Bangor Township into districts in each of which certain specified, mutually compatible uses are permitted by right. In addition to such uses, however, there are certain other uses that are essential or desirable for the welfare of the community and its citizenry or substantial parts of it. Such uses are appropriate and not essentially incompatible with the uses permitted by right in a Zoning District, but not at every or any location therein, nor without restrictions or conditions being imposed by reason of special problems presented by the use or its particular location in relation to neighboring properties. This Ordinance, therefore, requires approval of a special use permit of each use listed in the several Zoning Districts as special uses and specifies in this Section the procedures and standards to be followed in granting such permits. No special use shall commence until a special use permit is issued in accordance with this Ordinance.

B. Authority To Grant Permits

The Planning Commission shall have the authority to grant special use permits and to attach conditions to any approved permit. Only those uses listed in each Zoning District as special uses shall be considered for special use permit review and approval.

C. Application and Fee

Application for a special use permit shall be made by filing the application form, required information, and the required fee with the Township. The fee shall be set by resolution of the Bangor Township Board. No part of the fee shall be returnable to the applicant without Township approval.

D. Information Required

An application for special use permit shall contain the following information:

1. The applicant's name, address, and telephone number.

2. The names and addresses of all record owners and proof of ownership.
3. The applicant's interest in the property, and if the applicant is not the fee simple owner, a signed authorization from the owner(s) for the application.
4. Legal description, address, and tax parcel number of the property.
5. A detailed site plan (if not required as a matter of course in the Zoning District affected) that satisfies all requirements set forth in Section 17.02, herein.
6. Any additional informational materials that the Township Planning Commission may feel are necessary in order to reach a finding as called for below.

E. Notification Requirements

1. Upon receipt of an application for a special use permit, a notice that a request for special use has been received shall be published in a public newspaper which circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than 15 days before the date of the public hearing at which time the request will be considered for approval. If the name of the occupant is not known, the term "Occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or a spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
2. The notice shall:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
(amended 9/12/06)

F. Required Standards and Findings

The Planning Commission shall review the particular circumstances and relevant facts concerning each proposed use in terms of the standards and required findings listed below. The Planning Commission shall find and record adequate data, information, and evidence showing that the proposed use on the lot or parcel in question meets all required standards. In addition to specific standards that may be applicable, the following standards shall serve the Planning

Commission as the basis for decisions involving special land uses. Each proposed use or activity shall:

1. Be harmonious and in accordance with the objectives, intent, and purposes of this Ordinance.
2. Be compatible with the natural environment and existing and future land uses in the vicinity.
3. Be compatible with the Charter Township of Bangor Master Plan.
4. Be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage-ways and structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.
5. Not be detrimental, hazardous, or disturbing the existing or future neighboring uses, person, property or the public welfare.
6. Not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

G. Planning Commission Action

The Planning Commission shall approve, approve with conditions, or deny a special use permit application. The Planning Commission's decision, the basis for the decision, and all conditions imposed, shall be described in a written statement, which shall be made a part of the record of the meeting.

The Planning Commission shall establish a time limit of not less than one (1) year during which time the approved special use permission shall remain in effect. If during this time no construction has begun on the approved project, the Planning Commission shall upon the request of the applicant review the special use and either deny, approve with further conditions, including an extension of time, to a specified date during which the special use shall remain valid. If no construction is started on the project during this time extension, the special use permit shall become void and if the applicant requests to continue with the special use project, it will be necessary to reapply for approval of the special use.

H. Appeal to Township Board

An applicant may appeal a decision by the Planning Commission relative to a special use permit application to the Township Board. The Township Board may reverse or affirm wholly or in part the Planning Commission's action.

I. Reapplication

No application for a special use permit which has been denied wholly or in part by the Township Board shall be resubmitted for a period of three hundred sixty-five (365) days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

Section 18.04 Variances and Appeals

A. Intent

The purpose of this Section is to provide guidelines and standards to be followed by the Zoning Board of Appeals (ZBA) to act on matters where this Ordinance or state law gives jurisdiction to the ZBA.

B. Creation of the Zoning Board of Appeals

1. There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its power as provided for in 2006 P.A. 110, as amended, know as the Michigan Enabling Act. The ZBA shall consist of five (5) members, as follows: (amended 9/12/06)

a) **Planning Commission Member**

The first member shall be a member of the Township Planning Commission, selected by the Planning Commission and appointed by the Township Board

b) **Remaining Members**

The remaining four (4) members shall be selected and appointed by the Township Board from among electors residing in the Township. One of these members may be a member of the Township Board, but he or she may not serve as a Chair of the ZBA. An employee or contractor of the Township may not serve as a member of the ZBA. The Township may appoint not more than two (2) alternate members for the same term as a regular member who may be called as specified to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings or where a regular member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made. The alternate member will have the same voting rights as a regular member of the ZBA. (amended 9/12/06)

2. **Terms of Office**

The Planning Commission and Township Board member of the Zoning Board of Appeals shall serve for only his/her term of office on the Planning Commission or Board. Of the remaining members, two (2) members shall serve for two (2) years and one (1) member for three (3) years.

3. **Exclusion and Removal of Members**

Except for the Planning Commission and Township Board representatives described above, other members of the Township Board, the Planning Commission, or any employee of the Township shall not serve simultaneously as a member, or as an employee of the ZBA. Members of the ZBA shall be removable by the Township Board for non-performance of duty or misconduct in office, upon filing of written charges and after public hearing before the Township Board.

4. **Majority of Members Required for Business**

The ZBA shall not conduct business unless a majority of the members of the ZBA is present.

C. Authority of the Zoning Board of Appeals

1. **General Authority**

The ZBA shall have the authority to act on those matters where this Ordinance provides for administrative review/appeal, interpretation, or special approval/appeal, and shall have the authority to authorize a variance as defined in this Ordinance and laws of the State of Michigan. Such authority shall be subject to the rules and standards in this Section. The ZBA shall not have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of this Ordinance.

2. **Administrative Review**

The ZBA shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by an official, board or commission in carrying out or enforcing any provisions of this Ordinance.

3. **Interpretation**

The ZBA shall have authority to hear and decide appeals or requests for interpretation of the Zoning Ordinance, including the zoning map. The ZBA shall make such decisions so that the spirit and intent of this Ordinance shall be observed. Text interpretations shall be limited to the issues presented, and shall be based upon a reading of the Ordinance as a whole, and shall not have the effect of amending the Ordinance. Map and boundary interpretations shall be made based upon rules in the Ordinance, and any relevant historical information. In carrying out its authority to interpret the Ordinance, the ZBA shall consider reasonable and/or practical interpretations that have been consistently applied in the administration of the Ordinance. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultant to determine the basic purpose of the provision subject to interpretation and any consequences that may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance. Such authority shall include interpretation of whether a use is permitted in a given zone, or determination of off-street parking and loading requirements for any use not specifically listed.

4. **Variances**

The ZBA shall have authority in specific cases to authorize one or more variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (that is, height, bulk, setback) requirements of the Ordinance.

Such authority shall be exercised in accordance with the following standards:

- a) The ZBA may grant a requested variance only upon a finding that practical difficulties exist. A finding of practical difficulties shall require demonstration by the applicant of all of the following:
 - 1) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with the Ordinance conformity unnecessarily burdensome.
 - 2) The variance will do substantial justice to the applicant, as well as to other property owners.

- 3) A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
 - 4) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
 - 5) The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.
- b) In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other person may, but shall not be required to, provide information, testimony and/or evidence on a variance request.

5. **Conditions**

The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. The conditions may include requirements necessary to achieve any of the following:

- a) To insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- b) To protect the natural environment and conserve natural resources and energy
- c) To insure compatibility with adjacent uses of land
- d) To promote the use of land in a socially and economically desirable manner.

Conditions imposed shall meet the following requirements.

- a) Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- b) Be related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.
- c) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance, be related to the standards established in the ordinance of the land use or activity under consideration, and be necessary to insure compliance with those standards.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case. The breach of any such conditions shall automatically invalidate the permit granted.

D. **Application and Notices**

1. **Application**

All applications to the ZBA shall be filed with the Township, on forms provided by the Township, and shall be accompanied by the applicable fee established by resolution of the Township Board and shall be submitted no fewer than (15) days prior to the date of the regularly scheduled Zoning Board of Appeals meeting. Applications shall include a completed application form, fee, all plans, studies and other information and data to be relied upon by the applicant.

2. **Plot Plan**

A plot plan shall be required with all variance requests. The plan that shall accompany all variance requests shall be based on a land survey prepared by a registered land surveyor or registered engineer. The plan shall be at the scale of one (1) inch to fifty (50) feet and shall include all property lines and dimensions; setbacks; bearings of angles correlated with the legal description and a north arrow; all existing and proposed structures and uses on the property and abutting lots and parcels, dimensions of the structures and their dimensioned locations; lot area calculations necessary to show compliance with the regulations of this Ordinance. Where an application provides a variance sought in conjunction with a regular site plan review, a site plan prepared according to Section 17.02 shall satisfy the requirements of this section.

The ZBA shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed; including relevant plans, studies and other information.

3. **Application Involving an Appeal of Administrative Order**

In a case involving an appeal from an action of an administrative official or entity, the administrative official or the clerk or secretary of the administrative entity, as the case may be, shall transmit to the ZBA copies of all papers constituting the record upon which the action was taken, together with a letter specifying an explanation of the action taken.

4. **Consent of Property Owner Required**

Application to the ZBA shall be made with the full knowledge and written consent of all owners of the property in question, acknowledged by the owner(s) on the application. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.

5. **Notice**

The ZBA shall fix a reasonable time for the hearing of the appeals, give notice thereof to the parties and decide the appeal within a reasonable time. Upon receipt of an application for a variance, a notice that a request for a variance has been received shall be published in a public newspaper which circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than 15 days before the date of the public hearing at which time the request will be considered for approval. If the name of the occupant is not known, the term "Occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or a spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be

given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

The notice shall:

- a. Describe the nature of the request.
- b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- c. State when and where the request will be considered.
- d. Indicate when and where written comments will be received concerning the request. (amended 9/12/06)

6. **Stay of Proceedings**

An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the ZBA that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property. If such certification is made, proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction.

7. **Decision by the Zoning Board of Appeals**

The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board or commission made in the enforcement of this ordinance, to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this ordinance, or to grant a variance from the terms of this ordinance. A decision shall be made upon each case within sixty (60) days after a request or appeal has been filed with the Board unless additional time is agreed upon with the parties concerned.

E. **Disposition and Duration of Approval**

1. **ZBA Powers**

The ZBA may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the ZBA's jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the ZBA's scope of review, as specified in this Ordinance and/or by law. The ZBA may remand a case for further proceedings and decisions, with or without instructions.

2. **Decision Final**

A decision by the ZBA shall not become final until the expiration of twenty-one (21) days from the date of entry of such order and service of the same upon the parties concerned unless the ZBA shall find the immediate effect of such order is necessary for the preservation of property or personal rights or public safety and shall so certify on the record. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting, and decision, as proposed under supervision of the secretary, shall constitute the written decision.

3. **Period of Validity**

Any decision of the ZBA favorable to the applicant shall remain valid only as long as the

information and data relating to such decision are found to be correct, and the conditions upon which the decision was based are maintained. The relief granted by the ZBA shall be valid for a period not longer than six (6) months, unless otherwise specified by the ZBA, and within such period of effectiveness, actual, on-site improvement of property in accordance with the approved plan and the relief granted, under a valid building permit, must be commenced or the grant of relief shall be deemed void.

4. **Record of Proceedings**

The Township administrative staff, under the supervision of the secretary of the ZBA, shall prepare and keep minutes of the ZBA proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be the responsibility of the secretary of the ZBA, and shall be subject to approval of the ZBA. To the extent that a written decision in a case is requested or required, the minutes, prepared under the supervision of the ZBA secretary, along with the plan submitted, shall serve as the written decision, even if the minutes are awaiting final ZBA approval.

The official records of the ZBA proceedings shall be filed in the Township Hall and shall be public records.

5. **Appeal of a ZBA Decision**

Appeals of a ZBA decision may be taken to Bay County Circuit Court at the discretion of the applicant or any other aggrieved party.

6. **New Application for Variance**

If the ZBA denies a request for a variance, the decision of the ZBA shall not be subject to reconsideration for a period of three hundred sixty-five (365) days, whereupon the applicant may submit a new application for the variance. However, the ZBA may waive the one year period if conditions upon which their original decision was made change, or if information relating to their original decision are found to be incorrect or inaccurate.

F. **Site Plan Requirements**

If an application or appeal to the Board of Appeals involves a development project that requires site plan approval by the Planning Commission, the applicant or appellant shall first apply for variance approval prior to request site plan approval. The Planning Commission shall review the site plan and shall determine the layout and other features required before granting a recommendation of approval of the site plan. The Planning Commission shall then transmit a copy of the site plan and the Commission's findings thereon to the Board of Appeals. The Board of Appeals shall, upon deciding on the application or appeal, return the plan and its decision to the Planning Commission for Commission action on the site plan.

Section 18.04.1. Township Planning Commission

The Bangor Township Planning Commission is created as specified in *2008 P.A. 33*, as amended, the *Michigan Planning Enabling Act*. The Planning Commission shall have all powers, duties and responsibilities as provided to it in that Act, in *2006 P.A. 110*, the *Michigan Zoning Enabling Act*, and in *1967 P.A. 288*, the *Land Division Act*, together with such other powers and duties as are given to such Planning Commission by the provisions of this ordinance and *Chapter 16 of the Code of Ordinances, Charter Township of Bangor, Michigan* as adopted by *Bangor Township Ordinance No. 290*, including authority to act on all matters requiring the approval or recommendation of such Planning Commission.

Section 18.04.2. Appointment, Membership, Terms, Vacancy, Representation, Qualifications, *Ex-Officio Member*, Removal of Member, Compensation and Funding

- A. The township supervisor shall appoint members of the Planning Commission, subject to approval by a majority vote of the members of the Township Board, elected and serving.
- B. The Planning Commission shall consist of five, seven or nine members. Other than *ex-officio* members appointed as provided in subsection E, below, members shall be appointed for three-year terms. A number of members the Planning Commission first appointed, other than *ex-officio* members, shall be appointed to one-year or two-year terms such that, as nearly as possible, the terms of 1/3 of all the Planning Commission members will expire each year. If a vacancy occurs on the Planning Commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.
- C. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.
- D. Members of the Planning commission shall be qualified electors of the township, except that one member may be appointed who is not a qualified elector of the township.
- E. One member of the Township Board shall be appointed to the Planning Commission, as an *ex-officio* member. Except as provided in this subsection, an elected official or employee of the township is not eligible to be a member of the Planning Commission. The term of the *ex-officio* Township Board member of the Planning Commission shall expire with his or her term on the Township Board.
- F. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the members shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by any bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.
- G. Planning Commission members may be compensated for their services as provided by the Township Board. The Planning Commission may adopt bylaws relative to compensation and expenses of members and employees for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs, and meetings.
- H. The Planning Commission shall make an annual written report to the Township Board concerning its operations and status of planning activities, including recommendations regarding actions by the Township Board relating to planning and development.
- I. The Planning Commission may accept gifts for the exercise of its functions. However, only the

Township Board may accept such gifts on behalf of the Planning Commission. A gift of money so accepted shall be deposited with the township treasurer in a special non-reverting Planning Commission fund for expenditure by the Planning Commission for the purpose designated by the donor. The treasurer shall draw a warrant against the special non-reverting fund only upon receipt of a voucher signed by the chairperson and secretary of the Planning Commission and an order drawn by the township clerk. The expenditures of the Planning Commission, exclusive of gifts and grants, shall be within the amounts appropriated by the Township Board.

Section 18.04.3. Officers, Meetings, Professional Advisors and Rules

- A. The Planning Commission shall elect a chairperson, vice-chairperson and secretary from its members and create and fill such other offices as it considers advisable. An ex-officio member of the Planning Commission is not eligible to serve as chairperson. The Commission may appoint advisory committees outside of its membership. The term of each officer shall be one year.
- B. The Planning Commission shall hold not less than four regular meetings each year, and by resolution shall determine the time and place of the meetings. Special meetings may be called by the chairperson or by other members, upon written request to the secretary. The secretary shall send written notice of a special meeting to the Planning Commission members not less than 48 hours before the meeting. The business that a Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the *Open Meetings Act, 1976 PA 267*.
- C. The Township Board, upon recommendation of the Planning Commission, may employ a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.
- D. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations. It shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

Section 18.04.4. Responsibility for Preparation and Adoption of Master Plan: Plan Content

- A. The Planning Commission shall make and approve a master plan as a guide for development within the planning jurisdiction. The plan shall include maps, plats, charts and descriptive, explanatory and other related matter and shall show the Planning Commission's recommendations for physical development within the planning jurisdiction.
- B. The master plan shall include those of the following subjects which reasonably can be considered as pertinent to the future development of the Township:
 - 1. A land use plan and program, in part of consisting of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forest, wildlife refuges, and other uses and purposes;
 - 2. The general location, character and extent of streets, roads, highways, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways and waterfront developments; flood

prevention works, drainage, sanitary sewers and water supply systems; works for preventing pollution and works for maintaining water levels; and public utilities and structures.

3. Recommendations as to the general character, extent and layout for the redevelopment or rehabilitation of blighted districts and slum areas; and the removal, relocation, widening, narrowing, vacating, abandonment, changes or use or extension of streets, ways, grounds, open spaces, buildings, utilities or other facilities; and
4. Recommendations for implementing any of the master plan's proposals.

Section 18.04.5. Approval of Public Improvements

- A. A street, square, park, playground, public way, ground or other open space; or public building or structure, shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character and extent thereof shall have been submitted to the Planning Commission by the Township Board or other body having jurisdiction over the authorization or financing of the project and has been approved by the Planning Commission.
- B. The Planning Commission shall submit its reasons for approval or disapproval to the body having jurisdiction, which shall have the power to overrule the Planning Commission by a recorded vote of not less than a majority of its entire membership. If the Planning Commission fails to act within 35 days after submission of the proposal to the Planning Commission, the project shall be considered to be approved by the Planning Commission. (amended 08/09/11)

Section 18.05 Zoning Amendments

The Township Board may amend or supplement the Zoning District boundaries or the provisions and regulations of this ordinance. Amendments may be initiated by the Township Board, the Planning Commission, or by petition of one or more of the property owners of the property in question in Bangor Township. All proposed amendments shall be referred to the Planning Commission for review and recommendation before transmittal to the Township Board. (amended 08/09/11)

A. Amendment Procedure

1. The procedure for amending this Ordinance shall be in accordance with 2006 P.A. 110, as amended, known as the Michigan Zoning Enabling Act.
2. Amendments to this ordinance may be initiated by the Township Board, the Planning Commission, or by any landowner or agent acting on the land owner's behalf by petition to the Planning Commission. When a request is received, it shall be transmitted to the Planning Commission for review and report to the Township Board. The Planning Commission shall set a date, time and place for a public hearing. Notice of the public hearing shall be published in a public newspaper which circulates in the Township. If ten (10) or fewer adjacent properties are proposed for rezoning, then the notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than 15 days before the date of the hearing. If the name of the occupant is not known, the term "Occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or a spatial area

owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure. Notice of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Clerk of the Township for the purpose of receiving the notice of the public hearing. The notice shall:

- a. Describe the nature of the request, including the place and time at which the proposed text and any map may be examined.
- b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. If eleven (11) or more adjacent properties are proposed to be rezoned, then this requirement may be omitted.
- c. State when and where the request will be considered.
- d. Indicate when and where written comments will be received concerning the request.
(amended 9/12/06)

3. Within ninety (90) days of the filing date, the Planning Commission shall report its findings and recommendations for disposition of the petition to the Township Board following the public hearing. This time limit may be extended by agreement between the petitioner and the Planning Commission for a report thereon within a time specified by the Township Board. Thereafter the Township Board may act upon the petition.

B. Information Required

1. If a petition involves an amendment to the Zoning Map, the petitioner shall submit the following information:
 - a) A legal description of the property, including a street address and the tax code number(s).
 - b) A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - c) The name and address of the petitioner.
 - d) The petitioner's interest in the property. If the petitioner is not the fee simple owner (s) or owner (s) of record, the owner (s) signed consent to the petition shall be provided.
 - e) Signature (s) of petitioner (s) and owner (s), certifying the accuracy of the information.
 - f) Identification of the Zoning District requested and the existing zoning classification of the property.
 - g) A vicinity map showing the location of the property, north arrow, and adjacent

land uses and zoning classifications.

- h) Any additional information deemed appropriate by the Planning Commission.
2. If a petition involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information:
- a) A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
 - b) Name and address of the petitioner.
 - c) Reasons for the proposed amendment.

C. Zoning Map Amendment Criteria

In considering any petition for an amendment to the Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision:

- 1. Consistency with the goals, policies and future land use map of the Charter Township of Bangor Master Plan, including any sub-area or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
- 2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted under the current zoning.
- 3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
- 4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- 5. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.
- 6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- 7. The apparent demand for the types of uses permitted in the requested zoning district in relation to the amount of land in the Township currently zoned and available to accommodate the demand.
- 8. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the zoning district listed in the Schedule of Regulations.

9. If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.
10. If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?
11. The requested rezoning will not create an isolated and unplanned spot zone.
12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
13. Other factors deemed appropriate by the Planning Commission and Township Board.

D. Zoning Ordinance Text Amendment Criteria

The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioner's request to amend the ordinance text.

1. The proposed amendment would correct an error in the Ordinance.
2. The proposed amendment would clarify the intent of the Ordinance.
3. Documentation has been provided from Township staff or the Zoning Board of Appeals indicating problems or conflicts in implementation or interpretation of specific sections of the ordinance.
4. The proposed amendment would address changes to state legislation.
5. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
6. The proposed amendment would promote compliance with changes in other Township ordinances and county, state or federal regulations.
7. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
8. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Master Plan and enhance the overall quality of life in Bangor Township.

E. Effective Date and Publication

Following the required public hearing under A above, the Planning Commission shall transmit a summary of the comments received at the hearing together with the proposed amendment, including map, if any, and recommendations to the Township Board. Prior to acting upon the recommendation from the Planning Commission, the Township Board shall submit for review and

recommendation the proposed amendment, including any map, to the zoning commission or the coordination zoning committee of the county, unless the county, by resolution, has previously waived its right to review the zoning ordinance, amendment or map. The county will have waived its right for review and recommendation if the recommendation from the county has not been received by the Township Board within 30 days from the date the proposed ordinance was received by the County. Thereafter upon approval, the Township Board shall publish within fifteen (15) days after adoption a notice of ordinance adoption conforming with Section 401 of 2006 P.A. 110, as amended, known as the Michigan Zoning Enabling Act in a newspaper of general circulation with the Township. At the time of publication, a copy of the same notice shall be mailed to the airport manager of an airport who has previously registered its name and mailing address with the Clerk of the Township for the purpose or receiving notice of the public hearing.
(amended 9/12/06)

1. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
2. The effective date of the amendment, the date of the public hearing, the date of Township Board action, and the date of publication.
3. The place and time where a copy of the Ordinance may be purchased or inspected.

Unless a notice of intent to request a referendum is filed, a Zoning Ordinance amendment shall take effect seven (7) days after such publication.

F. Referendum

Upon the filing of a notice of intent to request a referendum, the effective date of an amendment shall be either thirty (30) days after publication, if a petition is not filed or the petition lacks adequate signatures, or after approval by the electors if an adequate petition is filed.

Within thirty (30) days following the adoption of an amendment to the Zoning Ordinance, a petition signed by a number of qualified and registered voters residing in the unincorporated portion of Bangor Township equal to not less than fifteen (15) percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected may be filed with the Office of Township Clerk requesting therein for the submission of the amendment to the electors residing in the unincorporated portion of Bangor Township for their approval.

G. Conformance to Court Decree

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.

ARTICLE 19.00

LANDSCAPING, LIGHTING AND SIDEWALKS

Section 19.01 Intent and Scope of Requirements

A. Intent

Landscaping enhances the visual image of the Township, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. Lighting and sidewalks create, where appropriate, an important part of the Township's visual image. These provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, screening, lighting, and walkways, and for the protection and enhancement of the Township's environment. More specifically, the intent of these provisions is to:

1. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way,
2. Protect and preserve the appearance, character, and value of the neighborhoods that abut non-residential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare,
3. Create a safe and efficient means of pedestrian circulation,
4. Reduce soil erosion and depletion, and
5. Increase soil water retention, thereby helping to prevent flooding.

B. Scope of Application - Single Family Dwellings Exempt

No site plan shall be approved unless it shows landscaping, lighting and sidewalks consistent with the requirements of this Article. A building permit shall not be issued until the required landscape plan is submitted and approved, unless provisions set forth in this section have been met or a performance guarantee has been posted in accordance with the provisions set forth in this Ordinance. The requirements in this Article shall not apply to single family detached homes, unless otherwise specifically noted.

C. Minimum Requirements

The requirements in this Article are minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive standards.

Section 19.02 General Landscaping Requirements

- A. *General Site Requirements.*** *All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:*

1. *All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting street pavement edge. Grass areas in the front yard of all non-residential uses shall be planted with sod or hydro-seeded. Gravel or crushed stone may be used only as an edge, or for areas unsuitable for survival of grass or other ground cover, and may not be the only site ground cover.*

(Amended by Ordinance #367, effective 07/19/18)

B. Design Creativity for Landscaping

Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the Township to coordinate landscaping on adjoining properties.

C. Landscaping Adjacent to Roads

1. Planting Requirements

Any residential or non-residential parcel of land that is adjacent to a public or private road shall comply with the following planting requirements:

<i>Plant Type</i>	<i>Minimum Requirements</i>
<i>Deciduous or evergreen trees</i>	<i>1 per 80 linear feet of road frontage</i>
<i>Ornamental Trees</i>	<i>1 per 100 linear feet of road frontage</i>
<i>Shrubs</i>	<i>4 per 40 linear feet of road frontage</i>

(Amended by Ordinance #367, effective 07/19/18)

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall be excluded from the calculations. Trees and Shrubs may be planted at uniform intervals, at random, or in groupings. All requirements shall be rounded up. (See illustration of Landscaping Adjacent to Roads). (Amended by Ordinance #314, effective 01/10/08)

2. Location and Dimensions

Required landscaping adjacent to roads shall be located totally on private property within a planting strip adjacent to the road right-of-way. The minimum width of the planting strip shall be ten (10) feet. No off-street parking, except necessary drives, or other structures shall be located within the required planting strip. (Amended by Ordinance #367, effective 07/19/18)

D. Screening and Buffering Requirements

The following types of screening have been established and are referenced in the table below. For those zoning districts listed below, there shall be provided and maintained on those sides of the property abutting, adjacent to, or across the street from the zoning districts specified, screening and buffering.

		Zoning District Being Developed								
Adjacent Zoning District		R^{1,3}	RM^{2,3}	RMH⁴	O-1	C-1	C-2	C-3	I-1	I-2
	R¹	C	C	C	B	B	A	A	A	A
	RM²	C	--	C	B	B	B	A	A	A
	RMH	C	C	--	B	B	B	B	A	A
	O-1	C	--	--	--	C	C	C	B	B
	C-1	C	--	--	C	--	C	C	B	B
	C-2	C	--	--	C	C	--	C	B	B
	C-3	C	--	--	C	C	C	--	B	B
	I-1	C	--	--	C	C	C	C	--	--
	I-2	C	--	--	C	C	C	C	--	--

¹ Includes property within the R-1, R-2, and R-3 Zoning Districts

² Includes property within the RM-1, RM-2, and RM-3 Zoning Districts

³Where property is being developed for use as single-family residential dwellings, no screening shall be required.

⁴Not applicable to manufactured home park developments.

1. **Type A Screening:** *Where required, this type of screening and buffering shall, at a minimum, include one (1) of the following: (Amended by Ordinance #381, effective 01/30/19)*

Opaque Screen: A six (6) foot high opaque screen consisting of an earthen berm, solid masonry wall, or fence.

Buffer Width: *A minimum buffer width of twenty-five (25) feet shall be provided along and away from the property line within which no structures, off-street parking or loading, signs or other such uses may be located. Grass, ground cover, or other suitable live plant materials shall be planted over the entire buffer area, except where paved walkways are used or mulch is provided around trees. (Amended by Ordinance #367, effective 07/19/18)*

Natural Screening: *Screening shall consist of closely spaced evergreen trees planted in a staggered row. Plantings shall be planted a maximum twenty-five (25) feet on center. One (1) large canopy tree shall also be required for each seventy-five (75) linear feet or fraction thereof. Plantings will be expected to provide a visual barrier at least eight (8) feet above ground within three (3) years of planting. (Amended by Ordinance #367, effective 07/19/18)*

2. **Type B Screening:** *Where required, this type of screening and buffering shall, at a minimum, include one (1) of the following: (Amended by Ordinance #381, effective 01/30/19)*
- 3.

Opaque Screen: A six (6) foot high opaque screen consisting of an earthen berm, solid masonry wall, or fence.

Buffer Width: *A minimum buffer width of ten (10) feet shall be provided along and away from the property line within which no structures, off-street parking or loading, signs or other such uses may be located. Grass, ground cover, or other suitable live plant materials shall be planted over the entire buffer area, except where paved walkways are used or mulch is provided around trees. (Amended by Ordinance #367, effective 07/19/18)*

Natural Screening: *Screening shall consist of a minimum of one (1) large deciduous tree and one (1) evergreen tree for each fifty (50) linear feet or fraction thereof of required screening. Plantings will be expected to provide a visual barrier at least eight (8) feet above ground within three (3) years of planting. (Amended by Ordinance #367, effective 07/19/18)*

4. **Type C Screening:** Where required, this type of screening and buffering shall, at a minimum, include the following:

Buffer Width: *A minimum buffer width of ten (10) feet shall be provided along and away from the property line within which no structures, off-street parking or loading, signs or other such uses may be located. Grass, ground cover, or other suitable live plant materials shall be planted over the entire buffer area, except where paved walkways are used or mulch is provided around trees. (Amended by Ordinance #367, effective 07/19/18)*

Natural Screening: *Screening shall consist of a minimum of one (1) large deciduous tree and one (1) evergreen tree for each fifty (50) linear feet or fraction thereof of required screening. Plantings will be expected to provide a complete visual barrier at least eight (8) feet above ground within three (3) years of planting. (Amended by Ordinance #367, effective 07/19/18)*

E. **Opaque Screen Design Standards**

1. **Walls**

a. **Materials**

Walls shall be constructed of brick or decorative block. Such materials shall be architecturally compatible with the materials used on the façade of the principal structure on the site.

b. **Height**

The height of the wall shall be measured from ground level adjacent to the wall, provided that fill shall not be permitted for the purpose of achieving a higher wall than otherwise would be permitted.

c. **Maintenance**

Walls shall be maintained in good condition. Crumbled or broken components shall be replaced, repaired or removed. As required and as necessary to maintain a neat and finished appearance, surfaces shall be painted, stained, or similarly treated.

2. **Fences**

a. **Materials**

Fences shall be constructed of redwood, cedar, plastic composite or No. 1 pressure treated wood. The Planning Commission may permit other similar wood-like fence materials. Chain link fence and barbed wire shall be prohibited.

b. **Height**

The height of the fence shall be measured from ground level adjacent to the fence, provided that fill shall not be permitted for the purpose of achieving a higher fence than otherwise would be permitted.

c. **Maintenance**

Fences shall be maintained in good condition. Crumbled, rotten, or broken components shall be replaced, repaired or removed. As required and as necessary to maintain a neat and finished appearance, surfaces shall be painted, stained, or similarly treated.

3. **Berms**

a. **Dimensions**

Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or flat ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal (25 percent slope). The exterior face of the berm shall be constructed as an earthen slope. The interior face may be constructed as an earthen slope or retained by means of a wall. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan.

b. ***Protection from Erosion***

Any required berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks, and other types of construction materials to retain the shape and height of a berm shall be prohibited unless specifically reviewed and approved by the

Planning Commission. Berms shall not be constructed in a manner to create ponding or run off on adjacent property. (Amended by Ordinance #367, effective 07/19/18)

F. Screening of Trash Receptacles and Ground-Mounted Equipment

In addition to other required screening, trash receptacles and ground-mounted equipment shall be screened as follows:

1. Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae over three (3) feet in height, and similar equipment shall be screened on at least three (3) sides. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting.
2. When stored outdoors, dumpsters, trash compactors, trash bins and other trash and garbage collection devices shall be located only in a side or rear yard and shall be screened on three (3) sides by a masonry or solid board fence enclosure. A gate shall be installed to provide access to the storage device on the fourth side. The gate shall be maintained in good operating condition and shall be kept closed except during trash loading or removal operations.

G. Off-Street Parking Lot Landscaping

In addition to required screening, all off-street parking areas shall be landscaped as follows:

1. **Landscaping Ratio**
Off-street parking areas containing greater than twenty-five (25) spaces shall be provided with at least twenty (20) square feet of interior landscaping per parking space. Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area. (Amended by Ordinance #367, effective 07/19/18)
2. **Minimum Area and Design**
Landscaped areas in parking lots shall have a minimum width of ten (10) feet in any single dimension and no less than one hundred-sixty (160) square feet in area. To improve maneuvering, the length of islands should be two (2) feet less than the length of the adjacent parking space. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles. Landscaped areas shall be protected by curbing.
3. **Other Landscaping**
Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
4. **Required Plantings**
Requirements for plant material shall be based on the location, size, and shape of the parking lot landscaped area. A minimum of one (1) tree shall be planted per one hundred sixty (160) square feet or fraction thereof of interior landscaped

area. At least fifty (50) percent of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. The landscape plan shall indicate the area of interior landscaping and the types, sizes, and quantities of plant material proposed for such area.

H. Landscaping of Rights-of-Way

Public rights-of-way located adjacent to required landscaped areas and screening and buffering areas shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas. No plantings except grass or ground cover shall be permitted closer than three (3) feet from the edge of the road pavement.

I. Maintenance of Unobstructed Visibility For Drivers

No landscaping shall be established or maintained on any parcel or in any parking lot that will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions concerning clear vision area set forth in Article 5.00

J. Potential Damage to Utilities

In no case shall landscaping material be planted in a way that will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any such roadways, sewers, or utilities. Trees shall be setback from overhead utility lines as indicated in the following chart:

Mature Tree Height	Minimum Distance from Center of Trunk to Nearest Utility Line
Up to 15 feet	10 feet
15 to 25 feet	20 feet
Over 25 feet	30 feet

K. Landscaping of Divider Medians

Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle access ways are separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen tree shall be planted for each twenty-five (25) linear feet or portion thereof of median. Trees may be planted at uniform intervals, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed thirty (30) feet. (Amended by Ordinance #367, effective 07/19/18)

L. Irrigation

The site plan shall indicate the proposed method of watering landscaped areas. Each landscaped area, including parking lot landscaped islands, shall be provided within an

irrigation system or a readily available and acceptable water supply, as approved by the Planning Commission.

Section 19.03 Standards for Landscape Materials

Unless otherwise specified, all landscape materials shall comply with the following standards:

A. Plant Quality

Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in east-central Michigan, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations. Plant materials installed in locations in close proximity to areas exhibiting environmental impacts (for example, exhaust fumes, salt runoff) commonly associated with motorized vehicles shall be hardy under such conditions.

B. Non-Living Plant Material

Plastic and other non-living plant materials shall not be considered acceptable to meet the landscaping requirements of this Ordinance and are expressly prohibited.

C. Plant Material Specifications

The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this Ordinance:

1. Deciduous Shade Trees

Deciduous shade trees shall be a minimum of three (3) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.

2. Deciduous Ornamental Trees

Deciduous ornamental trees shall be a minimum of two (2) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted.

3. Evergreen Trees

Evergreen trees shall be a minimum of six (6) feet in height when planted, except as otherwise specified in this ordinance. Furthermore, evergreen trees shall have a minimum spread of two and one-half (2 ½) feet.

4. Shrubs

Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.

5. Hedges

Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of two (2) feet in height when planted.

6. **Ground Cover**
Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season. Stone or synthetic materials shall not be used as ground cover.
7. **Grass**
Grass area shall be planted using species normally grown as permanent lawns in east-central Michigan. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass must be sod or hydro-seed.
8. **Mulch**
Mulch used around trees, shrubs, and vines shall be a minimum of four (4) inches deep, and installed in a manner as to present a finished appearance. Mulch used in planting beds shall be a minimum of three (3) inches deep.
9. **Topsoil**
A minimum of four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.
10. **Undesirable Plant Material**
Use of plant materials that cause disruption to storm drainage or are susceptible to pests or disease is not encouraged. The following plant materials exhibit such characteristics, and therefore their use is not permitted within the Township:

Undesirable Plant Materials	Notes
Box Elder	
Tree of Heaven	
European Barberry	
Catalpa varieties	
Ginkgo	Female variety
Black Locust	
Poplar varieties	White variety, Cottonwood
Mulberry	White variety
Olive varieties	
Austrian Pine	
Willow	Except in appropriate wetland ecosystem areas
Silver Maple	
Purple Loosestrife	
Ash varieties	
Elm	Except disease resistant cultivars, such as "Regal", "Pioneer", "Homestead", "Jacan", and "Accolade

Section 19.04 Installation and Maintenance

The following standards shall be observed where installation and maintenance of landscape materials are required:

A. Installation

Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges, and vines shall be generously mulched in accordance with the standards established herein at the time of planting.

B. Installation of Perimeter Landscaping

Landscaping along the site perimeter shall be installed prior to construction, except where such landscaping would be destroyed during construction.

C. Seeding or Sodding

Lots or parcels shall be seeded, hydro-seeded or sodded prior to occupancy or within the thirty (30) days of the next planting season, whichever occurs first, including single-family detached homes. (Amended by Ordinance #319, effective 10/09/08)

D. Protection from Vehicles

Landscaping shall be protected from vehicles through use of curbs in all parking lots. Landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards and a gravel or concrete edge shall be provided.

E. Off-Season Planting Requirements

If development is completed during the off-season when plants cannot be installed, the owner shall install the required landscaping within thirty (30) days of the next planting season.

F. Maintenance

Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season. The developer or owner(s) shall insure perpetual and mandatory maintenance and replacement of vegetative plantings pursuant to the approved landscape plan.

All landscaped areas shall be provided with a readily available and acceptable supply of water subject to the review and approval of the Planning Commission. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.

All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed.

Section 19.05 Treatment of Existing Plant Material

The following regulations shall apply to existing plant material:

A. Consideration of Existing Elements in the Landscape Design

In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in this Section, provided such substitution is in keeping with the spirit and intent of this Article and the Ordinance in general.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such landscaping is in conformance with the requirements of this section.

B. Preservation of Existing Plant Material

Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are eight (8) inches or greater in caliper, measured four and one-half (4 ½) feet above grade.

Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures shall be implemented, such as the placement of fencing or stakes at the drip line around each tree. No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material intended to be saved.

In the event that healthy plant materials that has been identified as "To Be Saved" are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree, in accordance with the following schedule, unless otherwise approved by the Township based on consideration of the site and building configuration, available planting space, and similar considerations:

Replacement Tree Specifications		
Damaged Tree: Caliper at 4.5 ft.	Replacement Tree: Caliper at 6 inches	Replacement Ratio
Less than 8 inches	3 inches	1 for 1
More than 8 inches	3 inches	1 replacement tree for each 8 inches in caliper or fraction thereof of damaged tree

Section 19.06 Modifications to Landscape Requirements

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the Planning Commission may modify the specific requirements outlined herein, provided that any such

Landscaping, Lighting and Sidewalks

adjustment is in keeping with the intent of this Article and Ordinance in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

- A. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
- B. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
- C. The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of the Ordinance.

Section 19.07 Sidewalks

The uses identified in A. 1. and A. 2. below shall be subject to all of the requirements and conditions of this section pertaining to sidewalks which are intended to be for the use, benefit, protection, convenience, health, safety and welfare of the general public.

A. General Requirements

Sidewalks may be required by the Planning Commission along all public roads or approved private roads and within either the road right of way or the front yard setback area as a condition of site plan approval for the uses hereafter designated in A. 1 or A. 2. If site plan approval is not required, sidewalks will be required as a condition of securing a building permit for all new construction on a lot for the uses hereafter designated in A. 1 or A. 2. New construction is hereby defined as all improvements on a lot that has no buildings or structures located thereon at the time of applying for a building permit. Any person who constructs, alters, remodels, restores, rebuilds or repairs any building or structure on a lot and the completed building or structure (i) exceeds one hundred fifty per cent (150%) of the true cash value for the lot as determined by the Township Assessor, or (ii) exceeds fifty per cent (50%) of the volume of the current structures on the lot as determined by the Township Building Inspector, will also be required to construct sidewalks for all uses hereafter designated in A. 1 or A. 2.

- 1. All new residential subdivisions, condominiums, or multiple-family dwelling developments within the Township of Bangor; and,
- 2. All uses, whether permitted or allowed by special exception, along the following described roads, to-wit:
 - a. The north side of Wilder Road from Two Mile Road to Patterson Road;
 - b. The south side of Wilder Road from Two Mile Road to the City of Bay City limits;
 - c. Both sides of Shrestha Drive and Katalin Court;
 - d. West side of Euclid Avenue from Fisher Avenue to Wilder Road;
 - e. The east side of Euclid Avenue from North Union to Wilder Road;
 - f. Both sides of Kiesel Road between Two Mile Road and Euclid Avenue;
 - g. The east side of Two Mile Road from Kiesel Road to Wilder Road;
 - h. Both sides of State Street Road from Wilder Road north a distance of

2,640 feet.

B. Planning Commission Recommendation

Subject to the provisions of this section, the Planning Commission may recommend waiver of sidewalks as a condition of site plan approval for any use identified in subsection A. 2. above, following a public meeting relating to the matter with notice to the site plan applicant and property owner. The Planning Commission shall review the proposed use in light of the following factors before deciding whether or not to waive the sidewalk requirement for a particular lot:

1. The size, character and nature of the proposed use;
2. The size, character, nature and location of buildings/structures and accessory buildings/structures already constructed or to be constructed pertaining to the proposed use;
3. The location of the proposed/existing use;
4. The distance of the proposed/existing use from neighboring uses;
5. The likelihood or proximity of other sidewalks in the area;
6. The nature of neighboring uses;
7. The development density in the surrounding area;
8. The days/hours of operation of the proposed use and neighboring uses;
9. The type of roadway abutting the proposed use; and,
10. If the site is located at a corner of the above described roadway, the Planning Commission shall designate whether the sidewalks will be constructed along either roadway or along both roads.

The Planning Commission shall make specific findings of fact relating to the above-listed factors. It shall also clearly state the reasons why sidewalks should, or should not be required.

C. Public Hearing

Before the Township may require any owner of any lot to construct, replace or to pay for the expense of construction or replacement of a sidewalk across or adjoining their lot or premises, the Township Board shall first hold a public hearing in conformity with the Bangor Township Sidewalk Ordinance.

D. Permit

No sidewalk may be constructed or repaired in any place open to the general public within the Township without first obtaining a permit from the Township Building Inspection office. To obtain a permit to construct a sidewalk, the applicant shall submit a site plan, complete an application for a permit and pay any required fee. The drawing shall contain sufficient detail and information so that the Building Inspector can determine compliance with all of the specifications set forth in the Bangor Township Sidewalk Ordinance. If the sidewalk is to be located in a public road right of way, the applicant shall also submit written evidence of consent of the Bay County Road Commission or Michigan Department of Transportation, or its successor. If the sidewalk is to be located outside of the public road right of way, the applicant shall dedicate the sidewalk to the Township at which time the Township shall, after construction and acceptance thereof, become responsible for the ordinary maintenance and replacement

thereof, but the applicant may use the property line in computing the front yard setback.

E. Construction or repair

Construction or repair of sidewalks shall be in accordance with the specifications set forth in the Bangor Township Sidewalk Ordinance.

Section 19.08 Exterior Lighting

The regulations in this section are intended to require sufficient lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas to ensure the security of property and safety of persons. These regulations are also intended to prevent the adverse effects of in appropriate lighting, including glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste.

A. General Requirements

1. Sufficient lighting shall be required for parking areas, walkways, driveways, building entrances, loading areas, and public common areas to ensure the security of property and safety of persons.
2. Outdoor lighting shall be shielded and directed downward as indicated by the Chart in Section 19.08 B.
3. Non-essential lighting shall be turned off after business hours, leaving only that lighting that is necessary for site security.
4. Light trespass from a property shall not exceed 0.5 foot candles at the property line, measured five (5) feet from the ground.
5. To prevent sky glow, lighting shall be shielded or designed to prevent light to project above ninety (90) degree horizontal plane.
6. Up-lighting of buildings for aesthetic purposes shall be confined to the target surface.
7. Gas station canopies and similar structures shall have fully recessed lighting fixtures and the total initial lamp output under the canopies shall be limited to forty (40) lumens per square foot of canopy.

All subdivision and site condominium development road entrances shall be lighted and shall be subject to review by the Planning Commission.

B. Permitted Lighting Sources and Shielding Requirements

Outdoor lighting shall comply with the following use and shielding requirements. Existing developments shall be required to comply with the following requirements when deemed appropriate by the Planning Commission.

Lamp Type	Permitted Use	Shielding Requirement
Low Pressure Sodium	Roadways, walkways, parking areas	Fully
High Pressure Sodium & Low Pressure Sodium	Parking and security areas; sports parks, tennis courts; residential/agricultural security lighting	Fully
Metal Halide (filtered and in enclosed luminaries only)	Street lighting; signage, display and sports lighting, where color rendering is critical	Fully
Fluorescent (warm white and natural lamps preferred)	Residential lighting	Fully
Incandescent greater than 100 watt	Sensor activated residential lighting	Fully
Incandescent less than 100 watt	Porch lighting and other low-wattage residential uses	None
Any light source of 50 watts or less	Any	None
Glass tubes filled with neon, argon, and krypton	Display/advertising	None
Other sources	Subject to administrative review.	

C. Height

Lighting fixtures shall not exceed a height of twenty (20) feet, or the height of the principal building, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of approximately seven (7) feet above ground level.

The Planning Commission may modify these height standards in commercial and industrial districts, based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of surrounding land use. In no case shall the lighting exceed the maximum permitted building height in the district in which it is located.

D. Prohibited Lighting

1. Recreational Facility Lighting

No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m. except to conclude a permitted recreational or sporting event or other activity

in progress prior to 11:00 p.m.

2. **Outdoor Building and Landscaping Lighting**
Unshielded illumination of the exterior of a building or landscaping is prohibited except with incandescent fixtures having lamps of one hundred (100) watts or less.
3. **Mercury Vapor and Wall Pack Lighting**
The installation of mercury vapor fixtures is prohibited. Wall pack fixtures are also prohibited, except where the lens is fully shielded.
4. **Laser Source Light**
The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
5. **Searchlights**
The operation of searchlights is prohibited.

E. Exceptions

1. **Fossil Fuel Light**
Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).
2. **Temporary Carnival and Civic Uses**
Lighting for permitted temporary circus, fair, carnival, or civic uses is exempt from the provisions of this Section.
3. **Construction and Emergency Lighting**
Lighting necessary for construction or emergencies is exempt from the provisions of this article provided that said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency.
4. **Flag Lighting**
Lighting necessary for the illumination of government or political flags are exempt from the provisions of this Section provided said lighting does not impose any hazard on the public and further provided said lighting is not utilized as a form of advertisement.
5. **Special Conditions**
Additional exception may be permitted, subject to site plan review, and upon finding that unique or special conditions on the site warrant the exception.

F. Approval Requirements

1. Any person applying for site plan approval or for a building, electrical or sign permit to install outdoor lighting fixtures shall submit evidence that the proposed

work will comply with this Section.

2. The site plan or building, electrical, or sign permit application shall identify the location, type, height, method of mounting, and intensity of proposed lighting. If available, the manufacturer's catalog specifications and documents, drawings, and certified test reports shall be submitted. The information submitted shall be sufficiently complete to demonstrate compliance with Ordinance requirements.

G. Site Plan Requirements

All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize undesirable off-site effects. A photometric plan may be required by the Planning Commission to evaluate compliance with this section.

Adopted: 11/08/05

Effective: 11/17/05

ARTICLE 20.00

ACCESS MANAGEMENT STANDARDS

Section 20.01 Statement of Purpose

The purpose of this Article is to establish minimum regulations for access to property. Standards are established for new roads, driveways, shared access, parking lot cross access, and service roads. The standards of this Article are intended to promote the following:

- Safe and efficient travel within Bangor Township;
- minimize disruptive and potentially hazardous traffic conflicts;
- ensure safe access by emergency vehicles;
- protect the substantial public investment in the street system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow;
- separate traffic conflict areas by reducing the number of driveways;
- provide safe spacing standards between driveways, and between driveways and intersections;
- provide for shared access between abutting properties;
- implement the recommendations contained within the Township Master Plan;
- ensure reasonable access to properties, though not always by the most direct access;
- and to coordinate access decisions with the Michigan Department of Transportation and the Bay County Road Commission, as applicable.

Section 20.02 Application of Standards

- A. The standards of this Article are based on extensive traffic analysis research. The standards in this Article apply to all non-residential private and public land along road rights-of-way which are under the jurisdiction of the Bay County Road Commission or the Michigan Department of Transportation (MDOT)
- B. The access standards contained herein shall be required in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation and the Bay County Road Commission.
- C. The standards contained in this Section shall apply to all uses, except permitted single-family and two-family dwelling units.
- D. The standards herein refer to all access points (driveways, street intersections and private road intersections) except a driveway to a single family or two-family home on a single lot or parcel.
- E. Contiguous properties under one ownership or consolidated for unified development shall be considered one parcel for the purposes of this Article.
- F. No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Township Building Official is authorized to order and effect the removal or reconstruction of any driveway that is constructed in conflict with street structures. The cost of reconstructing or relocating such driveway shall be at the expense of the property owner.

- G. No road, driveway, shared access, parking lot cross access, service road, or other access arrangement shall be established, reconstructed, or removed without first meeting the requirements of this Article.
- H. For expansion or redevelopment of existing sites where the Planning Commission determines full compliance with standards of this Section is unreasonable or unnecessary, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives which substantially achieve the purpose of this Section may be accepted by the Planning Commission, provided that the applicant demonstrates one (1) or more of the following apply:
 - 1. The size of the parcel is insufficient to meet the dimensional standards.
 - 2. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
 - 3. The use will generate less than five hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on rates developed by the Institute of Transportation Engineers.
 - 4. There is no other reasonable means of access.
 - 5. Public safety will not be compromised by the modification sought
 - 6. The requested modification is acceptable to the enforcing road agency (MDOT or BCRC).

Section 20.03 General Standards for Driveway Location

- A. Driveways shall be located to minimize interference with the free movement of traffic, to minimize interruption of traffic operations at intersections, to minimize need for crossovers for any median, to reduce conflicts with existing access points on both sides of a roadway, to provide adequate sight distance, and to provide the most favorable driveway grade.
- B. Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Michigan Department of Transportation or Bay County Road Commission, as applicable, and upon written certification from the adjacent property owner agreeing to such encroachment.
- C. The Planning Commission shall considered the following factors prior to making a decision on the location of a driveway or other access point:
 - 1. The characteristics of the proposed or existing land use;
 - 2. The existing traffic flow conditions and future traffic demand anticipated by the proposed development on the adjacent street system;
 - 3. The location of the property;
 - 4. The size of the property;
 - 5. The orientation of structures on the site;

6. The minimum number of driveways or other access points needed to accommodate the anticipated traffic based on a traffic analysis, as determine by the Township and the appropriate road agency (MDOT or BCRC).
7. The number and location of driveways on existing adjacent and opposite properties;
8. The location and functional classification of abutting streets or roads and the carrying capacity of nearby intersections;
9. The proper geometric design of driveways;
10. The spacing between opposite and adjacent driveways and from any nearby intersection;
11. The internal circulation between driveways and through parking areas;
12. The size, location, and configuration of parking areas relative to the driveways; and
13. The speed of the adjacent roadway.

Section 20.04 Standards for the Number of Driveways

The number of driveways shall be the minimum necessary to provide reasonable access for regular traffic, service vehicles and emergency vehicles, while preserving traffic operations and safety along the public roadway.

- A. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared driveway with an easement or a service drive. Where it is not possible to provide shared access, this access may be by a single driveway.
- B. An additional driveway(s) may be permitted under one of the following:
 1. One (1) additional driveway may be allowed for properties with a continuous frontage along one (1) roadway of over five hundred (500) feet, and one (1) additional driveway for each additional five hundred (500) feet of frontage, if the Planning Commission determines the design meets the purpose and standards of this Article.
 2. Two one-way driveways may be permitted along a frontage of a single road if frontage is of at least one hundred twenty five (125) feet, provided the driveways do not interfere with operations of other driveways or along the street.
 3. An additional driveway designed and designated for service vehicles may be considered for commercial or industrial uses of over 100,000 square feet where the location of the access will not unduly interfere with traffic operations along the roadway or conflict with nearby access points.
 4. The Planning Commission may determine additional driveways are justified when a traffic impact study in accordance with Article 5.00, submitted by the applicant and accepted by the Township, clearly demonstrates that a poor Level of Service (E or F, as described in the Highway Capacity Manual, by the Transportation Research Board, Washington D.C.) would result at the access point and the additional access point will not compromise traffic operations along the roadway. The burden of such documentation is on the applicant.

- 5. An additional driveway may be considered for an existing or proposed development that generates one hundred (100) or more trips during the peak hour of traffic based on a traffic impact study submitted in accordance with Article 5.00.

Section 20.05 Driveway Spacing Standards

- A. Minimum spacing requirements between a proposed driveway and an intersection shall be measured from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting cross road, in accordance with the following table:

MINIMUM DRIVEWAY SPACING FROM STREET INTERSECTIONS		
Location of Driveway	Minimum Spacing for a Full Movement Driveway or other access point	Minimum Spacing for a Channelized ¹ Driveway
Along Major Thoroughfare ² , Intersecting Street is a Major Thoroughfare	300 feet	125 feet
Along Major Thoroughfare ² , Intersecting Street is not a Major Thoroughfare	200 feet	125 feet
Along Other Roads	75 feet	50 feet

¹ Channelized driveway is one that includes a physical design that prevents left turns into and out of a site. This design may be supplemented by signs, but signs alone shall not meet the requirement for a channelized driveway.

² Major thoroughfares include: Euclid Road (M-13), Wilder Road, Kiesel Road, North Union Road, Midland Road, Fisher Road, Wheeler Road, Old Kawawlin Road, and any other County primary roads, state trunklines or roads with a right-of-way of at least eighty six (86) feet.

- B. To reduce left-turn conflicts, new driveways or other access points shall be aligned with those across the roadway where possible. If alignment is not possible, driveways should be offset a minimum of one hundred fifty (150) feet from those on the opposite side of the roadway. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.
- C. Minimum spacing between two driveways or other access points, measured from near edge to near edge of the driveways, shall be determined based upon posted speed limits along the parcel frontage.

SPACING BETWEEN COMMERCIAL DRIVEWAYS	
Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	125
30	155
35	185
40	225
45	300
50 and higher	330

Section 20.06 Standards for Shared Driveways and Service Roads

The use of shared driveways and service roads, in conjunction with driveway spacing, is intended to preserve traffic flow along major thoroughfares and minimize traffic conflicts, while retaining reasonable access to the property. Where noted above, or where the Planning Commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, access from a side street, a shared driveway or service road connecting two or more properties or uses may be required. Documentation of any necessary shared driveway, cross access, connected parking lot or service drive easements shall be provided to the Township and recorded with the County. Operating and maintenance agreements must also be provided.

- A. In particular, service drives, frontage roads or parking lot maneuvering lane connection between lots or uses may be required to be constructed by the applicant, or easements for such a drive in the future provided, in the following cases:
 - 1. Where the spacing standards between driveways or from intersections cannot reasonably be met.
 - 2. When the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.
 - 3. Where the site is along a portion of a major thoroughfare where congestion exists or there is a recorded history of a high number or rate of accidents in relation to similar locations in the Township or along similar roadways in the state.
 - 4. The property frontage has limited sight distance.
 - 5. The fire department recommends a second means of emergency access.
- B. Where the construction of the service drive will occur in the future, a timing mechanism shall be provided.
- C. Service drives shall be constructed in accordance with the specifications of the Township Engineer. Generally, the pavement width shall be at least 24 feet, with no parking. Access points to the service drive shall be in accordance with the applicable spacing standards of this Article.

Section 20.07 Driveway Design

Driveways shall be designed according to the standards of the MDOT or the BCRC and in accordance with the following:

A. Driveway or Throat Width

For a typical driveway design shall include one (1) ingress lane and one (1) egress lane with a combined maximum throat width of thirty (30) feet, measured from the face to face of curb (See Bay County Road Commission and Michigan Department of Transportation standards)

B. Need for Two Egress Lanes

For high traffic generators, (uses producing fifty (50) peak hour left turns, or where left turn movements have Level of Service D or worse, as described in the Highway Capacity Manual, by the Transportation Research Board, Washington D.C.) or for driveways along roadways experiencing or expected to experience congestion, as determined by the Planning Commission, two egress lanes may be required (one being a separate left turn lane). The total width of such a driveway shall be between thirty seven (37) and thirty nine (39) feet, with one fifteen (15) foot wide ingress lane and two (2) 11-12 foot wide egress lanes (See Bay County Road Commission and Michigan Department of Transportation standards)

C. Boulevard Entrances

Where a boulevard entrance is designed by the applicant or required by the Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be one hundred eighty (180) square feet. The Planning Commission may require landscaping on the island, however any portion within the public right-of-way shall conform to applicable road agency standards. Such landscaping shall be not less than ten (10) feet in width and tolerant of roadway conditions.

D. Clear Vision

All commercial driveways shall provide an unobstructed clear vision between a height of thirty (30) inches and six (6) feet in a triangular area measured ten (10) feet back from the point of intersection of the driveway and the street right-of-way.

E. Acceleration and Deceleration Lanes

Where it is demonstrated that driveway volumes are expected to exceed one hundred (100) directional trips during peak hour, a right turn taper, deceleration land, or left-turn by-pass lane may be required. Acceleration lanes shall generally not be permitted within the Township, however, where site frontage allows large semi-trucks or other slow moving vehicles to obtain routine access, an acceleration lane may be required in consultation with the appropriate road agency. Any necessary acceleration or deceleration lanes shall meet the standards of the applicable agency and/or the Township Engineer.

F. Throat Length or Vehicle Stacking Space

There shall be a minimum of twenty (20) feet of throat length for entering and exiting vehicles at the intersection of a driveway and pavement of the public road or service drive as measured from the pavement edge.

Section 20.08 Nonconforming Driveways

Driveways that do not conform to the regulations of this Article, and where constructed before the effective date of this Article, shall be considered legal nonconforming driveways.

A. Loss of Nonconforming Status

The loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, or a plot plan, for a period of twelve (12) months or more. Any reuse of the driveway may only take place after the driveway conforms to all of the aspects of this Article.

B. Use of a Nonconforming Driveway

1. Legal nonconforming driveway may remain in use until such time as the use of the driveway or property is changed or expanded in number of vehicle trips per day or in the type of vehicles using the driveway in such a way that impact the use of the driveway. At this time, the driveway shall conform to all aspects of this Article. Nothing in this Ordinance shall prohibit the repair, improvement, modernization of lawful nonconforming driveways, provided such work is done in accordance with the requirements of this Article.
2. When the owner of a property with an existing, nonconforming driveway or driveways, applies for a permit to upgrade or change the use of the property, the Planning Commission shall determine whether it is necessary and appropriate to retrofit the existing driveway or driveways.

The property owner may be required to establish a retrofit plan prior to site plan approval. The objectives of the retrofit plan will be to minimize the traffic and safety impacts of development by bringing the number, spacing, location and design of driveways into conformance with the standards and requirements of this Article, to the extent possible without imposing unnecessary hardship on the property owner. The retrofit plan may include:

- a. Elimination of driveways,
- b. Realignment or relocation of driveways,
- c. Provision of shared driveways and/or cross parking lot connections,
- d. Access by means of a service drive,
- e. Restriction of vehicle movements,
- f. Relocation of parking,
- g. Traffic demand management,
- h. Signalization,

- i. Such other changes as may enhance traffic safety

C. Illegal Nonconforming Driveways

Driveways that do not conform to the regulations of this Ordinance and were constructed after adoption of this Ordinance shall be considered illegal nonconforming driveways. Illegal nonconforming driveways are a violation of this Ordinance. The property owner shall be issued a violation notice that may include closing off the driveway until such time as the nonconforming aspects of the driveway are corrected. Driveways constructed in illegal locations shall be immediately closed upon detection and all evidence of the driveway removed from the right-of-way and site on which it is located. The costs of such removal shall be borne by the property owner.

Section 20.09 Modification of Standards for Special Situations

During site plan review the Planning Commission shall have the authority to modify the standards of this Article upon consideration of all of the following:

- A. The standards would prevent reasonable access to the site.
- B. The site has insufficient frontage to meet the requirements of this Article.
- C. Access via a shared driveway or service/frontage road is not possible due to the presence of existing buildings or topographic conditions.
- D. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
- E. The use involves the redesign of an existing development or a new use that will generate less traffic than the previous use, and does not pose a significant problem to safe and efficient traffic operations.
- F. The proposed location and design is supported by the Michigan Department of Transportation or the Bay County Road Commission depending on which agency has jurisdiction as an acceptable design under the existing site conditions. The Planning Commission may also request the applicant provide a traffic impact study to support the requested access design.
- G. The modification shall be for the minimum amount necessary, but in no case shall spacing of a full-access driveways be less than sixty six (66) feet width between the driveways, or less than fifty (50) feet between a driveway and an intersection.
- H. Where there is a change in use or expansion at a site that does not comply with standards herein, the Planning Commission shall determine the amount of upgrade needed in consideration of the existing and expected traffic pattern and the capability to meet the standards herein to the extent practical.

ARTICLE 21.00

SIGNS

Section 21.01 Intent

These regulations are intended to permit signs and other displays that are needed for purposes of identification or advertising subject to limitations needed for safety, aesthetics, equal protection and fairness, and to support land use planning objectives. Nothing included in these provisions is intended to prohibit the rights of individual residents to make display political, religious or personal messages on their own property. The requirements of this Article are intended to ensure that no sign will by reason of its size, location, construction, installation, maintenance or manner of display endanger life and limb, confuse, distract or mislead traffic, obstruct vision necessary for traffic and pedestrian safety, or otherwise jeopardize the health, safety and welfare of the general public; to enhance the aesthetic appeal of the Township; to be fair to each property owner by establishing uniform standards that provide adequate exposure of signs to the public; and to foster the land use planning objectives of Charter Township of Bangor Master Plan and to prevent signs from causing annoyance or disturbance to the citizens and residents of the Township.

Section 21.02 Definitions

Words and phrases used in this Article shall have the meaning set forth in this Article. Words and phrases not defined in this Article but defined in Article 3.00 shall be given the meanings set forth in Article 3.00. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Accessory Sign: A sign that pertains to the use of the premises on which it is located.

Animated Sign: A sign which uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.

Awning Sign: A sign that is painted on, printed on, or attached flat against the surface of an awning.

Banner Sign: A sign made of fabric, cloth, paper, or other non-rigid material that is typically not enclosed in a frame.

Billboard: See "Off-Premise Advertising Sign".

Bulletin Board: A type of "changeable copy" sign which displays only the name of an institution, school, religious institution, library, community center, fraternal lodge, golf course, country club, park or other recreational facility, and which displays announcements of its services and activities upon the premises.

Changeable Copy Sign (Automatic): A sign on which the message changes automatically on a lamp-bank or through mechanical or computerized means (for example, electronic or electric time and temperature signs).

Changeable Copy Sign (Manual): A sign on which the message is changed manually in the field (for example a read-a-board with changeable letters)

Community Special Event Sign: Temporary signs and banners, including decorations and displays celebrating a traditionally-accepted patriotic or religious holidays, or special municipal, non-profit association, or school activities.

Construction Sign: A temporary sign identifying the designer, contractors and sub-contractors, and material suppliers participating in construction on the property on which the sign is located.

Cylindrical Sign: A ground sign that is in the shape of a cylinder or barrel. A cylindrical sign has a footprint that is more or less in the shape of a circle.

Directional Sign: A sign that is intended to direct the flow of vehicular and pedestrian traffic to, from, and within a development site.

Festoon: A string of ribbons, tinsel, small flags, pinwheels or lights, typically strung overhead in loops.

Flashing Sign: A sign that contains an intermittent or sequential flashing light source.

Freestanding Sign: A sign that is erected upon or supported by the ground, including "pole signs" and "ground signs." Such signs are not attached to any building or structure.

Fuel Price Sign: A sign that is used to advertise the price of fuel. In the event that the brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the fuel price sign.

Ground Sign: A three-dimensional, self-supporting, base-mounted, freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is displayed. A ground sign may also consist of a base-mounted cylindrical structure upon which a message is displayed.

Illegal Sign: A sign that does not meet the requirements of this ordinance and which has not received legal nonconforming status.

Illuminated Sign: A sign that is lit by artificial light by either emission or reflection.

Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and business affiliation signs.

Inflatable Sign: A temporary sign consisting of a non-porous bag or balloon inflated with a gas.

Mansard: A sloped roof or roof-like facade. Signs mounted on the face of a mansard roof shall be considered wall signs.

Marquee: A permanent roof-like structure or canopy, supported by and extending from the face of the building.

Marquee Sign: A sign attached to or supported by a marquee structure.

Mansard Sign: See Wall Sign.

Moving Sign: A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign. Such motion does not refer to the method of changing the message on the sign.

Nameplate: A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Neon Sign: See "Outline Tubing Sign."

Nonconforming Sign: A sign that is prohibited under the terms of this Ordinance, but was erected lawfully and was in use on the date of enactment of this Ordinance, or amendment thereto.

Obsolete Sign: A sign that advertises a product that is no longer made, a business that is no longer in operation, or an activity or event that has already occurred.

Off-Premise Advertising Sign: A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where such sign is located. A "billboard" is a type of off-premise advertising sign.

On-Premise Advertising Sign: A sign which contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located.

Outline Tubing Sign: A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it.

Parapet: The extension of a false front or wall above a roof line. Signs mounted on the face of a parapet shall be considered wall signs.

Pedestal Sign: A three-dimensional self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is displayed. A pedestal sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.

Pennant: A triangular, tapering flag, several of which are typically strung together on or across a site or building for the purpose of attracting attention.

Pole Sign: A type of freestanding sign that is elevated above the ground on a pole.

Political Sign: A temporary sign relating to matters to be voted on in a local, state, or national election or referendum.

Portable Sign: A sign designed to be moved easily and not permanently affixed to the ground or to a structure, including wheel-mounted signs.

Poster Panel: A type of temporary sign that is used to draw attention to matters that are temporary in nature, such as price changes or sales. "A" frame or sandwich signs are types of poster panel signs.

Projecting Sign: A sign, other than a flat wall sign, that projects more than fifteen (15) inches from the face of the building or structure upon which it is located. A projecting roof sign is one that projects beyond the face or exterior wall surface of the building upon which the roof sign is mounted.

Public Sign: A sign erected in the public interest by or upon orders from a local, state, or federal public official. Examples of public signs include: legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

Real Estate Sign: A temporary sign which makes it known that real estate upon which the sign is located is for sale, lease, or rent.

Real Estate Development Sign: A sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction.

Residential Entranceway Sign: A sign that marks the entrance to a subdivision, apartment complex, condominium development, or other residential development.

Roof Line: The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

Roof Sign: Any sign that extends above the roof-line or is erected over the surface of the roof, including a gambrel roof.

Rotating Sign: See "Moving Sign."

Sign: Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons and which is visible from any public street, right-of-way, easement, sidewalk, alley, park or other public place.

Temporary Sign: A sign not constructed or intended for long-term use. Examples of temporary signs include signs that announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time.

Time and Temperature Signs: Signs that display the current time and/or temperature.

Under Hanging Sign: A sign that is located on the underside of a canopy or walkway, typically for the benefit of pedestrians.

Vehicle Sign: Signs painted or mounted on the side of a vehicle, including signs on the face of a truck trailer.

Wall Sign: A sign attached parallel to and extending not more than fifteen (15) inches from the wall of a building. Painted signs, signs that consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof or face of a parapet shall be considered wall signs. Permanent signs that are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall also be considered wall signs.

Window Sign: A sign located in or on a window that's intended to be viewed from the outside. Permanent window signs that are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall be considered wall signs.

Section 21.03 Permits and Enforcement

A. Permit Required

It shall be unlawful for any person to erect, alter, relocate or structurally change a sign or other advertising structure within the boundaries of Bangor Township without first obtaining a permit in accordance with the provisions set forth herein, unless specifically exempted by this Article.

B. Applications

Application for a sign permit shall be made upon the Bangor Township Sign Application Form that can be obtained from the Inspection Department. The following information shall be required:

1. Name, address, and telephone number of the applicant.
2. Location of the buildings, structure, or lot on which the sign is to be attached or erected.
3. A sketch or drawing of the sign showing its position in relation to nearby buildings, structures, property lines, roadways and adjacent land uses within four hundred (400) feet of the sign and any landscaping to be used in conjunction with the sign. The scale to be utilized shall be 1" = 100'.
4. If a ground-mounted sign is requested, adequate staking of the proposed sign location to allow on-site inspection by a Township representative.
5. Plans showing the dimensions, lettering style, color, materials, supports, method of construction, method of illumination, and method of attachment to the building or in the ground. Scale of not less than 1" = 5'.
6. Name and address of the person, firm, or corporation owning, erecting, and maintaining the sign.
7. Written consent of the owner and/or lessee of the premises upon which the sign is to be erected.
8. Other information as may be required by the Township to make the determination that the sign is in compliance with all applicable laws and regulations.

C. Review of Application**1. Building Official Review**

The Building Official shall have the authority to review and approve or deny an application for a sign permit, except as otherwise described below.

2. Planning Commission Review

Sign permit applications submitted in conjunction with the proposed construction of a new building or addition to an existing building shall be reviewed by the Planning Commission as a part of the required site plan review. Proposed sign locations must be shown on the site plan. The Planning Commission shall approve or disapprove a sign application.

3. Issuance of a Permit

Following review and approval of a sign application by the Planning Commission or Building Official, as appropriate, the Building Official shall have the authority to issue a sign permit.

D. Exceptions

A new permit shall not be required for servicing, repainting or repairing of an existing sign, cleansing of a sign, or changing of the message on the sign where the sign is designed for such changes without a change in sign structure (such as lettering on a marquee or numbers on a fuel price sign). Furthermore, a permit shall not be required for certain exempt signs listed in Section 21.04.A.

E. Permits, Fees and Registration

1. A fee shall be paid for the issuance of a sign permit or renewal in accordance with a schedule of fees that shall be adopted by the Township Board. Such schedule of fees shall be designed to reimburse the Township for all of its direct costs incurred in the inspection and regulations of signs and issuance of permits.
2. No building permit is required for renovation or repair of an approved sign if no structural change is involved. The Township may require other permits, such as an electrical permit.

F. Inspection and Maintenance**1. Inspection of New Signs**

All signs for which a permit has been issued shall be inspected by the Building Official. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Ordinance standards.

2. Inspection of Existing Signs

The Building Official shall have the authority to routinely enter onto property to inspect existing signs.

3. Maintenance

All signs shall be maintained at all times in a safe, secure, and aesthetically attractive manner. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be repaired and replaced. Tattered, faded, or torn window signs shall be removed.

4. Signs in Violation of Ordinance Declared a Public Nuisance

Any sign that is erected, constructed, maintained, enlarged, altered, moved or converted in violation of any of the provisions of this Article is hereby declared to be a public nuisance per se.

5. Correction of Violations

- a. If the Building Official finds that any sign is in violation of this ordinance, he/she shall notify one or more of the responsible persons to correct the violations by repair, removal or other action, within a timetable established by the Building Official.
- b. The notice provided in Subsection (a) above, may be accompanied or followed by a written order, sent to the responsible persons, requiring correction of violations by repair, removal or other action within twenty-four (24) hours. Where there is imminent danger to public safety, immediate removal or action may be required, pursuant to this Ordinance or other applicable Ordinances.

- c. For purposes of this Article, responsible persons includes persons who own, erect or maintain a sign, the owner and/or operator of the business to which a sign pertains and the owner and/or operator of the building, structure or premises upon which the sign is located.

G. **Removal of Obsolete Signs**

Any sign that no longer identifies a business that is in operation, or that identifies an activity or event that has already occurred, shall be considered abandoned and shall be removed by the owner, agent, or person having use of the building or structure. Upon vacating a commercial, office, or industrial establishment, the property owner shall be responsible for removal of all signs and support structures used in conjunction with the business within thirty (30) days after vacating the business.

H. **Nonconforming Signs**

It is the intention of the Township to eliminate nonconforming signs, except as otherwise specifically set forth in this Article. No lawfully erected nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with Article 21.00 of this Ordinance, except that nonconforming signs shall comply with the following regulations:

1. **Repairs and Maintenance**

Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than fifty (50) percent of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or, repair or replacement of electrical wiring or electrical devices. No nonconforming sign shall be structurally altered so as to prolong the life of the sign or to change its shape, size, type or design.

2. **Nonconforming Changeable Copy Signs**

The message on a nonconforming changeable copy sign or nonconforming bulletin board sign may be changed.

3. **Substitution**

No nonconforming sign shall be replaced with another nonconforming sign. However, the portion containing the message may be replaced with a different message without affecting the legal nonconforming status of a sign, provided that the sign structure or frame is not altered.

4. **Modifications to the Principal Building**

Whenever the principal building on a site on which a nonconforming sign is located is modified to the extent that site plan review and approval is required, the nonconforming sign shall be removed.

5. **Appeal to the Zoning Board of Appeals**

Any party who has been refused a sign permit for a proposed sign or received a correction or removal order for an existing sign may file an appeal with the Zoning Board of Appeals, in accordance with this Ordinance.

Section 21.04 General Provisions

A. Exempt Signs

A sign permit shall not be required for the following signs that shall be permitted subject to the applicable provisions herein:

1. Address numbers with a numeral height no greater than six (6) inches for residences and eighteen (18) inches for businesses.
2. Nameplates, not to exceed two (2) square feet, identifying the occupants of the building.
3. Memorial signs or tablets.
4. Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked. Such vehicle shall not be parked on premises the business is conducted from for longer than ninety-six (96) hours.
5. Public signs, including the authorized signs of a government body or public utility, including traffic signs, street name signs, legal notices, railroad crossing signs, warnings of a hazard, and similar signs.
6. Flags bearing the official design of a nation, state, municipality, educational institution, or noncommercial organization.
7. Incidental signs, provided that the total of all such signs shall not exceed two (2) square feet.
8. Traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
9. Private road name signs shall comply with Bay County Road Commission standards.
10. Permanent signs on vending machines, fuel pumps, automatic teller machines (ATM) or ice containers indicating only the contents and operational instructions for the devices, provided that the sign area for each device shall not exceed four (4) square feet.
11. Real estate signs which advertise the rental, sale or lease of the property on which they are located, subject to the requirements of this Article.
12. "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be four (4) square feet.
13. Any sign which is located completely within an enclosed building, and which is not visible from outside the building.
14. Plaques or signs designating a building as a historic structure, and names of buildings and date of construction when cut into a masonry surface or when constructed of bronze or similar material.

15. "No Trespassing," "No Hunting," and "No Dumping" signs. Such signs shall not exceed four (4) square feet in area.
16. Signs used to direct vehicular or pedestrian traffic to parking areas, loading areas, or of certain buildings or locations on the site, subject to the following conditions:
 - a) Directional signs shall not contain logos or other forms of advertising.
 - b) Directional signs shall not exceed four (4) square feet in area, or three (3) feet in height.
 - c) Directional signs may be located in the front setback area.
17. Historical markers.

B. Prohibited Signs

The following signs are prohibited in all districts:

1. Any sign not expressly permitted.
2. Signs that incorporate flashing or moving lights, or with intermittent or flashing illumination including beacons or searchlights; however, time and temperature signs and other automatic changeable copy signs shall be permitted provided such message does not change more often than once every four (4) seconds.
3. Banner signs, festoons, spinners, and streamers, unless specifically permitted elsewhere in this Article.
4. String lights used for commercial purposes, other than holiday decorations, which shall be permitted for a period not to exceed sixty (60) days.
5. Moving signs, including any sign which has any visible moving parts, visible revolving parts, visible mechanical movement, or other visible movement achieved by electrical electronic, or mechanical means, including intermittent electric pulsations or movement caused by normal wind current.
6. Any sign or sign structure which:
 - a) Is structurally unsafe;
 - b) Constitutes a hazard to safety or health, or which is unsightly by reason of inadequate maintenance, dilapidation, or abandonment;
 - c) Is capable of causing electric shock to a person who comes in contact with it; or
 - d) Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
7. Any sign erected on a tree or utility pole, except signs of a government or utility, except for "No Trespassing," "No Hunting," or "No Dumping" signs.
8. Obsolete signs, as specified in Section 21.03.G.

9. Portable signs, except where expressly permitted in this Ordinance.
10. Signs affixed to a parked vehicle or truck trailer that is being used principally for advertising purposes, rather than for transportation purposes.
11. Any sign that obstructs free access to or egress from a required door, window, fire, or other required exit.
12. Any sign which by reason of its size, location, content, coloring, or manner of illumination, constitutes in the opinion of the Bay County Sheriff a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by distracting drivers, or by obstructing, or detracting from the visibility of any traffic sign or control devices on public streets and roads.
13. Any sign except those established by the Township, county, state, or federal government, which is located in, projected onto, or overhanging any public right-of-way or dedicated public easement.
14. Any sign that makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbol or characters, in such a manner as to interfere with, mislead, or confuse traffic.
15. Any sign that in word, color, or form might be confused with recognized traffic safety symbols.
16. Any sign containing obscene, indecent, or immoral matter.
17. Any sign unlawfully installed, erected, enlarged, altered or maintained.
18. Roof signs.
19. Projecting signs.
20. Sandwich signs (except when used to advertise seasonal agricultural commodities).
21. Signs on street furniture, including but not limited to, signs on benches and trash receptacles.
22. Real estate signs no longer valid due to the sale, rental or lease of the property.
23. Inflatable signs.
24. Outline tubing (neon) signs.
25. Off-premise advertising signs.

C. Temporary Signs

Temporary signs shall be permitted as follows:

1. Construction Signs

- a) No more than one (1) sign shall be allowed per construction site.
- b) No portion of any freestanding construction sign may be placed within ten (10) feet of the road right-of-way line.
- c) No portion of any freestanding construction sign may be placed within a required side yard or within twenty (20) feet of a side lot line.
- d) No construction sign shall be placed in such a manner as to prevent any traveler on a curve of a highway from obtaining a clear view of approaching vehicles for a distance of four hundred and fifty (450) feet along the highway. Such signs shall meet the clear vision requirements of the agency with jurisdiction over the road.
- e) The maximum total sign face area to be allowed in Residential Districts shall not exceed six (6) square feet per face.
- f) The maximum total sign face area to be allowed in Non-Residential Districts shall be one (1) square foot for every two (2) linear feet of parcel frontage. In no case, however, shall the total face area (all sides combined) be allowed to exceed fifty (50) square feet.
- g) Construction signs shall not be erected prior to the issuance of a building permit and shall be removed within fourteen (14) days of completion of the project or upon installation of a permanent sign, whichever occurs first.

2. Real Estate Signs: Individual Property

- a) Individual property real estate signs shall be permitted in all Districts.
- b) No portion of any individual property real estate sign that is in excess of six (6) square feet of total face area may be placed within ten (10) feet of the road right-of-way line.
- c) No portion of any individual property real estate sign that is in excess of six (6) square feet of total face area may be placed within twenty (20) feet of a side lot line.
- d) No individual property real estate sign shall be placed in such a manner as to prevent any traveler on a curve of highway from obtaining a clear view of approaching vehicles for a minimum distance of four hundred fifty (450) feet along the highway. Such signs shall meet the clear vision requirements of the agency with jurisdiction over the road.
- e) There shall be no more than one (1) sign comprising not more than twelve (12) square feet in area (total of all faces) per parcel or lot (developed or undeveloped). Such signs shall be removed immediately after the property is sold rented or leased and may not be modified by indicating the property is no longer for sale, rent or lease. For the purpose of this Ordinance, a property shall be considered sold when a purchase agreement or similar document that limits the availability of the property has been executed by all parties in interest.

- f) The following supplementary regulations shall be adhered to on a District-specific basis:
 - 1. Residential Districts:
 - a) No permit is required.
 - b) No sign shall exceed a total face area of five (5) square feet per face or ten (10) square feet for all faces combined.
 - c) No sign shall exceed three (3) feet in height.
 - 2. Non-residential Districts:
 - a) Maximum allowable sign face area shall be one (1) square foot for every two (2) linear feet of parcel frontage. In no case however, shall the total face area (all sides combined) be allowed to exceed fifty (50) square feet.
- g) Signs that are free-standing and in excess of six (6) square feet of total face area must adhere to setback requirements for free-standing signs detailed in this Ordinance.

3. Real Estate Development Signs

- a) A sign permit shall be required for a real estate development sign. Such sign permit shall expire eighteen (18) months from the date of issue and shall be accompanied by a letter of credit to insure maintenance and removal.
- b) No portion of any real estate development sign may be placed within ten (10) feet of the road right-of-way line or less than seventy (70) feet from the centerline of the road.
- c) No portion of any real estate development sign may be placed within a required side yard or within twenty (20) feet of a side lot line.
- d) No real estate development sign shall be placed in such a manner as to prevent any traveler on a curve of a highway from obtaining a clear view of approaching vehicles for a distance of four hundred fifty (450) feet along the highway. Such signs shall meet the clear vision requirements of the agency with jurisdiction over the road.
- e) One (1) sign on-site shall be allowed for each individual development.
- f) The maximum total sign face area allowed in Residential Districts shall be fifty (50) square feet.
- g) The maximum total sign face area allowed in Non-Residential Districts shall be one hundred (100) square feet.

4. Temporary Advertising Signs

a) Temporary New Business Signs

- 1) Temporary new business advertising signs shall be permitted in the O-1, C-1, C-2, and RC zoning districts.
- 2) A temporary new business advertising sign shall not exceed thirty-two (32) square feet in total face area for all faces combined.
- 3) No portion of any temporary new business advertising sign may be located within ten (10) feet of the road right-of-way line, or less than seventy (70) feet from the centerline of the road.
- 4) No portion of any temporary new business advertising sign may be located within a required side yard or within twenty (20) feet of a side lot line.
- 5) No temporary new business advertising sign shall be located to prevent any traveler on a curve of a highway from obtaining a clear view of approaching vehicles for a minimum distance of four hundred fifty (450) feet along the highway, or shall meet county or state clear vision requirements (whichever department has jurisdiction).
- 6) A permit for a temporary new business advertising sign may be granted by the Building Official.
- 7) The maximum duration of display allowed for temporary new business advertising shall be thirty (30) days. Such signs may only be displayed within the first thirty (30) days of operation of any new business within the Township.

b) Other Temporary Signs

- 1) Signs for temporary or seasonal uses permitted by this Ordinance, shall be permitted, including but not limited to Christmas tree sales, and other similar temporary uses.
- 2) A temporary sign shall not exceed thirty-two (32) square feet in total face area for all faces combined
- 3) No portion of any temporary sign may be located within ten (10) feet of the road right-of-way line or less than seventy (70) feet from centerline of the road, whichever is greater.
- 4) No portion of any temporary sign may be located within a required side yard or within twenty (20) feet of a side lot line.
- 5) No temporary sign shall be located to prevent any traveler on a curve of a highway from obtaining a clear view of approaching vehicles for a minimum distance of four hundred fifty (450) feet along the highway, or shall meet county or state clear vision requirements (whichever department has jurisdiction).

- 6) The maximum duration of display allowed shall be limited to the duration of the temporary endeavor.

5. Community Special Events Signs

- a) Community special events, freestanding signs or wall signs shall be permitted in all Districts subject to the conditions stated hereunder and subject to a permit issued by the Township.
- b) No portion of any community special events sign may be placed within ten (10) feet of the road right-of-way line or less than seventy (70) feet from the centerline of the road.
- c) No portion of any community special events sign may be placed within a required side yard or within twenty (20) feet of a side lot line.
- d) No community special events sign shall be placed in such a manner as to prevent any traveler on a curve of a highway from obtaining a clear view of approaching vehicles for a distance of four hundred fifty (450) feet along the highway, or shall meet the county or state clear vision requirements (whichever department has jurisdiction).
- e) In no instance shall the face area of a community special events sign exceed fifty (50) square feet in total area.
- f) In no instance shall a community special events sign be displayed for more than fourteen (14) days. Such signs shall be removed immediately following the special event.
- g) Traditional religious holiday displays when occurring on private property are exempt from the above-listed regulations.
- h) All signs along State highways shall conform to the Michigan Department of Transportation standards.

6. Lawn Signs

- a) Garage sale signs, not exceeding four (4) square feet in area and not displayed in excess of three (3) days within a ninety (90) day period. Such signs shall not require a permit.
- b) Political campaign signs when erected to promote a specific election candidate or ballot issues shall be permitted without a permit in any residential zoning district. Such signs may not be erected more than thirty (30) days prior to the election and must be removed within ten (10) days of the election. When such sign is located within a nonresidential zoning district, the sign must be included within the total sign area permitted on the subject site.

7. Model Home Identification Signs

- a) One (1) identification sign shall be permitted per model home site.

- b) The model home identification sign shall be removed when the use of the home for sales and promotion ceases.
- c) The model home identification sign may be a freestanding sign or a wall sign.
- d) Maximum sign area permitted shall be six (6) square feet and maximum height of a freestanding sign shall be six (6) feet.

Section 21.05 Sign Design Standards

A. Construction Standards

All signs shall be designed, constructed, and maintained in a safe and stable manner in accordance with the applicable building code, electrical code, and other applicable codes and ordinances. All electrical wiring associated with a freestanding sign shall be installed underground. Construction of a sign shall be structurally sound so as to withstand wind load on its surfaces and vibrations so as to not blow down or change alignment.

B. Illumination

1. General Requirements

Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it. No intermittent flashing, rotating, moving or oscillating lighting shall be permitted.

2. Non-Glare, Shielded Lighting

Use of glaring, unshielded or undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.

3. Traffic Hazards

Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.

4. Bare Bulb Illumination

Illumination by bare bulbs or flames is prohibited.

C. Location

1. Within a Public Right-of-Way

No sign shall be located within, project into, or overhang a public right-of-way, except as otherwise permitted herein.

2. Compliance with Setback Requirements

All signs shall comply with the setback requirements for the district in which they are located, except as otherwise permitted herein.

3. Sight Lines for Motorists

Signs shall comply with the requirements for unobstructed clear vision as described in this Ordinance.

D. Measurement of Sign Area, Height,

- 1. Sign area shall be computed as follows:

a) **General Requirements**

Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign, including any frame which forms an integral part of the display.

b) **Individual Letters**

Where a sign consists of individual letters, logo or other graphic features affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose individual elements as a whole.

c) **Freestanding Sign**

The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign provided that:

- 1) the outline and dimensions of both faces are identical (that is, the outlines of back-to-back faces shall be coterminous), and
- 2) the faces are back-to-back so that only one face is visible at any given time. The area of a double-faced signs shall be computed using the area of the larger face if the two (2) faces are of unequal area.

d) **Ground Sign or Pedestal Sign**

The area of a ground or pedestal sign shall be computed by measuring the entire vertical surface of a face upon which the letters and logo are attached. In the case of a multi-faced ground sign, the area of the sign shall be computed using only one face of the sign.

e) **Cylindrical Sign**

The area of a cylindrical ground sign shall be computed by multiplying the diameter of the cylinder by its height.

2. **Sign Height**

The height of a freestanding sign shall be measured from ground level at or beneath the midpoint of the face of the sign to the highest point of the sign or supporting structure. For the purposes of determining sign height, "ground level" shall be measured from the finished grade, or if there has been filling, from the native grade.

3. **Setback and Distance Measurements**

The following guidelines shall be used to determine compliance with setback and distance measurements:

- a) The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.
- b) The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building.
- c) The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the building or property line.

E. **Sign Design Features**

The following standards shall apply to all signs:

1. **Character**
All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity and so as not to change the essential character of such area, as determined by the Township.
2. **Location**
Signs shall not cover architectural details such as arches, transom windows, moldings, columns, capitals, sills, cornices and similar details.
3. **Material**
Sign materials shall complement the construction materials and architectural style of the building facade.
4. **Lettering Style**
Lettering style shall be clean and simple to assure readability and shall be in harmony with the style of architecture of the building. No more than two (2) different type styles shall be used on each sign.
5. **Colors**
No more than three (3) colors that are in harmony with the building color and architecture may be used per sign.

Section 21.06 Residential District Signs

The following signs shall be permitted in all districts zoned for residential use (including the R-1, R-2, R-3, R-4, RM-1, RM-2, and RM-3 districts).

A. **Nameplate and Street Address**

A nameplate sign and street address shall be permitted in accordance with Section 21.04.A.

B. **Temporary Signs**

Real estate signs, garage sale signs, and other temporary signs shall be permitted in accordance with Section 21.04.C.

C. **Management Office Identification**

Rental or management offices in the RM districts shall be permitted one (1) identification sign not to exceed six (6) square feet in area. Review and issuance of permit by the Building Official shall be required.

D. **Residential Entranceway or Identification Signs**

Permanent residential entranceway or identification signs shall be permitted in accordance with the following regulations:

1. One (1) such sign shall be permitted to be located at each entrance to a subdivision or other residential development and shall be a monument sign directed toward traffic

approaching from both sides on the adjacent road. Such signs shall be carefully integrated with the landscaping and lighting and the entrance to create an aesthetically pleasing and safe identification for the use.

2. Entranceway structures shall not exceed eight (8) feet in height and twenty-five (25) square feet in size.
3. The sign shall cover no more than fifty (50) percent of the entranceway structure.
4. Such signs shall be set back a minimum distance of ten (10) feet from any property line or right-of-way line which ever is farther from the actual roadway.
5. An entranceway sign may be placed on a privately owned boulevard median island. When placed on the median island, the entranceway sign shall be set back from the intersecting road right-of-way line by not less than ten (10) feet. The maximum height of the sign together with the median island shall be thirty (30) inches above the finished surface grade of the street where the median island is located.
5. Such signs shall comply with the requirements for Unobstructed Sight Distance of this Ordinance.

E. **Home Occupation Signs**

1. Permits for signs for home occupations that were approved by Special Exception shall be issued by the Building Official.
2. Home occupation signs shall be limited to signs placed in the window of the structure in which the approved home occupation is conducted.
3. No more than one (1) sign shall be allowed for each home.
4. No sign for a home occupation shall have more than one (1) face, nor shall any sign face exceed three (3) square feet in area.

F. **Signs for Nonresidential Uses in Residential Districts**

Permitted nonresidential uses in residential districts, such as schools, municipal buildings, churches, and country clubs shall be permitted to erect the following signage:

1. **Institutional Bulletin Board**
There shall be no more than one (1) bulletin board sign per parcel.
 - a) **Size**
The total area of each institutional bulletin board sign shall not exceed forty eight (48) square feet. The changeable copy portion of the sign shall not exceed eighteen (18) square feet.
 - b) **Setbacks from Lot Lines**
Freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be located closer than ten (10) feet to the existing or planned right-of-way line. No portion of any such sign shall be located within a required side yard or within twenty (20) feet of a side lot line. If a parcel is served

by a service road, no portion of a freestanding sign shall be closer than ten (10) feet to the edge of the road.

- c) **Setback from Lots in Residential Districts**
Freestanding signs shall be located no closer than fifty (50) feet to any residential district.
- d) **Setback from Building**
No part of a freestanding sign shall be attached to, supported by, or in any way connected to a building. A minimum two (2) foot horizontal separation and six (6) foot vertical separation shall be maintained between any sign or sign support and any building or other structure.
- e) **Height**
The maximum height of any freestanding sign shall be seven (7) feet.
- f) Such signs shall comply with the requirements for Unobstructed Sight Distance as described in this Ordinance.
- g) Review and issuance of a permit by the Building Official shall be required.

A monument sign may be substituted for an institutional bulletin board sign. The monument sign shall not exceed forty-eight (48) square feet in area and shall comply with all other regulations established for placement and approval of institutional bulletin board signs in this Article.

2. **Wall Signs**

- a) Wall signs shall be permitted subject to review and issuance of a permit by the Building Official.
- b) **Size**
The total area of wall sign shall not exceed one and one-half (1 1/2) square feet per linear foot of building frontage, not to exceed 45 square feet in area or ten (10) percent of the wall area, which ever is less.
- c) **Location**
Wall signs shall be permitted only on the side of a building that faces the front lot line.
- d) **Height**
The top of a wall sign shall not be higher the lesser of the following:
 - 1) The maximum height specified for the district in which the sign is located.
 - 2) The height of the building facing the street on which the sign is located.

Section 21.07 Nonresidential District Signs

The following signs shall be permitted in districts for nonresidential use (including districts zoned O-1, C-1, C-2, RC, I-1 and I-1 districts).

A. Signs for Residential District Uses in a Nonresidential District

Signs for nonconforming residential district uses in a nonresidential district shall be governed by the sign regulations for residential district uses set forth in Section 21.06.

B. Signs for Nonconforming Nonresidential Uses

Signs for nonconforming nonresidential uses in an office, commercial or industrial district (for example, a nonconforming commercial use in an industrial district) shall be governed by the sign regulations that are appropriate for the type of use, as specified herein.

C. Temporary Signs

Real estate signs and other temporary signs shall be permitted in accordance with Section 21.04.C.

D. Freestanding Signs, Including Ground Signs and Pole Signs

Freestanding signs, as defined herein to include ground signs and pole signs, shall be permitted in office, commercial, and industrial districts subject to the following regulations.

1. Number

One (1) freestanding sign shall be permitted per parcel. In multi-tenant buildings, or shopping centers, the area of the one (1) permitted freestanding sign may be allocated for use by individual tenants.

2. Size

The total area of the freestanding sign shall not exceed one (1) square foot per two (2) linear feet of lot frontage, not to exceed a total sign area as follows:

Zoning District in Which Sign is Located	Maximum Permitted Sign Area
RC and O-1	50 square feet
C-1 and C-2	160 square feet ¹
I-1 and I-2	160 square feet

¹ Multi-tenant structures housing more than two (2) individual businesses and having a gross floor area of ten thousand (10,000) square feet or more shall be allowed one (1) additional square feet of surface display area per side for every additional one hundred (100) square feet of building floor area in excess of the ten thousand (10,000) square feet to a maximum of four hundred (400) square feet of surface display area per side. (amended 04/08/08)

3. Setbacks from Lot Lines

Freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be located closer than ten (10) feet to the existing or planned right-of-way line. No portion of any such sign shall be located within a required side yard or within twenty (20) feet of a side lot line. If a parcel is served by a service road, no portion of a freestanding sign shall be closer than ten (10) feet to the edge of the road.

4. Setback from Residential Districts

Freestanding signs shall be located no closer than fifty (50) feet to any residential district.

5. **Setback from Building**

No part of a freestanding sign shall be attached to, supported by, or in any way connected to a building. A minimum two (2) foot horizontal separation any six (6) foot vertical separation shall be maintained between any sign or sign support and any building or other structure.

6. **Clear Vision Area**

No ground sign shall be placed in such a manner as to prevent any traveler on any roadway from obtaining a clear view necessary for safe operation of his/her vehicle. All freestanding signs shall be located in conformance with the provisions of Article 5.00.

7. **Height**

The height of a freestanding sign in all nonresidential districts shall the limits as follows:

Zoning District in Which Sign is Located	Maximum Permitted Sign Height
RC and O-1	20 feet
C-1 and C-2	30 feet ¹
I-1 and I-2	20 feet

¹The maximum height permitted shall be 30 feet or the height of the principal structure, whichever is less.

8. **Street Address**

Where a freestanding sign is permitted, the street address number shall be clearly displayed on the sign in numerals not less than six (6) inches in height.

9. Review and issuance of a permit by the Building Official shall be required.

E. **Wall Signs**

1. Wall signs shall be permitted subject to review and issuance of a permit by the Building Official.

2. **Size**

The total area of wall sign shall not exceed two (2) square feet for every one (1) linear foot of building frontage, to a maximum of eighty (80) square feet. In the case of a multi-tenant building or shopping center, these size requirements shall apply to each business front individually.

3. **Location**

Wall signs may be located on the front vertical face of the building wall, generally parallel to the front lot line of the individual business.

4. **Number**

A commercial, office or industrial business shall be allowed one (1) wall sign. However, a commercial, office or industrial business on a corner lot where the business is clearly visible from both roads shall be allowed a wall sign identifying the business on each face parallel to a public road. In the case of a business located on a lot between two (2) parallel roads, one wall sign shall be permitted on each face parallel the road, except that a freestanding sign may be substituted for one wall sign. In the case of a multi-tenant building or shopping center, one (1) wall sign shall be permitted for each tenant having

an individual means of outdoor public access. Tenants who occupy a corner space in a multi-tenant structure shall be permitted to have one (1) sign on each side of the building. Where several tenants use a common entrance in a multi-tenant structure, only one (1) wall sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.

5. **Rear Door Signs**

All businesses shall be permitted a rear access door identity name sign not to exceed two (2) square feet in area.

6. **Height**

The maximum height of a wall sign shall be the lesser of the following:

- a) The maximum height specified for the district in which the sign is located.
- b) The height of the building facing the street on which the sign is located.

F. **Awnings and Canopy Signs**

Signs on awnings and canopies in commercial, office, and industrial districts shall be permitted, subject to the following standards:

1. **Coverage**

The total area of the lettering and logo shall not exceed twenty-five percent (25%) of the total area of the awning or canopy that would be visible in a drawing of a facade on which the awning is located.

2. **Compliance with Size Requirements for Wall Signs**

The area of signs on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.

3. **Projection**

Limitations imposed by this Ordinance concerning projection of signs from the face of a wall or building shall not apply to awning and canopy signs, provided that such signs shall comply with the setback requirements for the district in which they are located.

4. **Lighting**

Backlighting of any canopy or awning sign shall be prohibited.

G. **Motor Fuel Price Signs**

Fuel price signs shall be permitted subject to the following standards:

1. **Number**

In addition to other permitted signs, fuel filling stations shall be permitted one (1) fuel price sign per street frontage.

2. **Size**

Fuel price signs shall not exceed a total of ten (10) square feet in area in addition to other permitted signage.

3. **Setback**
Fuel price signs shall comply with the setback and height requirements specified for freestanding signs in the district in which the signs are located.

H. **Incidental Signs**

Incidental signs as defined in Section 21.02 shall be permitted in accordance with Section 21.05.A.

1. **Window Signs**
Temporary and permanent window signs shall be permitted on the inside in commercial and office districts provided that the total combined area of such signs (including incidental signs) shall not exceed one-quarter (1/4) of the total window area. The area of permanent window signs shall be counted in determining compliance with standards for total area of wall signs on the parcel.
2. **Time/Temperature/Stock Market Signs**
Time, temperature, and stock market signs shall be permitted in commercial and office districts, subject to the following conditions:
3. **Frequency of Message Change**
The message change shall not be more frequent than once every four (4) seconds.
4. **Size**
The area of these types of signs shall be included within the maximum wall or freestanding sign area, as appropriate for the location of the proposed sign, permitted on the site.
5. **Number**
One (1) such sign shall be permitted per lot or parcel.

I. **Underhanging Signs**

In the commercial districts, one (1) underhanging sign shall be permitted for each business located within a shopping center subject to the following conditions:

1. **Vertical Clearance**
A minimum vertical clearance of eight (8) feet shall be provided between the bottom edge of the sign and the surface of the sidewalk.
2. **Orientation**
Underhanging signs shall be designed to serve pedestrians rather than vehicular traffic. Such signs shall not be visible from any adjacent roadways.
3. **Size**
Underhanging signs shall not exceed four (4) square feet in area.

J. **Institutional Bulletin Board**

There shall be no more than one (1) bulletin board sign per parcel.

1. **Size**

The total area of each sign shall not exceed twenty (20) square feet.

2. **Setbacks from Lot Lines**

Freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be located closer than ten (10) feet to the existing or planned right-of-way line. No portion of any such sign shall be located within a required side yard or within twenty (20) feet of a side lot line. If a parcel is served by a service road, no portion of a freestanding sign shall be closer than five (5) feet to the edge of the road.

3. **Setback from Residential Districts**

Freestanding signs shall be located no closer than fifty (50) feet to any residential or agricultural district.

4. **Setback from Building**

No part of a freestanding sign shall be attached to, supported by, or in any way connected to a building. A minimum two (2) foot horizontal separation and six (6) foot vertical separation shall be maintained between any sign or sign support and any building or other structure.

5. **Height**

The maximum height of any freestanding sign shall be seven (7) feet.

6. Such signs shall comply with the requirements for Clear Vision Area, Section 5.08.F.

7. Site plan review by the Planning Commission shall be required.

K. **Private Traffic Directing Signs**

1. **Approval**

Private traffic directing signs shall be subject to the approval of the Building Official.

2. **Size**

No private traffic directing sign shall exceed a maximum sign area of three (3) square feet per face.

3. **Height**

No private traffic directing sign shall exceed a total height of five (5) feet above grade.

4. **Visibility**

All private traffic directing signs must be visible and legible during day and night hours. Such signs shall only include directional information, the business names or logos shall be prohibited.

L. **Menu Boards**

Drive-through restaurants shall be permitted one auxiliary freestanding sign that may consist of a menu board, instructional sign or similar sign to assist the patron.

1. **Size**

No menu board shall exceed a maximum sign area of thirty-two square feet per face.

2. **Height**

No menu board shall exceed a total height of six (6) feet.

3. **Location**
Menu board signs shall not be visible from a public or private street.

M. **Marquee Signs**

Marquee signs shall be permitted for theatres located within a commercial district subject to the following requirements:

1. **Construction**
Marquee signs shall consist of hard incombustible materials. The written message shall be affixed flat to the vertical face of the marquee.
2. **Vertical Clearance**
A minimum vertical clearance of ten (10) feet shall be provided beneath any marquee sign.
3. **Number**
One (1) marquee sign shall be permitted per street frontage.
4. **Approval**
The Planning Commission shall review and approve marquee signs. The maximum size and area of the sign shall be determined by the Planning Commission upon the finding that it will be compatible with the surrounding area and the building's architecture.

ARTICLE 22.00

CONDOMINIUM DEVELOPMENT STANDARDS AND PROCEDURES

Section 22.01 Intent

The intent of this Article is to provide regulatory standards for condominiums and site condominiums similar to those required for projects developed under other forms of ownership. This article is not intended to prohibit or discourage development of condominium projects within the Charter Township of Bangor.

Section 22.02 Standards

A. Definitions

Definitions of condominium terms contained in Article 3, Definitions, are intended to make comparison possible between the definitions of terms in the Zoning Ordinance for lots, conventional platted lots and subdivisions and to ensure that the standards in the Zoning Ordinance are properly and uniformly applied to condominiums and site condominium projects.

B. Applicability of District Regulations

Site condominium projects in any residential district shall comply with all zoning district setback, height, coverage and area restrictions in the same manner as these standards would be applied to platted lots in a subdivision.

C. Applicability of Subdivision Regulations

Unless otherwise permitted or specified in these provisions, site condominium projects shall conform to the design, layout and improvement standards in the Charter Township of Bangor Subdivision Control Ordinance. The plat review and approval process required by the Subdivision Control Ordinance shall not apply to site condominiums. The review process shall be as stipulated in 19.02.

D. Modification of Design Standards

The Planning Commission may recommend approval of a modified design standard in a particular application where it can be demonstrated that the modified standard meets sound planning, safety and engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission. The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified design standard.

E. Applicability of Private Road and Public Street Standards

Private roads, curbs and gutters, and driveways within site condominiums must meet the road design, construction, and maintenance agreement requirements of Article 20.00. The review and approval process for site condominiums shall follow the process described in Section 22.03. Any condominium with public streets shall meet the standards of, and be accepted by; the Bay County Road Commission.

F. Utilities

The condominium plan shall grant utility easements or the right of access to utility easements as required by the Township to construct, operate, inspect, maintain, repair, alter, replace and/or remove pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities. Public utilities shall include, but not be limited to, conveyance of sewage, water and storm water runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.

Section 22.03 Review Process for Site Condominiums

Prior to the issuance of a building permit for construction of a site condominium project, the project must be reviewed and approved by the Planning Commission according to the following procedure. Any condominium project, not considered a site condominium, shall not be required to follow this review procedure and shall be required to follow the site plan review process as described in this Ordinance.

A. Concept Plan Review

1. Planning Commission Recommendation

The applicant shall submit a concept plan, with information listed in Section 22.03.F for review by the Planning Commission. If the information submitted for concept plan approval is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the information for further consideration. The Planning Commission shall impose conditions on the concept plan as deemed necessary to comply with concept plan review standards of this Article. The Planning Commission shall recommend approval, approval with conditions or denial of the concept plan to the Township Board. All conditions imposed by the Planning Commission on the concept plan shall be resolved prior to submittal of the plans for final review as further provided herein.

2. Township Board Review

The Township Board shall review the concept plan for conformance to the review standards of this Article and the recommendation of the Planning Commission and any conditions of such recommendation and approve, approve with conditions, or deny the concept plan. Township Board approval of the concept plan shall be valid for a period of twelve (12) months. During this time period the applicant must submit an application for final plan approval.

3. Concept Plan Information

The concept plan shall include all information indicated as required for concept plan in Section 22.03.F.

4. Review Standards

In reviewing the concept plan, the Planning Commission shall consider whether the project conforms to the appropriate design and layout standards of the Subdivision Control Ordinance, the requirements for site plan review, as well as any other applicable Ordinances. A review by the Township Engineer may be required at the concept review stage.

5. Review by Outside Agencies.

The applicant shall submit the concept plan, as approved, to those outside agencies with review or permit authority over the project as determined by the Planning Commission. Such agencies shall include but not be limited to the County Road Commission; County Drain Commissioner; County Health Department;

Condominium Development Standards and Procedures

Michigan Department of Transportation; and Michigan Department of Natural Resources.

B. Final Site Plan Review

1. Planning Commission Recommendation

Following submittal of the concept plan to applicable outside agencies, the applicant shall revise the plan, if required, and shall submit a final site plan to the Planning Commission. The final site plan submittal shall include evidence that the plan was submitted as required for outside agency review and shall include all review letters that have been obtained. If the information submitted for final site plan approval is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the information for further consideration.

If major modifications to the final plan are required as a result of outside agency review, the plan shall be re-submitted for concept plan review. A determination of a major modification shall be made by the Planning Commission and shall follow the guidelines outlined in Section 22.03.E. The Planning Commission shall review the final site plan, along with comments by outside agencies, and shall recommend approval, approval with conditions or denial of the final site plan to the Township Board.

2. Township Board Review.

After receipt of a recommendation from the Planning Commission, the Township Board shall review the final site plan and related documents and approve with conditions or deny the request for final approval.

3. Final Site Plan Information

The final site plan must include all information indicated as required in Section 22.03.F

4. Document Submittal Requirements

All pages of all documents submitted must include the name of the project, name of the engineer, date submitted, date of original drawing and date of all revisions. Final documents must be verified by the developer/owner including a listing of all voided and current drawings.

5. Review Standards

In reviewing the final site plan, the Planning Commission and Township Board shall consider whether the project meets the design and layout standards of the Subdivision Control Ordinance, standards for site plan review, and any other applicable Ordinances. The Planning Commission and Township Board may also consider comments of the Township Planner, the Township Attorney, and other Township officials regarding the proposed condominium by-laws and master deed and shall require any necessary modifications to these documents.

C. Engineer Review and Final Documents

The Township Engineer shall review construction plans and establish any necessary financial guarantee requirements, and to confirm that the applicant has obtained all required permits from outside agencies, prior to the issuance of a building permit. As-built plans for the project, including all roads and utilities shall be submitted in accordance with Section 22.03.K. Final by-laws and condominium documents shall be submitted in accordance with Section 22.03.L.

Condominium Development Standards and Procedures

D. Site Plan Amendments

Proposed amendments to an approved condominium site plan shall be submitted to the Building Official for a determination by the Planning Commission of whether such amendments constitute a major or minor modification to the approved site plan. Major amendments shall require a complete re-review of the project beginning with concept plan review. Minor amendments shall require a re-review and approval beginning with final site plan review.

E. Guidelines to Distinguish Major and Minor Amendments

1. Major Amendments

Major amendments or modifications to an approved final or concept plan include, but are not limited to, modifications which substantially alter the alignment of a road, change the size or location of drainage facilities, increase the length of a cul-de-sac, increase traffic volumes, change traffic circulation or that increase the density or intensity of the project.

2. Minor Amendments

Minor amendments or modifications include changes that are determined to be only minor adjustments to the location of roads or the size or location of approved drainage facilities or other changes which do not increase traffic volumes or circulation or the intensity or density of a project. For example, a proposal to eliminate or add an access point, or to increase the number of residential units would be a major amendment. A proposal to decrease the number of residential units or to adjust the location of an approved road would be a minor amendment.

F. Table of Site Condominium Submittal Requirements

SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
An application form and payment of review fees established by the Township Board.	○	○	○
Name(s) and address of the applicant and the owner of record of the subject site. The applicant shall indicate interest in the land as land contract interest, or fee simple ownership.	○	○	○
Names, address and professional seals of the designer, engineer or land surveyor who designed the site condominium layout.		○	○
Location by Section, Town and Range, or by other legal description, and an area map showing the general relationship of the proposed site condominium project to the surrounding area within one-half mile at a scale of not less than 1" = 500'.	○	○	○
Proposed name of subdivision, site condominium project.		○	○
Fifteen (15) copies of the submitted plans on paper not greater than twenty-four (24) inches by thirty-six (36) inches drawn to an engineers scale no smaller than 1" = 100'. For large projects, one overall plan shall be provided, with sections at a larger scale such as 1" = 20'.	○	○	○

Condominium Development Standards and Procedures

SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
Date, revision dates, and north arrow.	○	○	○
EXISTING SITE INFORMATION			
Site Analysis including general topography, wetlands and woodlands	○	○	
Lines and dimensions for the site condominium project boundaries.	○	○	○
Boundaries and dimensions for any phase. All phases shall be numbered in the order in which they are intended to be constructed.	○	○	○
All existing and proposed property lines in or within two hundred (200) feet of the proposed site condominium project. Existing lines should be graphically distinguished from proposed lines.		○	○
Zoning district classification for all land parcels within and adjacent to the site condominium site.	○	○	○
Boundaries of floodplain or wetlands regulated by the MDEQ, with documentation and credentials supporting that the boundary was determined by a qualified firm or individual.		○	○
Existing buildings or other structures in or within one hundred (100) feet of the proposed site condominium project.		○	○
NATURAL FEATURES			
Topography drawn as contours at an interval of not less than two (2) feet for the subject site and a general description of topography within one hundred (100) feet of the site. Topography shall be based on U.S.C. and G.S. Datum. Existing and proposed topography lines shall be shown in a manner that is easily distinguishable.		○	○
Boundaries of wetlands regulated by the MDEQ as established by a qualified wetland consultant.	general	○	○
Location of eight (8) inch or greater caliper trees and woodland canopy	general	○	○
Location and elevation of any floodplain areas	general	○	○
LOT ARRANGEMENT			
Layout of lots	○	○	○
Lot information including: numbers, dimensions square footage per lot.		○	○
Building setbacks: dimensions of required building front, side, and rear yard setbacks (i.e. building envelopes). Distances from any shore		○	○

Condominium Development Standards and Procedures

SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
line or wetland boundary should be clearly dimensioned.			
An indication of the ownership, and existing and proposed use of any parcels identified as "excepted" on the site plan. If the applicant has an interest or owns any parcel identified as "excepted," the condominium site plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed site plan in terms of utilities, streets and land uses.	○	○	○
STREETS			
Traffic impact analysis if required by Section 5.23.		○	○
Name, location, and existing and planned right-of-way widths of existing or proposed public or private streets in or within two hundred fifty (250) feet of the site.	○	○	○
Method of connection with adjoining street system.	○	○	○
General layout of proposed streets	○	○	
Names of proposed streets		○	○
Details on street design including curve radii, rights-of-way, cross sections, gradient, street signs, etc.		○	○
Street Lighting: the location for any street lights shall be shown. A diagram of a typical street light planned to be installed shall be provided.		○	○
Location of school bus stops and documentation from the school district			○
SIDEWALKS AND BIKEPATHS			
Locations of proposed sidewalks, bike paths and similar facilities		○	○
Details on the width, materials, grades, etc.		○	○
MAIL BOX CLUSTERS			
Proposed location of mail box clusters, if applicable		○	○
Details on mail box cluster design and letter from Post Office		○	○
LANDSCAPE PLAN			
A general conceptual landscape plan illustrating buffer zones and greenbelts.	○	○	
Location and details of street trees, buffer zones and greenbelts including plant lists.		○	○

Condominium Development Standards and Procedures

SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
Cost estimates for all landscape improvements.		○	○
Entry Features: A detailed drawing to scale of any proposed entrance features including dimensions of boulevards, walls, landscaping signs or lighting.		○	○
PUBLIC RESERVATIONS AND EASEMENTS			
Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.	general	○	○
Documentation of dedication or reservation			○
Existing or proposed easements in or within one hundred (100) feet of the site. Information should include the width and purpose for all easements.		○	○
UTILITIES			
General layout of water and sanitary sewer lines	○		
Sewage disposal: Location and sizes of lines, or location of septic fields, for sewage disposal by a method approved by the Bay County Health Department or the MDEQ and the Township Board. Utility information shall be shown for the site and for a distance two hundred (200) feet outside of the site.		○	○
Water system: Location and sizes of lines, or location of wells for proposed water supply by a method approved by the Bay County Health Department or the MDPH (Michigan Dept. of Public Health) and the Township Board. Utility information shall be shown for the site and for a distance two hundred (200) feet outside of the site.		○	○
Location, sizes and other information on underground utilities present and other proposed utilities. Utility information shall be shown for the plat and for a distance two hundred (200) feet outside of the plat.		○	○
General plans for storm water.	○		
Drainage: An indication of storm drainage proposed by methods acceptable to the Township and/or the Bay County Drain Commissioner. Storm water runoff calculations shall be provided to analyze the adequacy of proposed drainage facilities.		○	○
Construction cost estimate of utilities, roads and other facilities to establish financial guarantee requirements			○
CONDOMINIUM DOCUMENTS			
Master deed and bylaws.		draft	○

Condominium Development Standards and Procedures

SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
As-built plans.			0

G. Boundary Relocation

The relocation of boundaries between adjoining condominium units as defined and restricted in Section 148 of the Condominium Act (only permitted if expressly permitted by the condominium documents) shall conform to all setback requirements of the district in which the project is located, shall be submitted to the Township Board for review and approval and these requirements shall be made a part of the bylaws and recorded in the master deed.

H. Subdivision of Unit Sites

Subdivision of condominium unit sites or lots is permitted subject to approval by the Township Board and the submittal of the amended bylaws and master deed to determine the effect of the subdivision on conditions of zoning or site plan approval, and shall be made as part of the bylaws and recorded as part of the master deed.

I. Water and Waste Water

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

J. Master Deed

The project developer shall furnish the Township with fourteen (14) copies of the proposed consolidated master deed, bylaws and proposed plans. The master deed and bylaws shall be reviewed for compliance with Township Ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean-out such drainage ways to keep them functioning as intended in the approved drainage plan. The Master Deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the condominium must conform with Township, County and state laws and regulations. The Master Deed shall also include any variances granted by township, county or state authorities and include a hold harmless clause from these variances.

Master Deeds submitted to the Township for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed and bylaws to the Township Board for review and approval. Fees for these reviews shall be as established, from time to time, by the Township Board.

K. As-built Plan and Occupancy

Submission of an as-built plan of a condominium project is required. The Building Official may allow occupancy of the project before all improvements required are installed provided that an acceptable financial guarantee is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be

Condominium Development Standards and Procedures

determined by the Township Board based on an estimate by the Township Engineer.

L. **Final Bylaws, Consolidated Master Deed and Final Site Plan**

Upon approval of the final condominium site plan, the applicant shall furnish the Township Clerk a copy of the final bylaws and consolidated master deed. A site plan shall be provided on a mylar sheet of at least twenty-four (24) inches by thirty-six (36) inches.

M. **Survey and Monument Requirements**

Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer shall deposit with the Township an acceptable financial guarantee in an amount to be determined by the Township based on the actual cost to set the monuments and irons as required. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. Road rights-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The developer shall dedicate any required easements to the Township and/or County for all public water and sanitary sewer lines and appurtenances.

N. **Compliance with Other Statutes and Ordinances**

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

ARTICLE 23.00

**OFF-STREET PARKING
AND LOADING REQUIREMENTS**

Section 23.01 Off-Street Parking Requirements

A. Intent

The intent of this Article is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of daily parking needs and demands that are (or can be anticipated to be) associated with land uses allowed by this Ordinance.

B. Scope of Off-Street Parking Requirements

Compliance with the off-street parking regulations shall be required as follows:

1. General Applicability

For all buildings and uses established after the effective date of this Ordinance, off-street parking shall be provided as required in this Section prior to issuance of a Certificate of Compliance. However, where a building permit has been issued prior to the effective date of this Ordinance and construction has been diligently carried on, compliance with the parking requirements at the time of issuance of the building permit shall be required.

2. Change In Use or Intensity

Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.

3. Parking Facilities

Off-street parking facilities in existence on the effective date of this Ordinance shall not thereafter be reduced below, or if already less than, shall not be further reduced below the requirements for the use being served as set forth in this Ordinance. An area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere in accordance with the provisions of this Ordinance.

4. Additional Off-Street Parking

Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by the

Ordinance, provided all such parking is in conformance with the regulations herein.

5. **Review Procedures**

Compliance with the requirements in this Article shall be subject to site plan review and approval as specified in Section 18.02.

6. **Deferred Parking (Non-Residential Uses)**

As a means of avoiding construction of greater amounts of parking spaces and impermeable surface area than reasonably needed to serve a particular use while still ensuring site adequacy for a broad range of potential changes in the use of a building or premises, the Planning Commission may recommend the Township Board defer construction of the required number of spaces for any industrial, commercial, office or other non-residential use if the following conditions are satisfied:

- a. An application is filed in writing to the Township. Said application shall be accompanied by a site plan of the entire project showing the design and layout of all required parking areas, including areas proposed for deferred parking. An application for deferred parking plan approval shall be accompanied by a fee as established by the Township Board.
- b. The design of the parking area, as indicated on the site plan, includes sufficient space to provide for the total parking area as required by this section, table of minimum parking space requirements.
- c. The area designated for deferred parking shall not include areas required for setbacks, side or rear yards, landscaping or greenbelts or land otherwise unsuitable for parking due to environmental or physical conditions.
- d. The area designated for deferred parking shall be on the same parcel or lot as the principal use for which the deferment is sought. If deferred parking is sought on an adjacent parcel or lot under common ownership, the applicant must record a deed restriction and/or covenant, as approved by the Planning Commission, combining the two parcels or lots into a single building parcel to prohibit separate sale of the deferred parking area from the principal use.
- e. The Planning Commission, in acting upon a deferred parking plan, may modify the requirements of Table of Minimum Parking Space Requirements. The Planning Commission may also impose reasonably necessary conditions to protect the public interest and may require the provision of security to assure completion of any related improvements required as a condition of deferred parking plan approval. At any time subsequent to the approval and construction of a deferred parking plan, the Planning Commission may, based on review of parking needs by the

Planning Commission, require the construction of additional parking spaces as required in the table of minimum parking space requirements.

C. **General Requirements**

In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed:

1. **Location**

a. **Proximity to Building or Use Being Served**

Off-street parking for multiple-family and non-residential uses shall be located on the same lot or parcel as the building or use being served or within five hundred (500) feet of the building it is intended to serve (measured from the nearest point of the building or use to the nearest point of the parking), except as otherwise permitted for collective use of off-street parking.

Required parking located on a lot different from the use that the parking is intended to serve shall be the subject of an agreement to be recorded with the County as a deed restriction. A copy of the recorded agreement shall be provided to the Township. Said agreement shall provide ongoing rights to the use of such parking and shall ensure that all requirements of this ordinance shall be complied with upon any alteration, modification, amendment or termination of the agreement.

b. **Within Yards**

Off-street parking in commercial, office, multiple-family, and industrial districts may only be located in a side or rear yard or non-required front yard, provided that all landscaping requirements in Article 19.00 are complied with, and provided further that off-street parking shall not be permitted within twenty (20) feet of a single-family residential district boundary or agricultural district boundary, nor within ten (10) feet of any road right-of-way line, nor within twenty-five (25) feet from any front lot line, nor ten (10) feet from any side or rear lot line.

2. **Residential Parking**

Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. No parking shall be permitted on a regular basis on lawns or other unpaved areas on residential lots, with the exception of approved gravel parking areas. All residential off-street parking shall be located on the same lot as the principal use(s) to be served.

Commercial and recreational vehicle parking in residential districts shall comply with the standards in Section 5.21.

3. **Control of Off-Site Parking**

It shall be unlawful to park or store any motor vehicle on private property without the express or implied consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.

4. **Access to Parking**

Each off-street parking space shall open directly onto a clearly defined aisle or driveway of sufficient width and design as to provide safe and efficient access to or from a public street or alley in a manner that will least interfere with the smooth flow of traffic. Parking designed for backing directly onto a street or road or drive used for a fire lane is prohibited. Access to off-street parking which serves a non-residential use shall not be permitted across land that is zoned or used for residential purposes.

5. **Collective Use of Off-Street Parking**

Off-street parking for two or more uses may be provided collectively subject to the following:

- a. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use, unless the operating hours of the buildings or uses do not overlap, in which case the Planning Commission may reduce the total number of spaces to a number deemed reasonable based on the characteristics of the uses. In a planned development collective parking shall not be less than 80% of the sum of the required parking for all the uses.
- b. Each use served by collective off-street parking shall have direct access to the parking without crossing streets.
- c. The collective off-street parking shall not be located farther than five hundred (500) feet from the building or use being served.
- d. A written agreement, which provides for the continued use and maintenance of the parking lot shall be recorded and submitted to the Planning Commission for review and approval.

6. **Storage and Repair Prohibited**

The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles are prohibited in required off-street parking lots or areas. Emergency service required to start vehicles shall be permitted.

7. **Duration**

Except when land is used as permitted storage space in direct connection with a legitimate business, no vehicle shall be parked for more than forty-eight (48) hours in non-residential off-street parking areas. The storage of wrecked, inoperable, or junked vehicles shall not be permitted in any parking area in any district for any period of time.

8. **Parking Structures**

Parking structures shall be permitted subject to the following standards:

- a. Any parking structure shall comply with the required setbacks for the district in which it is located.
- b. Parking structures shall be designed as integral elements of the overall site plan, taking into account the relationship to the principal building and other structures on the site.
- c. The facade of the parking structure shall be compatible in design, color, and type of material to the principal building(s) on the site.

D. **Minimum Number of Spaces Required**

The following standards shall be used in determining the required number of parking spaces:

1. **Definition of Floor Area**

For the purposes of determining required number of parking spaces, floor area shall be measured in accordance with the definitions in Article 3.00. For those uses for which usable floor area is unknown, 80 percent of the gross floor area shall be considered to be the amount of usable floor area.

2. **Units of Measurement**

a. **Fractional Spaces**

When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half ($\frac{1}{2}$) may be disregarded, while a fraction of one-half ($\frac{1}{2}$) or more shall be counted as one space.

b. **Employee Parking**

Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time.

3. **Uses Not Cited**

For those uses not specifically mentioned, the requirements for off-street parking for a similar use shall apply, subject to determination by the Planning Commission.

4. **Parking During Construction**

Temporary off-street parking shall be provided for workers during construction at a rate of one (1) space per employee. Gravel surfacing may be permitted for such temporary parking

5. ***Parking for the Physically Handicapped***

Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, identified by an above-grade sign that indicates the spaces are reserved for physically handicapped persons.

Off-Street Parking and Loading Requirements

Parking for the handicapped shall comply with applicable State and Federal codes. (Amended by Ordinance #367, effective 07/19/18)

6. Use of Loading Space

Required loading space shall not be counted or used for required parking.

7. Spaces for Recreational Vehicles and Tractor Trailers

Commercial uses that are likely to serve persons driving recreational vehicles or tractor trailers, shall provide no fewer than two (2) of the required parking spaces for such vehicles. Recreational vehicle/tractor trailer parking spaces shall be a minimum of twelve (12) feet wide and fifty (50) feet long.

8. Minimum Number of Spaces for Each Use

The amount of required off-street parking space shall be determined in accordance with the schedule that follows. Where more than one standard is provided for a particular use, the standard that provides the most parking spaces shall be used. The Planning Commission may modify the numerical requirements for off-street parking, based on evidence that another standard would be more reasonable, because of the level of current or future employment and/or level of current or future use.(Amended by Ordinance #381, effective 01/30/19)

TABLE OF MINIMUM PARKING SPACE REQUIREMENTS	
<u>USE</u>	<u>MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE</u>
<u>Residential</u>	
Residential, One-Family and Two-Family	Two (2) for each dwelling unit
Residential, Multiple-Family	Two (2) for each dwelling unit, plus one (1) additional space for each four (4) dwelling units.
Mobile Home Park	Two (2) for each mobile home site and one (1) for each employee of the mobile home park.
Boarding and Rooming House and Bed & Breakfast Facility	One (1) for each sleeping room.
Senior Citizen Apartments	One and one half (1.5) space for each dwelling unit.
Senior “Interim Care” and “Intermediate Care” Units, Retirement Villages, etc.	One (1) space per each room or two beds, whichever is less, plus one (1) space per each employee expected during the peak shift.

Off-Street Parking and Loading Requirements

<u>Institutional</u>	
Churches, Temples or Synagogues	One (1) for each three (3) seats or six (6) feet pews based on maximum seating capacity in the main unit of worship
Hospitals	One and three quarters (1.75) spaces per in-patient bed plus one (1) space per each 175 gross square feet of hospital related office, research and administrative space. Other uses shall be computed separately.
Convents, Children’s Homes	One (1) per six hundred (600) feet of gross floor area.
Congregate care and dependent care (convalescent/nursing home units)	One (1) space per each three beds or two rooms, whichever is less, up to 120 beds, plus 3.0 spaces for each bed over 120; plus one (1) space for each employee during peak shift.
Group day care homes, adult foster care, group homes, adult congregate care facilities	One (1) space per four (4) clients, plus one (1) space per each employee plus designated drop-off spaces.
Public, Private or Parochial Elementary and Middle School	One (1) for each classroom plus one space for each five (5) fixed seats of any area used for auditorium purposes or for each thirty-five (35) sq. ft. of assembly seating area where there are no fixed seats.
Senior High Schools	One (1) space for each classroom and each other room used by students plus one (1) for each ten (10) full-time students in addition to the requirements for auditorium.
Private Clubs or Lodge Halls	One (1) for each three (3) people allowed within the maximum occupancy load as established by local, county, or State fire, building, or health codes.
Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Racquetball Clubs	One (1) for each two (2) member families or individuals.
Golf Course open to the general public, except miniature or “par 3” courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
Stadium, Sports Arena, or similar place of outdoor assembly	One (1) for each three (3) seats or ten (10) feet of bench.

Off-Street Parking and Loading Requirements

<p>Theaters, Gymnasiums, Auditoriums (Indoor)</p> <p>Libraries, Museums, and Noncommercial Art Galleries</p> <p>Day-care Centers, Preschool and Nursery Schools</p>	<p>One (1) for each four (4) seats plus one (1) for each two (2) employees.</p> <p>One (1) for each two hundred and fifty (250) sq. ft. of gross floor area.</p> <p>One (1) space for each staff member plus one (1) space for every eight (8) children of licensed authorized capacity, plus adequate drop-off facilities.</p>
<p><u>Business and Commercial</u></p> <p>Auto Body Shop/Major Repair</p> <p>Automobile Service Stations, Fuel Stations, Convenience Stores in conjunction with service or gas stations</p> <p>Auto Wash, Auto Reconditioning, Auto Cleaning (interior/exterior)</p> <p>Beauty Parlor or Barber Shop</p> <p>Bowling Alleys</p> <p>Cocktail Lounges and Taverns</p>	<p>One (1) space for each five hundred (500) sq. ft. of gross floor area plus one (1) space for each employee.</p> <p>Two (2) for each lubrication stall, rack, pit or pump, plus one for every two hundred (200) sq. ft. of gross floor area devoted to retail sales; plus one (1) for each employee.</p> <p>Two (2) spaces, plus one (1) designated space per each employee on peak shift, plus 12 stacking spaces per bay for a fully automatic car wash, 15 for a semi-automatic (motorist must leave auto) or 3 stacking spaces per bay for a self-serve car wash.</p> <p>Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair.</p> <p>Five (5) for each one (1) bowling lane.</p> <p>One (1) space for each seventy-five (75) feet of gross floor area.</p>
<p>Dance Halls, Pool or Billiard Parlors, Roller or Ice Rinks, Exhibition Halls and Assembly Halls without fixed seats</p> <p>Furniture , Carpet, Appliance, Household Equipment Stores</p> <p>Grower (all classes)</p>	<p>One (1) for each three (3) seats or one (1) for each one hundred (100) sq. ft. of gross floor area.</p> <p>One and one-half (1.5) per 1,000 sq. feet of useable floor area.</p> <p>One (1) space for every five hundred (500) sq. ft. of gross floor area, plus one (1) space per each three hundred fifty (350) sq. ft. of office, sales or similar space.</p>

Off-Street Parking and Loading Requirements

Health Spas, Gymnasiums, and Health Clubs	Ten (10) for each club or spa plus one (1) space for each two hundred (200) sq. ft. of gross floor area in excess of one thousand (1,000) gross sq. ft.
Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing machines.
Marihuana Microbusiness	One (1) space for each one hundred fifty (150) square feet of gross floor area.
Marihuana Retailer	One (1) space for each one hundred fifty (150) square feet of gross floor area.
Mini or Self-Storage Warehouse	Minimum of three (3) spaces plus adequate loading area at each unit.
Miniature or "Par 3" Golf Courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
Mortuary Establishments	One (1) for each one hundred (100) sq. ft. of gross floor area, plus a minimum of ten (10) stacking spaces.
Motel, Hotel or Other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms based upon one space for every two occupants based on maximum occupancy load.
Motor Vehicles Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms	Two and one-half (2.5) spaces for each one thousand (1,000) square feet of interior sales space plus one and one-half (1.5) spaces per one thousand (1,000) square feet of exterior display, plus three (3) spaces per service bay.
Open Air Business	One (1) for each six hundred (600) sq. ft. of lot area.
Processor	One (1) space for every five hundred (500) sq. ft. of gross floor area, plus one (1) space per each three hundred fifty (350) sq. ft. of office, sales or similar space.
Provisioning Center	One (1) space for each one hundred fifty (150) square feet of gross floor area.
Repair Shop, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses	One (1) for each eight hundred (800) sq. ft. of usable floor area plus one (1) per employee.

Off-Street Parking and Loading Requirements

<p>Restaurant, sit-down type with liquor license</p>	<p>Twenty-two (22) spaces per 1,000 sq. ft. usable floor area, or 0.6 spaces per seat, whichever is greater</p>
<p>Restaurant - standard (a family-type restaurant without a bar or lounge area)</p>	<p>Fourteen (14) spaces per 1,000 sq. ft. useable floor area or 0.5 space per seat, whichever is greater, plus any spaces required for any banquet or meeting rooms.</p>
<p>Restaurant - fast food with drive-through window</p>	<p>Twenty-two (22) spaces per 1,000 sq. ft. of usable floor area, plus five (5) spaces between the pick-up window and the order station, plus ten (10) stacking spaces which do not conflict with access to required parking spaces per order pick-up station, plus spaces for employees of a peak shift.</p>
<p>Restaurant - carry out or delicatessen with less than six tables and/or booths</p>	<p>Six (6) spaces plus one (1) space for each employee on peak shift.</p>
<p>Retail Stores, Except as Otherwise Specified Herein</p>	<p>One (1) for each three hundred (300) sq. ft. of gross floor area.</p>
<p>Safety Compliance Facility/Center</p>	<p>One (1) space for every five hundred (500) sq. ft. of gross floor area, plus one (1) space per each three hundred fifty (350) sq. ft. of office, sales or similar space.</p>
<p>Secure Transporter</p>	<p>One (1) space for every five hundred (500) sq. ft. of gross floor area, plus one (1) space per each three hundred fifty (350) sq. ft. of office, sales or similar space</p>
<p>Shopping Center or Clustered Commercial</p>	<p>One (1) for each two hundred (200) sq. ft. of usable floor area, plus spaces required for supermarket.</p>
<p>Supermarket</p>	<p>One (1) for each one hundred seventy five (175) sq. ft. usable floor area.</p>
<p>Wholesale Establishment</p>	<p>One (1) for each five hundred (500) square feet of gross floor area.</p>

Off-Street Parking and Loading Requirements

<u>Offices</u>	
Banks, Savings and Loan Offices	One (1) for each two hundred (200) sq. ft. of gross floor area plus two (2) spaces for each 24 hour teller, plus four (4) stacking spaces for each drive through window.
Business Offices or Professional Offices, including Courthouses and Governmental Offices.	One (1) for each three hundred (300) sq. ft. of gross floor area.
Medical or Dental Clinics, Professional Offices of Doctors, Dentist or Similar Professions	One (1) for each one hundred seventy-five (175) sq. ft. of gross floor area.
<u>Industrial</u>	
General Manufacturing Establishments	One (1) space for every six hundred and fifty (650) square feet of gross floor area, plus one (1) space per each three-hundred fifty (350) sq. ft. of office space.
Light Industrial Manufacturing	One (1) space for every five hundred (500) sq. ft. of gross floor area, plus one (1) space per each three hundred fifty (350) sq. ft. of office, sales or similar space.
Research and Development	One (1) space for every three hundred fifty (350) sq. ft. of gross floor area plus one (1) space per each three hundred fifty (350) sq. ft. of office sales or similar space.
Warehousing	One (1) space for every one thousand five hundred (1,500) sq. ft. of gross floor area, or one (1) space per employee at peak shift, whichever is greater.

(Amended by Ordinance #381, effective 01/30/19)

E. Layout and Construction

Off-street parking facilities shall be designed, constructed, and maintained in accordance with the following requirements:

1. Review and Approval Requirements

Plans for the construction of any parking lot or a modification of an existing parking lot shall be subject to site plan review in accordance with Section 18.02.

2. **Dimensions**

Off-street parking shall be designed in conformance with the following standards and diagram:

OFF-STREET PARKING STANDARDS (All Dimensions in Feet)			
Parking Pattern	Maneuvering Aisle Width	Parking Space Width	Parking Space Length
0 degrees (parallel)	12.0	8.5	24.0
30 to 53 degrees	12.0	10	20.0
54 to 74 degrees	17.0	10	20.0
75 to 90 degrees	24.0	10	20.0

3. **Ingress and Egress**

All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways. Spaces backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least twenty-five (25) feet from the nearest point of any property zoned for single-family residential use. No more than two (2) clearly defined points of access shall connect an off-street parking area to any one roadway.

4. **Surfacing and Drainage**

All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material. All new residential subdivisions, condominiums and group housing shall have paved driveways including off-street parking, when the road upon which the unit fronts is paved. The Planning Commission may also permit a gravel surface for heavy machinery storage areas, and seasonal uses provided the applicant or property owner provides sufficient evidence that a paved surface could not support the heavy machinery without being damaged and dust control is provided to the satisfaction of the Township.

Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.

5. **Curbs, Wheel Chocks**

A curb of at least six (6) inches in height shall be installed to prevent motor vehicles from being driven or parked so that any part of the vehicle extends within two (2) feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property. Curb and gutter shall be required in all parking lots containing twenty (20) or more spaces. Should no other form of curbing be feasible, wheel chocks may be provided to prevent vehicles from extending over grass areas, setback lines, or lot lines.

6. **Lighting**

All parking areas, driveways, and ways shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements in Article 19.00. Parking lot entrances shall be illuminated.

7. **Buildings**

No building or structure shall be permitted on an off-street parking lot, except for a maintenance building/attendant shelter, which shall not be more than fifty (50) square feet in area and not more than fifteen (15) feet in height.

8. **Signs**

Accessory directional signs shall be permitted in parking areas in accordance with Article 21.00.

9. **Screening and Landscaping**

All off-street parking areas, except those serving single and two-family residences, shall be screened and landscaped in accordance with the provisions set forth in Article 19.00.

10. **Maintenance**

All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related appurtenances shall be maintained in good condition.

11. **Stacking**

The following shall apply to all stacking spaces required herein:

- a. Each required stacking space shall be no less than twenty two (22) feet long and ten (10) feet wide.
- b. Each stacking lane provided shall be no less than twelve (12) feet in width.
- c. Drive-thru facilities shall provide required stacking spaces as specified under Section 23.01.D herein. If a specific stacking requirement is not provided for a proposed use, the Planning Commission shall determine such requirements based upon the characteristics of the use and requirements for similar facilities.

Section 23.02 Loading Space Requirements

A. **Scope of Loading Space Requirements**

Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.

1. **General Applicability**

On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehousing, display and sale of goods, and other uses involving the receipt or distribution of materials, merchandise, or vehicles, there shall be provided and maintained adequate space for loading and unloading as required in this Section.

2. **Change In Use or Intensity**

Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

B. **General Requirements**

1. **Location**

Off-Street Parking and Loading Requirements

Required loading space shall be located to the rear or side of the building being served such that it is screened from view from adjoining roads. The Planning Commission may permit not more than one (1) loading space in front of a building in the C-1 District, if in the determination of the Planning Commission, there is no feasible way to provide side or rear loading. Landscaping, fences or walls or other means acceptable to the Planning Commission shall be provided to screen truck wells and loading docks from view from adjoining roads and from residential or agricultural zoned land.

Loading/unloading operations shall not interfere with traffic on public streets or off-street parking. All loading spaces shall be located and designed to avoid traffic hazards either on public roadways or required access aisles for off-street parking areas. Space shall be allocated so as to ensure that all turning movements can be made within the limits of the premises in question.

2. **Size**

Unless otherwise specified, each required loading space shall be a minimum of ten (10) feet in width and fifty (50) feet in length, with a vertical clearance of fifteen (15) feet.

3. **Surfacing and Drainage**

Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material. Loading areas shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.

4. **Storage and Repair Prohibited**

The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.

5. **Use of Loading Space**

Required loading space shall not be counted or used for required parking.

6. **Central Loading**

Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:

- a. Each business served shall have direct access to the central loading area without crossing streets or alleys.
- b. Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.

- c. No building served shall be more than three hundred (300) feet from the central loading area.
- d. All approaches to loading docks shall be surfaced with concrete or asphalt paving material.

7. **Schedule of Loading Space Requirements**

Off-street loading spaces shall be provided for any use involving the receipt or dispatch of vehicles and/or merchandise. The amount of required loading spaces shall be determined in accordance with the schedule that follows. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate the number or type of deliveries experienced by a particular business or use.

- a. Commercial uses shall provide a minimum of one (1) loading space for up to 5,000 square feet of gross floor area. When any such use exceeds five thousand (5,000) square feet to a maximum of 60,000 square feet in gross floor area, one (1) additional loading space shall be provided for every increment of twenty thousand (20,000) square feet of gross floor area. Uses that exceed 60,000 gross square feet shall provide three (3) spaces plus one (1) space per each additional 50,000 square feet gross floor area.
- b. Office uses shall provide one (1) loading space for every twenty thousand (20,000) square feet of gross floor area.
- c. Industrial uses shall provide one (1) loading space for every ten thousand (10,000) square feet of gross floor area. In no case may fewer than two (2) loading spaces be provided.

Adopted: 11/08/05
Effective: 11/17/05

ARTICLE 24.00

WIRELESS COMMUNICATIONS FACILITIES, RADIO, TELEVISION AND OTHER TOWERS

Section 24.01 Purpose

The purpose of this Article is to:

- A. Carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, facilitating adequate and efficient provisions for wireless communications facility sites, and encouraging co-location of multiple antennae on a single tower.
- B. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and landmarks, natural beauty areas and public rights-of-way from potential adverse impacts of towers and antennae.
- C. Limit visual impacts by promoting the use of screening and innovative designs for such facilities, prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use.

Section 24.02 Application Materials

The following information shall be provided with any application for approval of a wireless communications facility:

A. Required Information

- 1. Name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor.
- 2. Street address, parcel identification number or location of the property on which the facility is to be located.
- 3. Type of wireless communications facility, as defined in this Ordinance.

B. Site plan

A site plan shall be provided in accordance with all applicable requirements of Article 18.00, including the following minimum requirements:

- 1. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the zoning lot upon which the facility will be located, and all existing structures and uses within three hundred feet of the boundaries of the parcel or lot.
- 2. A landscaping and screening plan that includes details of proposed fencing and the location, size, height and species of all existing and proposed landscaping.
- 3. Elevation drawings of all proposed buildings, towers and other structures on the site.
- 4. A location map showing the location of the proposed wireless communications facility, along with the location, height, type and owner or operator of all existing facilities within one mile of the proposed location.

C. Service area coverage maps

A map of the area served by the provider’s existing wireless communications facilities shall be provided, along with a map of the same area showing the service area coverage provided by the addition of any proposed facilities.

D. Construction drawings

Construction drawings shall be provided that include plans, specifications, materials, designs, dimensions, structural supports, electrical components, methods of construction and type of illumination for each wireless communications facility.

E. Permission to locate

The petitioner shall submit copies of a signed lease or other proof, satisfactory to the Township Attorney, of permission to locate a wireless communications facility on the site.

F. Co-location agreement

The petitioner for a new or altered tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna and equipment locations shall be indicated on the sketch plan and elevation drawings.

G. Insurance certificate

The petitioner shall submit a valid certificate of insurance, to be renewed annually, listing the Charter Township of Bangor as the certificate holder and naming the Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty days written notice to the Township as certificate holder. The petitioner shall supply a \$1,000.00 cash bond to the Township, which may be used to reimburse administrative expenses in the event the certificate is allowed to lapse.

H. Maintenance agreement

The petitioner shall submit a plan for the long-term continuous maintenance of the facility that identifies who will be responsible for maintenance of the facility, access, easements and required landscaping. The plan shall include a method of notifying the Township if maintenance responsibilities change.

I. Removal agreement

The petitioner shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the Township Attorney, for the removal of towers or antennas as applicable. The petitioner shall demonstrate that adequate funds will be available to the Township for the removal of such towers or antennas, restoration of the site and associated administrative costs incurred by the Township in the event that the petitioner, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this ordinance.

J. Tax-related information

The petitioner shall supply to the Assessor all tax-related information as requested for appraisal purposes.

K. Engineering certification

Stress sheets and calculations showing that the structure is designed in accordance with applicable dead load and wind pressure standards shall be submitted, along with signed certification by a professional engineer licensed by the State of Michigan specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure, and verifying that the setback area would accommodate the structure and provide a reasonable buffer from adjacent parcels.

L. Backhaul network information

The petitioner shall identify the entities providing the backhaul network for the facilities described in the application and other sites owned or operated by the applicant in the Township.

Section 24.03 Review Process

SITUATION or USE	REQUIRED REVIEW		
	PLANNING COMMISSION	PERMITS	EXEMPT
Construction, alteration or enlargement of wireless communications facilities	x	x	
Installation of antennas on existing buildings	x	x	
Construction of television, radio, microwave, or public utility transmission towers, antennas or antenna arrays	x	x	
Co-location of antennas on an existing approved tower	<input type="checkbox"/>	x	
Installation of satellite dish antennas with a diameter of less than 1.5 meters			x
Installation of satellite dish antennas with a diameter 1.5 meters or larger		x	
Installation of amateur radio transmission and reception antennas		x	
Installation of citizen band radio facilities, short wave facilities, amateur radio reception-only antennas and governmental facilities subject to federal or state laws or regulations that preempt municipal regulatory authority			x
Installation of new antennas or similar transmission devices on light poles, on other public utility structures or within street rights-of-way	x	x	
Repair, service or maintenance of an existing approved wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable building, fire and electrical codes			x
Construction, installation, replacement, co-location, alteration or enlargement of wireless communications facilities shall be reviewed and approved as indicated in the following table. Facilities requiring Planning Commission approval shall be subject to review as a special land use, in accordance with Section 18.03.			

Section 24.04 Site Development Standards

- A. In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a principal permitted use, subject to site plan review and the conditions set forth in subparagraph (D) below, and if approved, constructed and maintained in accordance with the standards and conditions of this Section.
- 1) Attached wireless communication facilities within all I-1 and I-2 districts only, where the existing structure is not, in the determination of the Planning Commission, proposed to be either materially altered or materially changed in appearance.
 - 2) Collocation of an attached wireless communication facility that has been pre-approved for such collocation as part of an earlier approval by the Planning Commission.
 - 3) Attached wireless communication facilities consisting of a utility pole located within a public right-of-way, where the existing pole is not proposed to be modified in a manner which, in the determination of the Planning Commission, would materially alter the structure or result in an impairment of sight lines or other safety interests.
 - 4) All wireless communication support structures upon municipally owned sites.
- B. Wireless communication support structures upon non-municipally owned sites are permitted as a special approval use only upon site plan review approval, subject to the conditions hereinafter imposed in subparagraph (D) below, and subject further to the special approval procedures of Article 18.03 in all I-1 and I-2 districts only, and if approved, constructed and maintained in accordance with the standards and conditions of this Section.
- C. If it is demonstrated to the satisfaction of the Planning Commission by an applicant that a wireless communication facility may not reasonably be established as a principal permitted use under subparagraph (A) above, or as a special approval use under sub-paragraph (B) above, and is required to be established outside of a district identified in sub-paragraphs (A) and (B) above, in order to operate a wireless communication service, then wireless communication facilities may be permitted within the Township by special use approval only subject to the requirements of set forth in subparagraph (D), and subject further to the special approval procedures of Article 18.03, and if approved, constructed and maintained in accordance with the standards and conditions of this Section, and also subject to the following criteria and standards:
- 1) At the time of the submittal, the applicant shall demonstrate that a location within an allowable district cannot reasonably meet the coverage or capacity needs of the applicant.
 - 2) Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form, such as a unipole single structure (stealth design) that is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Planning Commission, and shall comply with the collocation requirements of subparagraph (D)(13).
 - 3) In any single family or multiple family residential district, and upon sites within two hundred (200) feet of such districts, site locations shall be permitted on a priority basis upon the following sites, subject to application of all other standards contained within this Section:
 - a) Municipally owned sites.

- b) Other governmentally owned sites.
- c) Religious or other institutional sites.
- d) Public parks and other large permanent open space areas when compatible.
- e) Public or private school sites.

D. General Requirements

All applications for wireless communication facilities shall be reviewed, in accordance with the following standards and conditions, and if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if a facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission at its discretion.

- 1. All applications for the required permit to place, construct or modify any part or component of a wireless communication facility shall include the following:
 - a) A site plan prepared in accordance with Article 18.00, showing the location, size, screening and design of all buildings and structures, including fences, the location and size of outdoor equipment, lighting and signage, and the location, number, and species of proposed landscaping, and as-built drawings for all proposed attached wireless communication facilities /or wireless communication support structures.
 - b) A disclosure of what is proposed, demonstrating the need for the proposed wireless communication support structure to be located as proposed based upon the presence of one or more of the following factors:
 - 1) Proximity to an interstate highway or major thoroughfare.
 - 2) Areas of population concentration.
 - 3) Concentration of commercial, industrial, or other business centers.
 - 4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - 5) Topography of the proposed facility location in relation to other facilities within which the proposed facility is to operate.
 - 6) Other specifically identified reason(s) creating need for the facility.
 - c) The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality needs, goals and objectives.
 - d) The existing form of technology being used and any changes proposed to that technology.
 - e) As applicable, the planned or proposed and existing service area of the facility and the attached wireless communication facility, and wireless communication

support structure height and type, and signal power upon which the service area has been planned.

- f) The nature and extent of the provider/applicant's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- g) The identity and address of all owners and other persons with a real property interest in the property, building, or structure upon which facilities are proposed for placement, construction or modification.
- h) A map showing existing and known proposed wireless and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. The map shall also show existing buildings and other structures of the same approximate height within a one-half (1/2) mile radius of the proposed site that could accommodate a feasible collocation of the applicant's proposed attached wireless communication facility.

If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is trade secret or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

- i) For each location identified on the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant/provider expected to exercise reasonable due diligence in attempting to obtain information through lawful means prior to application:
 - 1) The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 - 2) Whether property owner approvals exist or have been requested and obtained.
 - 3) Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility, or if not, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing wireless communication services.
- j) A certification by a State of Michigan licensed and registered professional engineer regarding the manner in which the proposed structure will fall. The certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.

- k) A description of the security to be posted at the time of receiving a building permit for the wireless telecommunication support structure to ensure removal of the structure when it has been abandoned or is no longer needed, as provided in subparagraph (D)(16) below. The security shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Attorney and recordable at the office of the Bay County Register of Deeds, a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal.
 - l) The site plan shall include a landscape plan where the wireless communication support structure is being placed at a location that is not otherwise part of another site plan with landscaping requirements. The purpose of landscaping is to provide screening for the wireless communication support structure base, accessory buildings and enclosures. Landscaping around the base of the wireless communication facility shall consist of evergreen trees, at least six (6) feet in height at the time of planting, and spaced so as to provide a completely opaque screen within two (2) years of planting. In all cases there shall be non-opaque ornamental fencing of at least six (6) feet in height, which is required for the protection of the tower. Vinyl coated chain link fencing may be utilized upon the determination of the Planning Commission that such fencing will not be visible to any adjacent roadways or residential areas.
 - m) The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
2. The wireless communication support structure shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The wireless communication support structure shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development. Stealth design is encouraged. Lattice support structures are prohibited.
 3. The maximum height of all new or modified attached wireless communication facilities and wireless communication support structures shall be one hundred ninety-five (195) feet. The accessory building contemplated to enclose such items, as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 4. The setback of a monopole wireless communication support structure from any lot line shall be established based upon the height of the proposed structure. In no instance shall a setback of less than fifty (50) feet be provided. The setback of all other wireless communication support structures from any lot line shall be no less than the height of the structure, unless it can be demonstrated and certified by a registered professional engineer, to the satisfaction of the Township Engineer, that the wireless communication support structure has a shorter fall-zone distance.
 5. Where the wireless communication support structure abuts a parcel of land zoned for other than residential purposes, the minimum setback of the wireless communication support structure and accessory structures shall be in accordance with the required

setbacks for the main or principal buildings as provided in the schedule of regulations for the zoning district in which the wireless communication support structure is located.

6. There shall be an unobstructed eighteen (18) foot wide paved access to the wireless communication support structure, for operation, maintenance, repair and inspection purposes, which may be provided through an easement. This access shall have a location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site. Adequate maneuvering space must be provided to prevent service vehicles from backing onto the adjacent roadways. The Planning Commission may waive the requirement for paved access, subject to Fire Department approval.
7. The division of property for the purposes of locating a wireless communication support structure is prohibited unless all zoning requirements and conditions are met.
8. The Zoning Board of Appeals may grant variances only for the setback requirements of a wireless communication support structure, provided that the proposed location will reduce its visual impact on the surrounding area, for the maximum height requirement, and for the collocation requirements of subparagraph (D)(14).
9. Where a wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that an accessory building conforms with all district requirements for accessory buildings, including yard setbacks and building height.
10. The Planning Commission shall, with respect to the color of the wireless communication support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
11. Wireless communication support structures shall be constructed in accordance with all applicable building codes and shall include the submission of a professional soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
12. A maintenance plan, including landscaping and any applicable maintenance agreement, shall be presented as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
13. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of

this subsection are designed to carry out and encourage conformity with the policy of the Township.

Any proposed wireless communication support structures shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's attached wireless communication facility and comparable attached wireless communication facilities for additional users. Wireless communication support structures must be designed to allow for future rearrangement of attached wireless communication facilities upon the wireless communication support structure and to accept attached wireless communication facilities mounted at varying heights.

A proposal for a new wireless communication support structure shall not be approved unless and until it can be documented by the applicant that the communications equipment planned for the proposed wireless communication support structure cannot be feasibly collocated and accommodated on an existing or approved wireless communication support structure or other existing structure due to one or more of the following reasons:

- a) The planned equipment would exceed the structural capacity of the existing or approved wireless communication support structure or building, as documented by a qualified and licensed professional engineer, and the existing or approved wireless communication support structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment.
- b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the wireless communication support structure or other existing structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented by any other means.
- c) Existing or approved wireless communication support structures and buildings within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
- d) Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing wireless communication support structure or building.

Collocation shall be deemed to be "feasible" for the purposes of this Section where all of the following are met:

- e) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- f) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- g) The collocation being considered is technologically reasonable, that is, the collocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennae, and the like.

- h) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained within this Section.
- 14. If a party who owns or otherwise controls a wireless telecommunication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

If a party who owns or otherwise controls a wireless telecommunication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this Section of the Zoning Ordinance, and, consequently such party shall take responsibility for the violation and be subject to any and all penalties applicable to a violation of the Zoning Ordinance, and shall also be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five (5) years from the date of the failure or refusal to permit the collocation.

Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.

- 15. Review of an application for collocation, and review of an application for a permit for use of a facility permitted under subparagraph (A)(2), above, shall be expedited by the Township.
- 16. When a wireless communications facility has not been used for one hundred eighty (180) days or more, or six (6) months after new technology is available which permits the operation of a wireless communication facility without the requirement of a wireless communication support structure, the entire wireless communications facility, or that portion of a wireless communications facility made obsolete by the new technology, shall be removed by the users and/or owners of the wireless communications facility. For the purposes of this Section, the removal of antennae or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The situation(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.
 - a) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition / removal, restoring the condition which existed prior to the construction of the wireless communications facility.
 - b) If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable

deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the wireless communications facility.

17. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

Section 24.05 General Requirements

A. Federal, state and local standards

Wireless communication facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Michigan Aeronautics Commission and any other agency of the state or federal government with regulatory authority, and shall further comply with applicable building, electrical and fire codes.

B. Public health and safety

Wireless communication facilities shall not be designed, constructed, operated or maintained in manner that is detrimental to the public health, safety, and welfare. Such facilities shall be designed, constructed and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.

C. Access

Unobstructed permanent access to the facility shall be provided for operation, maintenance, repair and inspection purposes. Access may be provided by an easement.

D. Lighting

Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission.

E. Colors

Towers, and antennas located on towers, shall be painted gray or a similar color. Antennas on buildings shall be painted to match or blend in with the building façade. The Planning Commission may modify this requirement upon finding that other colors or treatments would be more appropriate for the location.

Section 24.06 Site Requirements by Situation or Use

A. Wireless communications towers:

1. Location

In the single or multiple family residential district, wireless communications towers shall be limited to lots with a minimum area of ten (10) acres municipally owned or owned by another government entity. In all other zoning districts, wireless communications towers shall be located on lots that have lot area to accommodate minimum setback requirements of this Section and Ordinance.

2. Height

Towers shall not exceed one hundred ninety-five (195) feet in height as measured from grade-level to the highest point of the tower, including any antennas attached to the tower.

3. **Setbacks**

Towers shall be set back from lot boundaries and from adjacent districts and uses as follows:

a) **From lot boundaries:**

A minimum distance equal to one hundred (100) percent of the height of the tower or antenna. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of twenty (20) feet . If located on the same zoning lot with another permitted use, such facilities shall not be located in a front yard or any yard abutting a street. The Planning Commission shall have the authority to modify this requirement based upon finding that another setback may be more appropriate and will not adversely impact the surrounding land uses.

b) **From adjacent districts and uses:**

A minimum of four hundred and fifty (450) feet from the boundary of a residential zoning district or parcel occupied by residential uses.

4. **Fencing**

All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by a six (6) foot high ornamental fence to prevent unauthorized persons from accessing the tower. Barbed-wire shall not permitted. Open weave, green or black vinyl coated chain-link fence with a lockable gate may be permitted by the Planning Commission.

5. **Screening.**

Existing vegetation shall be preserved to the maximum extent possible. Proposed landscaping shall be designed to screen the facility, and shall include the following:

a) **Equipment screening.**

A screen on all sides consisting of upright arborvitae planted no more than three (3) feet apart with a six (6) foot starting height. The Planning Commission may approve a substitution of other evergreen trees or shrubs, provided that the substitute plant material will completely screen the facility.

b) **Street trees.**

A greenbelt, consisting of one (1) deciduous tree for every thirty (30) feet of lot frontage on a public street, shall be provided to further screen and soften the view of the tower from adjacent public streets. The Planning Commission may waive or reduce this requirement upon finding that site conditions render such additional screening unnecessary or impracticable.

6. **Co-location**

Wireless communications facilities shall be designed, constructed and maintained in a manner that accommodates co-location of multiple antennae on a single tower.

B. **Antennas located on buildings:**

1. The principal use is a conforming use in the zoning district, and the building is a conforming structure in the district with a minimum height of forty (40) feet.

2. The antenna and support structure shall be permanently secured to the building, and shall be set back from the outermost vertical wall or parapet of the building a minimum distance equal to one hundred fifty percent (150%) of the height of the antenna and support structure. The antenna and support structure shall not exceed the height of the building by more than ten (10) feet.
3. The equipment enclosure shall be in a secured space inside the building, or may be located on the roof of the building, provided that the design is architecturally compatible with the building.

C. Amateur radio antennas

One such antenna, with a maximum height of sixty (60) feet and a minimum setback from all lot boundaries equal to one hundred (100) percent of its height, shall be permitted per lot. Such antennas shall be accessory to a primary structure on the same lot and shall be located in the rear yard of the lot.

D. Satellite dish antennas

One such antenna, with a minimum setback from all lot boundaries equal to one hundred fifty (150) percent of the height of the antenna and support structure, shall be permitted per lot and shall be accessory to a primary structure on the lot. Such antennas shall be located in the side or rear yard of the lot or permanently installed upon the primary structure in a manner not visible from any public right-of-way.

E. Radio, Television and Other Communications Towers (Commercial and Public)

The following regulations shall apply to radio and television towers, microwave towers, and other communication antennae/towers:

1. **Setbacks**
Any such tower shall be set back from all property lines a minimum distance of fifty (50) feet greater than the height of the tower except in the case that the Planning Commission determines that a lesser setback is needed. The Planning Commission's determination shall be based upon engineering evidence provided by the applicant that the tower is self-collapsing. All guide wires, supports and anchors must adhere to district setback requirements.
2. **Fencing**
An open weave, eight (8) foot high chain link fence shall be constructed around the entire perimeter.
3. **State and Federal Regulations**
Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
4. **Location**
Such towers shall be permitted in the I-1 and I-2 Districts only.
5. **Landscaping**
The base of such towers shall be landscaped for screening in accordance with Article 19.00.

Section 24.07 Criteria for Approval

Construction, installation, replacement, co-location, alteration or enlargement of wireless communication facilities shall only be approved upon determination that all of the following conditions have been satisfied:

- A. **Operating requirements**
The petitioner shall demonstrate that operating requirements necessitate locating within the Township and the general area, and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.
- B. **Engineering requirements**
The petitioner shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.
- C. **Impact on adjacent uses**
Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas and public rights-of-way will not be adversely impacted by the location of the wireless communications facility.
- D. **Site characteristics**
Topography, vegetation, surrounding land uses, zoning, adjacent existing structures and other inherent site characteristics are compatible with the installation of wireless communications facilities on the site.
- E. **Site design**
The design, lighting, color, construction materials, landscaping, fencing, screening and other design elements are in compliance with applicable provisions of this Article.

Section 24.08 Existing Towers and Antennas

Wireless communications facilities for which building permits have been properly issued prior to the effective date of this ordinance shall be allowed to continue, provided that such facilities are maintained in a structurally sound condition as determined by the Building Official, in accordance with approved plans, permits and conditions of approval, and in compliance with the General Requirements for All Wireless Communications Facilities as defined in this Article.

Section 24.09 Rescinding Approval of Wireless Communications Facilities

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, to provide information to the Township about the facility as required by this Article, or to maintain and operate the facility in compliance with approved plans, permits, conditions of approval or the General Requirements for All Wireless Communications Facilities as defined in this Article shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

- A. **Prior notice**
Ten (10) day advance notice of the Township's intent to rescind approval of the facility shall be provided to the owner, operator or leaseholder of the facility.

B. Public hearing

Such action may be taken only after a public hearing has been held before the Planning Commission. The owner, operator or leaseholder of the facility shall be given an opportunity at the hearing to present evidence in opposition to rescission.

C. Rescission

Subsequent to the hearing, the decision with regard to rescission shall be made by the Planning Commission. Written notification of the decision shall be provided to said owner, operator or leaseholder of the facility.

Section 24.10 Removal of Abandoned, Illegal and Obsolete Wireless Communications Facilities

Abandoned wireless communications facilities, or facilities for which Township approval has been rescinded, shall be removed by the owner or operator within ninety (90) days of receipt of notice from the Township requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the Township to seek court approval for such removal at the expense of the facility owner or operator.

ARTICLE 25.00

PERFORMANCE STANDARDS

Section 25.01 Scope

After the effective date of this Ordinance, any use established or change to, and any buildings, structure, or tract of land developed, construed or used for, any permitted principal or accessory use shall comply with all of the performance standards herein set forth for the district involved. If any existing use or building or other structure is extended, enlarged, moved, structurally altered or reconstructed, or any existing use of land is enlarged or moved, the performance standards for the district involved shall apply with respect to such extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof, and with respect to land use which is enlarged or moved.

Section 25.02 Procedure for Determination of Compliance

The purpose of these procedures is to insure that an objective, unbiased determination is made in those cases where there may be substantial doubt as to whether an individual use or group of uses complies with the Performance Standards of this Ordinance, and to formulate practical ways for the alleviation of such non-compliance.

- A. Subsequent to a preliminary study of the performance characteristics of an existing or proposed use, the Building Official shall make a determination as to whether there exists reasonable grounds to believe that the use in question may violate the performance standards set forth in this Article and may initiate an official investigation.

- B. Following the initiation of an official investigation, the Building Official is hereby empowered to require the owner or operator of the use in question to submit such data and evidence as he may deem essential to his making an objective determination. Failure to submit data required by the Building Official shall constitute grounds for denying a permit for that use of land. The evidence may include, but is not limited to, the following items:
 - 1. Plans of the existing or proposed construction and development.
 - 2. A description of the existing or proposed machinery, process and products.
 - 3. Specifications for the mechanisms and techniques used or proposed to be used in restricting the possible emission of any of the dangerous and objectionable elements as set forth in this Article.
 - 4. Measurements of the amount or rate of emission of said objectionable elements
 - 5. Where determinations can reasonably be made by the Building Official or other Township official, using equipment and personnel normally available to the Township or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
 - 6. Where determination of a violation is made, the Building Official shall take or cause to be taken lawful action as provided by this Ordinance to eliminate such violation. Failure to obey lawful orders concerning cessation of violation shall be punishable as provided in this Ordinance.

7. Where determination of violation of performance standards will likely entail the use of highly skilled personnel and expensive or unusual instrumentation not ordinarily available to the Township and when, in the considered judgment of the Building Official a violation exists, the procedure will be as follows:
- a) **Notice** The Building Official shall give written notice, by certified mail (return receipt requested, or by posting the premises, or by other means insuring a signed receipt for such notice, or by personally serving such written notice) to those owners or operators of subject use deemed responsible for the alleged violations. Such notice shall describe the particulars of the alleged violation and the reasons why the Building Official believes there is a violation in fact, and shall require an answer or a correction of the alleged violation to his satisfaction within a reasonable time limit set by him. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Building Official within the time limited set constitutes admission of violation. The notice shall further state that upon request of those to whom it is directed, technical determinations as described in the appropriate portions of this Ordinance will be made, and that if the violation as alleged is found to exist in fact, costs of determinations will be charged against those responsible in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists, than the costs of this determination will be paid by the Township.
 - b) **Correction of Violation Within Time Limit** If, within the time limit set, there is no reply but the alleged violation is corrected to the satisfaction of the Building Official, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his records, taking such other action as may be warranted by the circumstances of the case.
 - c) **No Correction; No Reply** If there is no reply within the time limit set above, and the alleged violation is not corrected to the satisfaction of the Building Official within the time limit set, he shall take or cause to be taken such action as warranted by continuation of an admitted violation after notice to cease.
 - d) **Reply Requesting Extension of Time** If a reply is received within the time limit set indicating that an alleged violation will be corrected to the satisfaction of the Building Official, but that more time is required than was granted by the original notice, the Building Official may grant an extension of time, if he deems such extension is warranted in the circumstances in the case, and if such extension will not, in his opinion, cause imminent peril to life, health, or property. In acting on such requests for extension of time, he shall in writing state his reasons for granting or refusing to grant the extension and shall transmit the same by certified mail (return receipt requested or other means insuring a signed receipt) as provided above, to those to whom the original notice was sent.
 - e) **Reply Requesting Technical Determination** If a reply is received within the time limit set requesting technical determinations as described in the appropriate provisions of this Ordinance and if the alleged violations continue, the Building Official may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards do exist in fact, the costs of the determinations shall be paid by the persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of this Ordinance. If no substantive violation is found, costs of the determination shall be paid by the Township.

- f) If, after the conclusion of the time granted for compliance with the performance standards, the Building Official finds the violation is still in existence, any permits previously issued shall be void and the operator shall be required to cease operation until the violation is remedied.

Section 25.03 Appeals

The Building Official's action with respect to the performance standards procedure may be appealed to the Zoning Board of Appeals within thirty (30) days following said action. In the absence of such appeal, the Building Official's determination shall be final.

Section 25.04 Performance Standards

Any use established in any zoning district shall not be permitted to carry out any activity or operation or use of land, building or equipment that produces an irritant to the sensory perceptions greater than the standard measures for safeguarding human safety and welfare.

A. NOISE

No operation or activity shall be carried out in such a manner to cause or create measurable noise levels exceeding the maximum sound pressure levels prescribed below, as measured on or beyond the property line of the operation or activity.

**TABLE A
MAXIMUM PERMITTED SOUND PRESSURE LEVELS IN DECIBELS
(Pre-1960 Octave Bands American Standards Association, Z24)**

Octave Band (Cycles Per Second*)	Commercial and Light Industrial Districts		General Industrial Districts	
	Day**	Night**	Day**	Night**
00 to 74	76db	70db	84db	76db
75 to 149	70	62	78	70
150 to 299	64	56	72	64
300 to 599	57	49	65	57
600 to 1,199	51	44	59	51
1,200 to 2,399	45	39	53	45
2,400 to 4,799	38	33	46	38
4,800 to and above	36	31	44	36

* Sound level meter set on the "C" or "flat" scale, slow response.

** Day: 7:00 a.m. to 9:00 p.m.
Night: Between 9:00 p.m. and 7:00 a.m.

A sound level meter and an octave band analyzer shall be used to measure the level and frequency of the sound or noise during the day and/or the night. The measuring equipment and measurement procedures shall conform to the latest ANSI specification on acoustics. The sound level meter and octave band

analyzer shall be calibrated before and after the measurements. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer; and the measurements so obtained may be permitted to exceed the maximum levels provided in Tables A or B by no more than five (5) decibels. For purposes of this Ordinance, impact noises shall be considered to be those noises whose peak values are more than seven (7) decibels higher than the values indicated on the sound level meter.

For some post-1960 manufactured instruments, the octave bands mentioned above have been converted to the new Preferred Frequencies as established by the American Standards Association. To accommodate the possible use of either type of instrumentation, the preceding table is repeated below, again in decibels, with the conversion to Preferred Frequencies already accomplished. Care must be exercised to assure the proper correlation between instruments and tables used in measuring performance.

**TABLE B
MAXIMUM PERMITTED SOUND PRESSURE LEVELS IN DECIBELS
(Pre-1960 Octave Bands American Standards Association, Z24)**

Octave Band (Cycles Per Second*)	Commercial and Light Industrial Districts		General Industrial Districts	
	Day **	Night **	Day **	Night **
31.5	77db	72db	85db	77db
63	73	68	80	73
125	67	62	75	67
250	62	57	70	62
500	55	50	65	55
1,000	51	46	60	51
2,000	44	39	50	44
4,000	37	32	45	37
8,000	33	28	40	33

* Sound level meter set on the "C" or "flat" scale, slow response.

** Day: 7:00 a.m. to 9:00 p.m.
Night: Between 9:00 p.m. and 7:00 a.m.

Where street traffic noises directly adjacent to the boundary line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the tables but may not exceed the level of the subject adjacent street traffic noises. For those areas in which the existing background noise levels exceed maximum permitted levels, the noise levels at the boundary line may not exceed the background noise levels. In such cases, a study shall be made to determine the character of the background noise to include sources, levels and duration.

Sounds of an intermittent nature or characterized by pure tones may be a source of complaints even if the measured level does not exceed that specified. In such cases, the complaints shall be investigated to determine the nature of and justification for the complaint and possible corrective action. If the

complaints are not resolved within sixty (60) days, the Building Official may then proceed to take steps to enforce the terms of the Zoning Ordinance in accordance with the remedies provided herein.

Application for variance from the sound level provisions may be submitted to the Board of Appeals. In such cases, the owner or operator of equipment on the property in the specific district shall submit a statement regarding the effects of noise from his equipment on the noise levels in the surrounding area. This statement will include a study of background noise levels, predicted levels at the boundary lines due to equipment operation and justification for the variance. The requests for variance will be reviewed by the Board of Appeals and granted where unnecessary hardship would otherwise be imposed upon the applicant and where no basic injury to the surrounding area will result. The Board of Appeals may impose conditions of operation in granting a variance.

B. DUST, SOOT, DIRT, FLY ASH AND PRODUCTS OF WIND EROSION

The regulation of smoke, dust, soot, dirt, fly ash and products of wind erosion shall be subject in all respects to the State of Michigan Air Pollution Control Act.

C. VIBRATION

Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified below, as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer.

For purposes of this Ordinance, steady state vibrations are vibrations that are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

Between the hours of 9:00 p.m. and 7:00 a.m. all of the above maximum vibration levels, as measured on or beyond the boundary line of residentially used areas adjacent to a Commercial or Industrial District, shall be reduced to one-half (½) the indicated permissible values.

**TABLE C
MAXIMUM PERMITTED STEADY STATE VIBRATION IN INCHES**

Frequency (Cycles Per Second)	
10 and below	0.001
10 to 19	0.0008
20 to 29	0.0005
30 to 39	0.0003
40 and above	0.0001

**TABLE D
MAXIMUM PERMITTED STEADY STATE VIBRATION IN INCHES**

Frequency (Cycles Per Second)	
10 and below	0.002
10 to 19	0.0015
20 to 29	0.001
30 to 39	0.0005
40 and above	0.0002

D. ODOR

The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ration of one (1) volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines is prohibited.

E. GLARE AND HEAT

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines, except during the period of construction of the facilities to be used and occupied.

F. FIRE AND SAFETY HAZARDS

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all regulations of the Township and with all State rules and regulations, and regulations as established by the Fire Protection Act, Act 207, Public Acts of 1941, as amended. Further, all storage tanks for flammable liquid materials above ground shall be located at least one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other types of retaining wall which will contain the total capacity of all tanks so enclosed.

Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greater depth to the bottom of the buried tank.

G. SEWAGE WASTES

All wastewater within the Township must meet the standards and requirements of Township Ordinance No. 116, Charter Township of Bangor Regional Wastewater System Use Ordinance.

H. LIGHT

Exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential district boundary or public thoroughfare and shall be so arranged to reflect light away from any residential use or public thoroughfare and meet the standards of Section 19.08. In no case shall more than one (1) footcandle power of light cross a lot line five (5) feet above the ground into a Residential District. Illumination levels shall be measured with a footcandle meter or sensitive photometer and expressed footcandles.

I. GASES

The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. SO₂ gas, as measured at the property line at ground evaluation, shall not exceed .03 p.p.m., H₂S likewise shall not exceed 1 p.p.m., Fluorine shall not exceed 0.1 p.p.m.,

Nitrous fumes shall not exceed 5 p.p.m., and Carbon Monoxide shall not exceed fifteen (15) p.p.m.; all as measured as the average intensity during any two (2) hour sampling period.

J. ELECTROMAGNETIC RADIATION

Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance.

K. DRIFTED AND AIR-BORNE MATTER, GENERAL

The drifting of air-borne transmission beyond the lot line of dust, particles or debris from any open stock pile shall be unlawful and shall be summarily caused to be abated.

ARTICLE 26.00

NONCONFORMING USES AND STRUCTURES

Section 26.01 Nonconforming Uses

Any lawful nonconforming use existing at the time of passage of this Ordinance or any prior ordinance may be continued, provided, however, that except in the case of dwellings, the building or the lot or land involved shall neither be structurally altered, nor enlarged unless such revised structure shall conform to the provisions of this Ordinance for the district in which it is located. Provided further, that this Section shall not prohibit structural alterations required by law.

Section 26.02 Record Of Nonconforming Uses

Within ninety (90) days following official notification by the Township of each property owner of this Ordinance, or any amendments thereto, each nonconforming user of land, buildings, or land and buildings in combination may file with the Building Inspector a statement of the nature and extent of his nonconforming use. Said statement shall contain the names and addresses of owners and occupants of premises in nonconforming use; the legal description of the land in such use; description of buildings, structures or vehicular units in said nonconforming use; and the specific nature of the nonconforming use. The Building Inspector shall be the recipient of said record and be responsible for making copies of the record, which shall be filed in the office of the Township Clerk as part of the Township records.

Section 26.03 Forfeiture Of Right To Continue Nonconforming Use

- A. The statement of the nature of nonconforming use as described in Section 26.02 shall be evidence of intent to continue such use.
- B. When nonconforming use of property is abandoned, thereafter no right shall exist to maintain on said property a nonconforming use. No nonconforming use, if changed to a use permitted in the district in which it is located, shall be resumed or changed back to a nonconforming use.

Section 26.04 Classification Of Nonconforming Uses

It is recognized that different types of nonconforming uses bear different types of characteristics. Described herein is the classification system and pertinent characteristics for classifications. This Section establishes Class "A" and Class "B" nonconforming uses.

- A. Class "A" nonconforming uses shall have the following characteristics:
 - 1. The nonconforming use shall not be a nonresidential use in a residential district.
 - 2. The use does not adversely affect the public health, safety and welfare.
 - 3. The use does not nor will not depress the value of adjacent conforming use property.
 - 4. The use does not adversely affect the purposes of the district in which it is located.
 - 5. No useful purpose would be served by the strict application of the provisions or requirements of this Ordinance with which the use does not conform.

- B. Class "B" nonconforming uses shall be all those uses that are not classified as Class "A" nonconforming uses.
- C. The Planning Commission shall have the sole authority to determine the appropriate classification of a nonconforming use. The Zoning Board of Appeals shall consider those items indicated in Section 26.04.A in determining the appropriate classification of a nonconforming use.

Section 26.05 Application Procedures For Classifications Of Nonconforming Uses

- A. The property owner or designated representative of the owner may apply for classification of a nonconforming use by following the procedure described below:
 - 1. The applicant shall request in a written communication to the Office of the Township Clerk that they be placed on an agenda of the Planning Commission for determination of classification of a nonconforming use. The request shall include all of the information described in this Section. The applicant shall pay the appropriate fee as established by the Township at the time of submission of such request.
 - 2. The applicant shall state their name, address and telephone number.
 - 3. The applicant shall state the legal description of the subject property.
 - 4. The present use of the property shall be described.
 - 5. The type of desired classification, either Class "A" or Class "B", shall be indicated.
 - 6. Any other information requested by the Planning Commission shall be provided.

Section 26.06 Regulations Governing Class "A" Nonconforming Uses

Class "A" nonconforming uses shall be regulated by the provisions of this Article in addition to other applicable provisions of this Ordinance not in conflict with the intent of this Section.

- A. If the structure housing such Class "A" nonconforming use is damaged, reconstruction may take place provided that the actual expense of reconstruction shall not exceed eighty percent (80%) of the fair market value of the structure. The fair market value shall be based on the estimated valuation of the structure prior to the damage occurring. Such reconstruction may take place only with the approval of the Zoning Board of Appeals and in full compliance with the provisions of this Ordinance.
- B. The structure housing such nonconforming use may be enlarged or altered provided that such alteration is approved by the Planning Commission in accordance with Article 18.00.
- C. Minor repairs and normal maintenance of the nonconforming use shall be permitted with applicable permits.
- D. The nonconforming use shall be discontinued if it is abandoned.

Section 26.07 Regulations Governing Class "B" Nonconforming Uses

- A. Class "B" nonconforming uses shall be regulated by the provisions of this Article in addition to other

applicable provisions of this Ordinance where such additional provisions are not in conflict with the intent of this Section.

- B. If the structure housing such Class "B" nonconforming use is damaged, reconstruction may take place provided that the actual expense for such reconstruction shall not exceed fifty (50) percent of the fair market value of the structure. The fair market value shall be based on the estimated valuation of the structure prior to the damage occurring. Such reconstruction may take place only with the approval of the Zoning Board of Appeals and in full compliance with the provisions of this Ordinance.
- C. No structure housing such nonconforming use may be altered or enlarged in any way that increases the nonconforming character of the use. Any structure or portion thereof housing such nonconforming use may be altered upon Planning Commission approval in compliance with Article 18.00 of this Ordinance provided that such alteration shall serve to decrease the nonconforming nature of the use.
- D. Repair and normal maintenance work may be performed on Class "B" nonconforming use structures provided that such work shall only be performed on fixtures, wiring or plumbing and may include the replacement of nonbearing walls. The expense involved for such repairs or maintenance may not exceed fifty (50) percent of the State Equalized Valuation of the structure. The cubic content of the structure as it existed at the time of adoption of this Ordinance shall not be increased during the performance of repairs or maintenance.
- E. The nonconforming use shall be discontinued if it is abandoned.

Section 26.08 Revocation of Classification Designation

The Planning Commission shall revoke, upon notice to the property owner, the classification of a classified nonconforming property upon a finding that, as a result of any change of conditions or circumstances, the use no longer qualifies for the classification designation.

Section 26.09 Change of Nonconforming Use

A nonconforming use may not be changed to another nonconforming use, except as otherwise permitted in this Article. Whenever a nonconforming use has been changed to a conforming use, or to a use of greater restriction, it shall not thereafter be changed to a nonconforming use or a nonconforming use of lesser restriction.

Section 26.10 Elimination of Nonconforming Uses

In order to accomplish the elimination of nonconforming uses which constitute a nuisance or are detrimental to the public health, safety and welfare, the Township of Bangor, pursuant to Section 208(3) of 2006 P.A. 110, as amended, known as the Michigan Zoning Enabling Act, may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses. (amended 9/12/06)

Section 26.11 Nonconforming Lots of Record

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

A. Use of Nonconforming Lots

Any nonconforming lot shall be used only for a use permitted in the district in which it is located. Notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be erected on any single lawfully-created lot of record in existence at the effective date of adoption or amendment thereto, unless such use has been restricted by a prior affidavit recorded with the Bay County Register of Deeds or as evidenced in the records of the Township. This provision shall apply even though such lot fails to meet the requirements for area, and/or width and/or road frontage, provided that the lot can be developed in compliance with other dimensional requirements (such as setback requirements) without any significant adverse impact on surrounding properties or the public health, safety, and welfare.

B. Variance from Area and Bulk Requirements

If the use of nonconforming building requires a variance from the area or bulk requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.

C. Nonconforming Lots in Single Family Dwelling Districts

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lots fail to meet the requirements for area and width, or both, generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulation for the district in which the lot is located.

D. Nonconforming Contiguous Lots Under the Same Ownership

If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual, undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing home.

Section 26.12 Nonconforming Structures

A. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such conforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 26.13 Nonconforming Uses of Land

- A. Where at the time of passage of this Ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful provided:
1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
 2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment to this Ordinance.
 3. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

Section 26.14 Nonconforming Uses of Structures

- A. If lawful use involving individual structures with premises in combination, exists at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 2. Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
 3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use of greater restriction, it shall not thereafter be changed to a nonconforming use or a nonconforming use of lesser restriction.
 4. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the entire structure shall eliminate the nonconforming status of the land.

Section 26.15 Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty (20) percent of the current assessed value of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or

unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulation of the district in which it is located.

In any residential district if any principal structure is nonconforming because of being too close to a side yard line, it may be extended or enlarged provided that the addition does not extend further into the required yard than the existing structure line and that it is not extended into any other required yard.

Section 26.16 District Boundary Changes

Ordinarily, when district boundaries shall hereafter be changed, any nonconforming use may still be continued but subject to all other provisions of this Ordinance. However, if a property owner voluntarily petitions for rezoning of his property on which there exists a land use or structure which would not be permitted in the proposed new zoning district for said property, then said nonconforming land use or structure shall not retain its legal nonconforming status and shall be removed or discontinued within six (6) months after the said rezoning has become effective.

Section 26.17 Nonconforming Use of Manufactured Homes

- A. It is hereby provided that as of the effective date of this Ordinance that any manufactured home not in compliance with the provisions of this Ordinance shall be deemed a legal nonconforming use. Said manufactured home may not be thereafter moved onto or used upon the premises, in the event of any one (1) or more of the following conditions pertaining to the home or premises occurs
1. If said manufactured home is removed from the lot, parcel or tract of land on which it has been located.
 2. If said manufactured home is not connected with fresh water supply and septic tank/drain field sewerage system prior to or on the effective date of this Ordinance.

Section 26.18 Valid Nonconforming Use of Manufactured Homes

The use of any manufactured home placed on a lot, parcel or tract of land in the Township prior to the effective date of this Ordinance, which use is prohibited by this Ordinance, may be continued, subject to the provisions identified herein.

ARTICLE 27.00

**INTERPRETATION, SEVERABILITY, PENALTIES,
AMENDMENTS, RIGHTS, REMEDIES, GENERAL RESPONSIBILITY, ENACTMENT
AND EFFECTIVE DATE**

Section 27.01 Interpretation

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. Where this Ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits, the provisions of this Ordinance shall control. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 27.02 Severability

This Ordinance and the various parts, sections, subsections, phrases and clause thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance, and each section, subsection, phrase, sentence and clause thereof, irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses be declared invalid.

Section 27.03 Violation and Penalty

Any person, firm, or corporation, including, but not by way of limitation, builders and contractors who shall violate, neglect, or refuse to comply with or who resists the enforcement of any of the provisions of this Ordinance or conditions of the Board of Appeals or Township Board adopted pursuant thereto, or conviction thereof, shall be punished by issuing a municipal civil infraction. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and mobile homes, used, erected, altered, razed, or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The Court may order such nuisance abated and the owner or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home, or land may be determined guilty of maintaining a nuisance per se, and the nuisance may be abated by order of any court of competent jurisdiction. *(Amended by Ordinance #397, effective 08/17/22)*

Section 27.04 Amendments to this Ordinance

The Township Board may, upon recommendation from the Planning Commission, amend, supplement or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in 2006 P.A. 110, as amended, known as the Michigan Zoning Enabling Act. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee-holder owner of the premises concerned or the fee-holder owner shall also subscribe to his petition and shall submit a petition for rezoning to

the Township in accordance with the provisions of Section 18.05 of this Ordinance. Any applicant desiring a change in the text of this Ordinance shall submit a proposed text amendment in accordance with the provision so Section 18.05 of this Ordinance. *(Amended by Ordinance #310, effective 09/21/06)*

Section 27.05 Rights and Remedies

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 27.06 General Responsibility

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing this Zoning Ordinance and said Board is hereby empowered to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court, or any other court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation. It is further provided that any person aggrieved or adversely affected by such a noncompliance or violation may institute suit or join the Township Board in such a suit to abate the same.

Section 27.07 Enactment and Effective Date

The foregoing Zoning Ordinance and Zoning Map were adopted at a regular meeting of the Charter Township of Bangor Board of Trustees, on November 8, 2005, after approval of the same by the Bangor Township Planning Commission following a public hearing on September 28, 2005. The Zoning Ordinance was ordered published in a newspaper having general circulation in Bangor Township, Michigan and said Zoning Ordinance shall become effective immediately upon the date of such publication.

Adopted: 11/08/05

Effective: 11/17/05