

Zoning Ordinance

Ordinance No. 79

Effective Date: June 29, 2018

Frankenlust Township
Bay County, Michigan

ACKNOWLEDGMENTS

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NOTICE OF ADOPTION

ARTICLE 1.0

TITLE, PURPOSES, AND ENABLING AUTHORITY

Section 1.01 Title.

This Ordinance shall be known and may be cited as the Frankenlust Township Zoning Ordinance, and shall be referred to herein as "this Ordinance."

Section 1.02 Enabling Authority.

This Ordinance has been prepared for and adopted by the Frankenlust Township Board of Trustees under the authority of the Michigan Zoning Enabling Act, following compliance with all procedures required by this Act.

Section 1.03 Purposes.

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and structures, and for all other purposes described in Section 201 and 203 of the Michigan Zoning Enabling Act. This Ordinance is based on the Township's Master Plan, and is intended to carry out the objectives of the plan. This Ordinance has further been established for the purposes of:

1. Promoting and protecting the public health, safety and general welfare;
2. Protecting the character and the stability of the agricultural, recreational, residential, commercial and industrial areas within the Township and promoting the orderly and beneficial development of such areas;
3. Providing adequate light, air, privacy and convenience of access to property;
4. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
5. Lessening and avoiding congestion on the public highways and streets;
6. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth;
7. Promoting healthful surroundings for family life in residential and rural areas;
8. Fixing reasonable standards to which buildings and structures shall conform and prohibiting land uses and improvements that are incompatible with the character or permitted land uses and structures of the zoning districts;
9. Preventing such additions to or alteration or remodeling of existing structures in such a way as to avoid the regulations and limitations imposed hereunder;
10. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety and general welfare;

11. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
12. Conserving the taxable value of land, buildings, and structures throughout the unincorporated portions of the Township;
13. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses;
14. Creating a Board of Appeals and defining the powers and duties thereof;
15. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance; and
16. Providing for the payment of fees for zoning permits and approvals, and for penalties for the violation of this Ordinance.

Section 1.04 Scope.

The standards and regulations of this Ordinance shall apply to all land, structures, uses, and land development projects established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established, changed or commenced, nor any structure constructed, altered, or extended, except in compliance with this Ordinance.

1. **Minimum requirements.** The provisions of this Ordinance shall be held to be the minimum required for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land, buildings, structures, or uses throughout each zoning district. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted rules, regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern.
2. **Relationship to other ordinances or agreements.** This Ordinance is not intended to repeal or annul any ordinance, rule, regulation or permit previously adopted, issued, or entered into and not in conflict with this Ordinance.
3. **Unlawful uses, structures, and other site improvements.** A use, structure or other site improvement not lawfully existing prior to adoption of this Ordinance shall not be made lawful by adoption of this Ordinance.
4. **Vested right.** Nothing in this Ordinance shall 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. 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, protection or promotion of the public health, safety, convenience, comfort or general welfare.

Section 1.05 Adoption.

This Ordinance was adopted by the Frankenlust Township Board of Trustees following compliance with all procedures required by the Michigan Zoning Enabling Act, at its regular meeting duly held on the tenth day of December, 2013, and ordered to be given publication in the manner prescribed by law.

Section 1.06 Effective Date.

This Ordinance is hereby declared to be effective as of the first day of January, 2014, pursuant to the notice of adoption required under the Michigan Zoning Enabling Act. This Ordinance shall remain in full force and effect from this date forward unless repealed.

Section 1.07 Severability.

Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the section or provision so declared to be unconstitutional or invalid. Should any court of competent jurisdiction declare the application of any provision of this Ordinance to any lot, structure, or use to be unconstitutional or invalid, such declaration shall not affect the application of said provision to any other lot, structure, or use not specifically included in said judgment.

Section 1.08 Repeal of Previous Ordinances.

All previous zoning ordinances adopted by the Frankenlust Township Board of Trustees, and all amendments thereto, are hereby repealed as of the effective date of this Ordinance, together with all other ordinances, or parts thereof, that conflict with this Ordinance. However, no offense committed nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired.

Any prosecution pending at the time this Ordinance becomes effective may be tried and determined exactly as if such ordinance has not been repealed. Any prosecution started within 365 calendar days after the effective date of this Ordinance in consequence of any violation of any ordinance repealed herein, which was committed previous to the effective date of this Ordinance, may be tried and determined exactly as if such ordinance has not been repealed.

Section 1.09 Conflict With Other Laws.

Where any condition imposed by any provision of this Ordinance upon the use of any lot or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern. This Ordinance is not intended to abrogate or annul any easement, covenant, deed restriction or any other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, deed restriction or any other private agreement, the provision of this Ordinance shall govern.

Effective Date: January 1, 2014

**Article 1.0
Title, Purposes, and Enabling Authority**

ARTICLE 2.0 ADMINISTRATION AND ENFORCEMENT

Section 2.01 Compliance Required.

No structure, site or part thereof shall be constructed, altered or maintained and no use of any structure or land shall be established, maintained, altered or expanded except in conformity with this Ordinance.

Section 2.02 Authority, Duties, and Responsibilities.

The purpose of this Section is to set forth the specific duties, responsibilities, and scope of authority of the boards, commissions, and officials charged with administering, implementing, and enforcing the provisions of this Ordinance, as follows:

A. Township Board Authority and Responsibilities.

The Township Board shall have the ultimate responsibility for administrative oversight and enforcement of this Ordinance, and shall further have the following responsibilities and authority pursuant to this Ordinance:

1. **Adoption of this Ordinance and any amendments.** In accordance with the intent and purpose of this Ordinance, and the authority conferred by the Michigan Zoning Enabling Act, the Township Board shall have the authority to adopt this Ordinance and Official Zoning Map, as well as any subsequent amendments considered in accordance with Article 24.0 (Amendments).
2. **Approval of planned unit development (PUD) projects.** Township Board approval shall be required for establishment of planned unit developments, in accordance with Article 20.0 (Planned Unit Development District).
3. **Setting of fees.** The Township Board shall have the authority to set fees for all applications for approvals required under this Ordinance to defray costs and expenses incurred in processing such applications.
4. **Appointment, oversight, and removal of zoning officials.** The Township Board shall appoint a Zoning Administrator and any other ordinance enforcement officials deemed necessary to act as the officer(s) for the proper administration and enforcement of this Ordinance.
 - a. Duties and responsibilities of the Zoning Administrator may be vested in one (1) person, divided among two (2) or more persons or delegated to designated Township consultants as the Township Board may determine.
 - b. The Township Board shall appoint the Zoning Administrator and any other zoning enforcement officials for such term, rate of compensation, and employment conditions as the Board shall determine.
 - c. The Township Board may remove the Zoning Administrator and any other zoning enforcement official from office in accordance with such employment terms and conditions as the Board shall determine.

B. Planning Commission Authority and Responsibilities.

The Planning Commission shall have the authority and responsibilities as specified in as specified in Article 15.0 (Planning Commission).

C. Zoning Board of Appeals Authority and Responsibilities.

The Zoning Board of Appeals shall have the authority and responsibilities as specified in Article 23.0 (Zoning Board of Appeals).

D. Township Clerk Authority and Responsibilities.

The Township Clerk or duly authorized agent(s) shall ensure that all notices required by these regulations are published and distributed in accordance with this Ordinance and the Michigan Zoning Enabling Act, and ensure that a record is kept of such notices; shall maintain official records and file all minutes and documents in an orderly fashion, and shall perform other related duties required to administer these regulations.

E. Zoning Administrator Duties and Responsibilities.

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, and any other ordinance enforcement officials as designated and authorized by the Township Board. The Zoning Administrator shall have the following duties and responsibilities:

1. The Zoning Administrator shall interpret all provisions of this Ordinance in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purposes of this Ordinance and the Township's Master Plan. Such interpretations shall be subject to appeal to the Zoning Board of Appeals by an aggrieved party per Section 23.06 (Interpretations).
2. The Zoning Administrator shall administer and enforce this Ordinance precisely as written, and shall not modify, vary or ignore the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation.
3. The Zoning Administrator shall have the authority to receive applications for and issue zoning permits in compliance with this Ordinance.
 - a. It shall be unlawful for the Zoning Administrator to approve any plan, issue any zoning permit, or grant any approval authorized by this Ordinance except in conformance to all applicable Ordinance provisions.
 - b. The Zoning Administrator shall not refuse to approve a zoning permit upon determination that the applicant has complied with all conditions imposed by this Ordinance, despite violations of private contracts, covenants or agreements that may result from work performed or improvements made under the approved permit or certificate.
 - c. The Zoning Administrator shall issue all necessary notices or orders to ensure compliance with these provisions.
4. The Zoning Administrator may engage the assistance of the Township Attorney, Township Planner, and other designated consultants or experts as needed, with Township Board authorization.

5. The Zoning Administrator shall have the authority to initiate investigations into alleged violations of this Ordinance, investigate complaints of such violations, issue warnings and citations, and make inspections of buildings or premises necessary to carry out administration and enforcement of this Ordinance.
 - a. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he or she shall promptly notify the person(s) responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
 - b. The Zoning Administrator shall order the discontinuance of unlawful uses of land or structures, removal of unlawful structures or alterations, discontinuance of work performed in violation of this Ordinance, and shall take such action(s) authorized by this Ordinance to ensure compliance with or prevent violation of Ordinance provisions.
6. The Zoning Administrator shall keep official records of applications, permits, fees collected, inspection reports, and notices and orders issued.
7. The Zoning Administrator shall submit to the Township Board periodic reports, as directed by the Township Board, summarizing the activities of his or her office.
8. The Zoning Administrator shall provide citizens and public officials with information relative to these regulations and related matters, and shall assist applicants in completing forms and following zoning approval procedures.

F. Township Planner Responsibilities.

The Township may employ a Township Planner, who may be a member of Township staff; or a person, firm or organization retained on a consulting basis. In addition to specific responsibilities outlined elsewhere in these regulations and upon request from the Township Board, Planning Commission or other authorized Township body or official, the Township Planner may fulfill following responsibilities:

1. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of applicable Township ordinances and state statutes.
2. Advise and assist the Township Board, Planning Commission, Zoning Board of Appeals, and other authorized Township bodies or officials; and be responsible for carrying out the directives of the Planning Commission.
3. Provide citizens and public officials with information relative to these regulations and related matters.
4. Review applications for zoning or development approval, administrative appeals, variances, and take any action required under these regulations.
5. At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township.

6. Prepare and facilitate regular training workshops and/or educational materials for Township officials, boards, and commissions on planning and zoning topics.
7. Perform other related duties, as authorized, to administer these regulations.

Section 2.03 Zoning Permits.

No structure or site shall be used, erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a zoning permit from the Township. No zoning permit shall be issued to erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in full conformance with this Ordinance. Failure to obtain a zoning permit shall be a violation of this Ordinance subject to the provisions of Section 2.09 (Violations and Penalties). Review and approval of zoning permits shall be subject to the following:

A. Application.

Applications for zoning permits shall be made to the Zoning Administrator, and shall include any required fee as established by the Township Board. Each application shall include a site plan or plot plan and all information necessary to verify zoning compliance.

1. Application for a zoning permit may be made either by the owner or the lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation.
2. If someone other than the owner submits the application, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the owner authorizes the proposed work or operation authorizes the applicant to make such application. The full names and addresses of the owner, lessee, applicant, and the responsible officers if the owner or lessee is a corporate body, shall be stated in the application.

B. When a Building Permit is Required.

All plans to be submitted to the Building Inspector for a building permit under the State Construction Code shall first be submitted for review and approval by the Zoning Administrator with respect to the requirements of this Ordinance. No building permit shall be issued unless a zoning permit has been issued by the Zoning Administrator for the same development and is in effect.

C. When a Building Permit is Not Required.

In all cases in which a certificate of occupancy is required but a building permit is not required, the certificate of occupancy shall not be issued unless a zoning permit has been issued by the Zoning Administrator and is in effect.

D. Nonconformities.

A zoning permit shall not be issued for any use or structure unless said use or structure and the subject lot meet all requirements of this Ordinance.

1. If one (1) or more legal nonconformities exist, as verified per the provisions of Article 21.0 (Nonconformities), a zoning permit may be issued for the use or structure and the lot on which such use or structure is situated. In such a case, the zoning permit shall clearly list each verified legal nonconformity and confirm

that it will not be enlarged, increased in intensity or otherwise altered in a way that increases the degree of nonconformity with Ordinance standards.

2. If one (1) or more unlawful uses, structures or site improvements are determined to exist, a zoning permit shall not be issued for any use or structure or the subject lot.

E. Amendments.

Subject to the limitations of Section 2.03G (Abandonment of Application), amendments to a zoning permit application or plan regulated by this Section may be filed at any time before completion of the work for which the zoning permit was approved, and before a certificate of occupancy is issued. Such amendments shall be deemed a part of the original application and shall be filed therewith.

F. Approval or Denial.

The Zoning Administrator shall examine or have cause to be examined all applications for a zoning permit and amendments thereto.

1. If the application or plans do not conform to all of the requirements of this Ordinance, the Zoning Administrator shall reject the application in writing, stating the reasons therefore, within 15 calendar days of filing.
2. If the application or plans do so conform, the Zoning Administrator shall issue a zoning permit within 15 calendar days of filing. The Zoning Administrator shall attach his or her signature to every zoning permit, or may authorize a subordinate to affix such signature. The Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such application as "Approved."

G. Abandonment of Application.

An application for a zoning permit shall be deemed to have been abandoned 365 calendar days after the date of filing, unless such application shall have been diligently pursued, or a building permit shall have been issued, or a certificate of occupancy shall have been issued for a use not requiring a building permit.

1. The Zoning Administrator may, for reasonable cause, grant one (1) or more extensions of time for additional periods not exceeding 90 calendar days each.
2. Any zoning permit issued shall become invalid if the authorized work is suspended or abandoned for a period of 365 calendar days after time of commencing work.

H. Revocation of a Zoning Permit.

If any false statement or misrepresentation of fact is made in the application or on the plans on which the zoning permit was based, the Zoning Administrator may revoke the zoning permit.

I. Site Plan or Plot Plan.

An application for a zoning permit shall conform to any approved final site plan required under this Ordinance. The Zoning Administrator may require that a copy of the

approved final site plan be submitted with the zoning permit application. If a site plan is not required under this Ordinance, two (2) copies of a plot plan, drawn to scale and containing the following information, shall be submitted:

1. Scale, date, and north point.
2. Location, shape, and dimension of the lot.
3. Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
4. A clear and complete description of existing and intended uses of all structures, existing or proposed.
5. Additional information as required by the Zoning Administrator for purposes of verifying compliance with this Ordinance.

J. Inspections.

It shall be the duty of the Zoning Administrator to inspect work performed under an approved zoning permit to verify Ordinance compliance. It shall be the duty of the holder of every zoning permit to notify the Township when the work subject to the zoning permit is ready for inspection. Upon determination that the work has not been completed in conformance with this Ordinance, the Zoning Administrator shall take action in accordance with Section 2.09 (Violations and Penalties) to correct the violation.

Section 2.04 Building Permits.

Issuance of a building permit under the State Construction Code shall not exempt a building permit holder from compliance with the requirements of this Ordinance. Any building permit required in accordance with the State Construction Code shall be in addition to any certificate(s) of zoning compliance required under this Ordinance. No building permit shall be issued for the erection, alteration, moving, or repair of any structure or part thereof that does not comply with all provisions of this Ordinance and all other Township ordinances, as confirmed by the Zoning Administrator through the lawful issuance of a zoning permit under this Ordinance.

Section 2.05 Certificates of Occupancy.

It shall be unlawful to use or occupy or permit the use or occupancy of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Building Inspector.

A. General Requirements

A certificate of occupancy shall not be issued until the Zoning Administrator confirmed compliance with all provisions of this Ordinance by signature or in writing to the Building Inspector. A certificate of occupancy shall not be issued for any structure or part thereof, or for use of land, which does not comply with all provisions of this Ordinance. Failure to obtain a certificate of occupancy and a written verification of zoning compliance when required shall be a violation of this Ordinance and shall be punishable in accordance with Section 2.09 (Violations and Penalties).

B. Application

Application for certificate of occupancy shall be made in writing to the Building Inspector in accordance with the State Construction Code enforced by the Township.

C. Certificates of Occupancy Required Under Building Code

Certificates of occupancy as required by the State Construction Code for new buildings or structures or parts thereof, or for alterations or repairs to existing buildings or structures, shall also constitute certificate of occupancy as required by this Ordinance, provided such certificates include written verification of zoning compliance from the Zoning Administrator.

Section 2.06 Records.

The Zoning Administrator shall, in cooperation with the Township Clerk, maintain records of all permits issued under this Ordinance. Such records shall be open for public inspection.

Section 2.07 Fees and Performance Guarantees.

The Township Board shall establish a fee schedule by resolution to defray fixed costs and expenses incurred by the Township to perform functions required under this Ordinance. The Township Board, Zoning Board of Appeals, Planning Commission, and Zoning Administrator may also require an applicant to deposit funds with the Township to defray anticipated variable costs and expenses incurred by the Township. No action shall be taken on any application or appeal until all applicable fees and escrow deposits have been accepted by the Township Treasurer.

A. Application Fees for Fixed Costs and Expenses.

Fixed costs and expenses for the processing of permits and applications for zoning, use, development or other approvals may be assessed as application fees, either as a nominal charge or based on a cost analysis. If based on cost analysis, the sums charged shall be periodically reviewed to ensure that cumulative charges reasonably reflect actual expenses and costs incurred by the Township.

1. Fees are non-refundable, even when the application is subsequently withdrawn by the applicant, but may be waived by the Township Board for good cause.
2. The application fee amount shall be established by Township Board resolution. The fee schedule shall be available for public viewing in the Township offices.
3. The amount is intended to cover the fixed costs and expenses associated with the review of the application, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and time spent by board or commission members.

B. Escrow Deposits for Variable Costs and Expenses.

The applicant may be required to deposit funds to defray anticipated variable costs and expenses incurred by the Township where input, study or review by a qualified professional planner, engineer, attorney or other professional is desired before a final decision is made. The amount of the escrow deposit shall be determined by the

Township, and at a minimum shall be equal to the higher of the amount established in the Township's adopted fee schedule for the type of application, or the Township's estimated cost for completion of final action on the application.

1. The Township Clerk shall manage the escrow, and the funds shall be deposited with the Township Treasurer before the cost or expense is incurred. The funds will not be deposited in an interest bearing account. The escrow deposit shall be held in the applicant's name and shall be used solely to defray these variable costs and expenses.
2. The applicant shall be regularly invoiced. The invoice shall show the date, sums credited and debited, and the manner in which the debit was computed, where appropriate. Upon request by the applicant, the Township shall provide copies of written reports and expense statements for the professional services rendered.
3. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or is otherwise determined by the Township to be insufficient to complete the application review process, then the Township may require the applicant to deposit additional funds into escrow in an amount equal to the Township's estimated cost for completion of final action on the application.
4. Failure of the applicant to make any escrow deposit required under this Section shall be deemed to make the application incomplete and procedurally defective, and shall constitute grounds for denial of the application.
5. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant, and shall be paid by the applicant prior to the issuance of any permit or other necessary Township approval action.

C. Performance Guarantees.

To ensure compliance with this Ordinance and faithful completion of required improvements, the Township Board, Planning Commission or Zoning Administrator may require that the applicant deposit with the Township Treasurer a financial guarantee to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be deposited prior to the start of work or issuance of any zoning permits, and shall be subject to the following:

1. The amount of the performance guarantee shall be established based on an estimate of the cost of completing of all required improvements prepared by the applicant and as approved by the designated Township consultants.
2. "Improvements" shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Township and future users of the project including, but not limited to roadways, parking, lighting, utilities, sidewalks, landscaping and screening, and drainage.
3. The form of the deposit shall be cash, certified check, bond, irrevocable bank letter of credit from a bank with offices in Michigan, or other surety acceptable to the Township Board.

4. Performance guarantees shall continue until the Zoning Administrator has determined that the conditions for release of the guarantee have been met.
5. As work progresses, the Township may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements. A minimum of ten percent (10%) of the guarantee shall be retained by the Township pending a successful final inspection by the Zoning Administrator of all required improvements.

Section 2.08 Compliance with Plans and Applications.

Zoning permits, building permits, and certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator and/or Building Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and shall be punishable as provided for in Section 2.09 (Violations and Penalties).

Section 2.09 Violations and Penalties.

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, alteration or demolition of any structure or site to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

A. Violation.

Failure to comply with any of the provisions of this Ordinance, or provisions of permits or certificates granted in accordance with this Ordinance shall constitute a violation subject to issuance of a municipal civil infraction or misdemeanor citation and other measures allowed by law.

1. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
2. For purposes of this Section, the term "subsequent offense" shall mean a violation of the provisions of this Ordinance committed by the same person within 365 calendar days of a previous violation of the same provision for which the person admitted responsibility or was found responsible by the court.
3. Each day that a violation is permitted to exist shall constitute a separate offense. Offenses committed on subsequent days within a period of seven (7) calendar days following the issuance of a citation for a first offense shall all be considered separate first offenses.

B. Correction Period and Stop Work Orders.

All violations shall be corrected within 30 days following the receipt of an order to correct from the Zoning Administrator or other ordinance enforcement official as

designated and authorized by the Township Board. The Zoning Administrator or other ordinance enforcement official may:

1. Grant an extension of up to 180 days upon determining that the additional time is necessary for correction.
2. Require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.
3. Issue a stop work order to halt all construction activities or usage pending the resolution of the alleged violation.

If the violation is not corrected within the time period specified by the Zoning Administrator or other ordinance enforcement official, or a stop work order is disregarded, the Zoning Administrator or other ordinance enforcement official shall notify the Township Board and request that appropriate legal action be taken by the Township Attorney to resolve the violation.

C. Penalties and Remedies.

A firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation who violates the provisions of this Ordinance by failing to comply with any of its provisions and requirements, including without limitation, violations of conditions and safeguards established in connection with variances, approved site plans, permits, certificates, or other authorizations under this Ordinance shall be subject to any or all of the following penalties and remedies:

1. **Violation as misdemeanor.** A violator shall be guilty of a misdemeanor and upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 90 calendar days, or both, and in addition, shall pay all costs and expenses involved in the case, including the cost of prosecution. Each day a violation continues shall be considered a separate offense. The imposition of any such fine or sentence shall not exempt the violator from compliance with this Ordinance.
2. **Violation as civil infraction.** The violator shall be responsible for a civil infraction for which the court may impose a civil fine of not less than \$100.00 nor no more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the Township has incurred in connection with the violation, including the Township's attorney fees. The imposition of any such fine shall not exempt the violator from compliance with this Ordinance.
3. **Injunctive relief.** The Township may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance.
 - a. In the event the Township commences civil suit pursuant to this Section and it is determined that a violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing provisions of this Ordinance.

- b. A petition for injunctive relief shall in no way relieve the violator of any and all criminal or civil liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the violator.
4. **Choice of remedy.** Decisions to charge a violator with a misdemeanor or a civil infraction or to seek injunctive relief to enjoin violations of the Ordinance, or any combination of these remedies, shall be at the sole discretion of the Township.

D. Public Nuisance Per Se.

Any structure which is erected, altered, or converted, or any use of any structure or lot which is established or altered in violation of any of the provisions of this Ordinance is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 2.10 Public Hearing Procedures.

A reasonable time and place shall be established for any public hearing required by or held under provisions of this Ordinance. A public hearing date, time, and location may be set by the Township Clerk or other designated Township official, or by the body charged with conducting the hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act and the following:

A. Public Notice.

Notice of the public hearing shall be required in accordance with the following:

1. **Minimum notice contents.** The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with conducting the hearing.
2. **Address of the property.** The notice shall indicate the property that is the subject of the request, and shall include a listing of all existing street addresses for the subject property.
 - a. Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used.
 - b. For any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, individual addresses shall not be required to be listed on the notice.
3. **Posting and publication.** The notice shall be posted at the location where the hearing will be held and published once in a newspaper of general circulation in the Township.

4. **Notification of the applicant and property owner.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which approval is being considered.

5. **Delivery of public notices.** The notice shall be sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to all occupants of structures within 300 feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.
 - a. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 - b. Delivery of such notices shall not be required for amendments to or interpretations of the text of this Ordinance, appeals of administrative decisions, and any group of eleven (11) or more adjacent lots or parcels proposed for rezoning.
 - c. Such notices need not be given to more than one (1) occupant of a building, except as follows:
 - (1) If a building contains more than one (1) dwelling unit owned or leased by different persons, one (1) occupant of each unit shall be given notice.
 - (2) If a building contains more than four (4) dwelling units owned or leased by different persons, notice may be given to the building owner or manager with a request to post the notice at the primary building entrance.
 - d. For any proposed amendment to the zoning map within 300 feet of the boundary of any adjacent municipality, written notice of the public hearing shall be sent by regular U.S. mail to the Clerk or the zoning or planning agency of said municipality.
 - e. If the notice is delivered by mail, an affidavit of mailing shall be filed with the body charged with conducting the hearing.

6. **Timing of notice posting, publication, and mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than 15 days before the hearing date when the application will be considered.

B. Discretionary Notice.

The Township may, at its discretion, also post notice of a public hearing at other public-accessible locations, such as community bulletin boards or the Internet. The Township Board may also establish a policy to consistently send such notices by mail to persons located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.

C. Pre-Hearing Examination.

Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making such copies.

D. Right to Submit Written Statements.

Any person may submit written comments about the subject and purpose of the hearing prior to a hearing, or following such hearing within such time as the hearing body may allow. Such statements shall be made a part of the public record of the hearing.

E. Timeframe for Hearings.

The public hearing shall be scheduled for a date not more than 180 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a shorter time period is required by a provision of this Ordinance or a further time is agreed upon by the parties concerned.

F. Rights of All Persons.

Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

G. Adjournment.

The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of accumulating further evidence or information, or for such other reasons that the body finds to be sufficient. No additional public notice is required beyond that already given for the original hearing.

H Governance.

All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.

ARTICLE 3.0 GENERAL PROVISIONS

Section 3.01 Building Regulations.

No structure or part thereof shall be erected, constructed, used, reconstructed, altered or maintained, and no lot or land or part thereof shall be used or maintained and no new use made of any structure or land or part thereof, except in conformity with this Ordinance.

1. **Unlawful structure.** In case any structure or part thereof is used, erected, occupied or altered contrary to law or the provisions of this Ordinance, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means; and shall not be used or occupied until it has been made to conform to this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.
2. **Temporary structure.** No temporary dwelling, temporary construction structure or other temporary structure in any zoning district shall be erected unless a building permit has been issued for a permanent building on the same site. Any temporary structure shall be removed from the site within 30 calendar days of issuance of a certificate of occupancy. Failure to remove the structure shall constitute a violation of this Ordinance.
3. **Relocated structure.** Any structure that is moved shall be considered a new structure for purposes of this Ordinance.
4. **Portable structure.** Portable structures, such as a trailer or similar structure designed and used for hauling or storing inventory, merchandise or equipment, and not designed to be permanent, shall not be located on any premises for more than 15 days in a calendar year, unless permitted as a temporary construction structure per this Section. Where permitted, portable structures shall be located in full conformance with the setback, dimensional and design requirements of this Ordinance.

Section 3.02 Completion Of Construction.

Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance or amendment thereto.

Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and not be of effect 365 calendar days following the effective date of adoption or amendment of this Ordinance, unless a permit for the actual construction of a new building has been issued.

Where a building permit has been issued in accordance with the law within 365 calendar days of such effective date and diligently pursued to completion, said structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed, subject to the applicable provisions of Article 21.0 (Nonconformities).

Any basement, cellar, garage, or any incomplete structure without any occupancy permit in use as a dwelling on the effective date of adoption or amendment of this Ordinance shall not be used as a dwelling for more than 365 calendar days following said date, unless said structure has been completed in conformance with the regulations of the district in which it is located.

Section 3.03 Dumping and Filling of Land.

Filling or depositing of earth material, topsoil, gravel, rock or like materials on land in the Township shall be prohibited in all zoning districts, except in accordance with this Section and Ordinance and an approved final site plan for development of the site. The use of land for filling, depositing or temporary or permanent storage, accumulation or disposal of garbage, construction debris, scrap, junk, refuse, ash, slag, human waste or other wastes or by-products shall be prohibited, except in accordance with applicable Township ordinances.

1. The extensive dumping of any soil, clay, gravel or like materials on any lot or parcel of land in the Township shall be prohibited without Planning Commission approval of a site plan per Article 17.0 (Site Plan Review) for all proposed fill and land balancing activities.
2. This Section shall not apply to common household gardening, farming, general ground care of a residential or agricultural character, and normal soil changes for basement or foundation construction.

Section 3.04 Ponds, Excavations, and Holes.

The excavation and establishment of private ponds, excavations, and holes in any zoning district shall be subject to the following:

A. Ponds.

The excavation and establishment of private ponds shall be subject to the following:

1. No private pond shall be constructed on a lot less than five (5) acres in area, or within 100 feet of a public or private road right-of-way or within 100 feet of an adjoining lot line.
2. It shall be the responsibility of the property owner to provide safeguards to maintain safe conditions for use of a private pond. Such safeguards may include fencing or construction of pond side slopes of not more than one (1) foot of vertical fall for each six (6) feet of horizontal run until the pond reaches a depth of seven (7) feet at the low water mark on all sides of the pond.
3. Excavated materials shall be contoured or used to create naturalized landforms or berms with a side slopes no steeper than one (1) foot vertical to three (3) feet horizontal (1:3 ratio). All excavated material shall be suitably graded and seeded

or otherwise covered with grass or other groundcover to prevent erosion and to visually incorporate the excavated materials into the landscape.

4. A zoning permit shall be required for the construction or enlargement of all private ponds per Section 2.03 (Zoning Permits). Site plan approval shall be required for any pond in which excavated materials in excess of 1,000 cubic yards are to be hauled off-site, per Article 17.0 (Site Plan Review).
 - a. The applicant shall provide documentation to the Township to show that the proposed pond location and excavation will not impact regulated wetlands, groundwater resources, existing drainage patterns and surface water flow from the site, or adjacent watercourses.
 - b. Prior to issuance of a zoning permit, the applicant shall be required to post a performance guarantee, per Section 2.07C (Performance Guarantees), to ensure restoration of disturbed areas.
5. This Section shall not apply to natural watercourses, ditches, county drains or other major bodies of water created or existing by authority of the Township or any outside agency with jurisdiction.

B. Excavations and Holes.

The construction, maintenance or existence within the Township of any unprotected, un-barricaded, open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, shall be prohibited in the Township. This Section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Zoning Administrator.

Section 3.05 Grade.

Any structure requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building, subject to the following:

1. Grade elevations shall be determined by using the elevation at the centerline of the road in front of the lot as the established grade, or such grade determined by the Township Engineer or Building Inspector.
2. The following requirements shall apply to any newly graded area or portion of a lot where the grade has been modified within 50 feet of any side or rear lot boundary and within 75 feet of any road right-of-way:
 - a. Maximum height of grade shall not exceed 18 inches above the centerline of the road, except for grades determined by the Bay County Environmental Health Division for septic fields.
 - b. The maximum slope shall not exceed twenty-five percent (25%).
3. On all other areas of the lot, the maximum height of any newly graded area or portion of a lot where the grade has been modified shall not exceed 36 inches

above the centerline of the road, except for grades determined by the Bay County Environmental Health Division for septic fields.

4. Yards shall be graded to prevent ponding of surface water, and to not increase the natural flow or runoff of surface water on to adjacent lots or road rights-of-way. The applicant shall provide documentation to the Township to show that proposed grade changes will not impact existing drainage patterns in the area or cause ponding of surface water on adjacent lots or road rights-of-way.
5. Grades for structures shall comply with the standards on the "Grade Guidelines" form, which must be signed by all applicants for zoning permit approval per Section 2.03 (Zoning Permits).

Section 3.06 Fences and Walls.

As used in this Section, the term "fence" shall include "wall." Fences, walls, and similar types of enclosures in all zoning districts shall be subject to the following:

A. Approval Required.

It shall be unlawful for any person to construct or cause to be constructed a fence in the Township without having first obtained all necessary permits or approvals, as follows:

1. Construction, alteration or relocation of fences accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES shall be subject to approval per Article 17.0 (Site Plan Review).
2. Construction, alteration or relocation of fences accessory to RESIDENTIAL USES and exceeding ten (10) feet in length shall be subject to approval per Section 2.03 (Zoning Permits).
3. The standards of this Section shall not apply to fences accessory to RURAL USES on recorded lots having a lot area in excess of ten (10) acres.

B. General Standards.

The following shall apply to fences in all zoning districts:

1. Fences shall comply with the unobstructed sight distance standards of Section 5.208 (Corner Clearance Areas).
2. Where one side of a fence has a more finished appearance, the side with the more finished appearance shall face the road or adjacent lots (see illustration).
3. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin.
4. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
 - a. Barbed or electric wire fences shall be permitted accessory to permitted RURAL USES, public utility facilities, and essential service uses.

- b. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.

C. Location and Height.

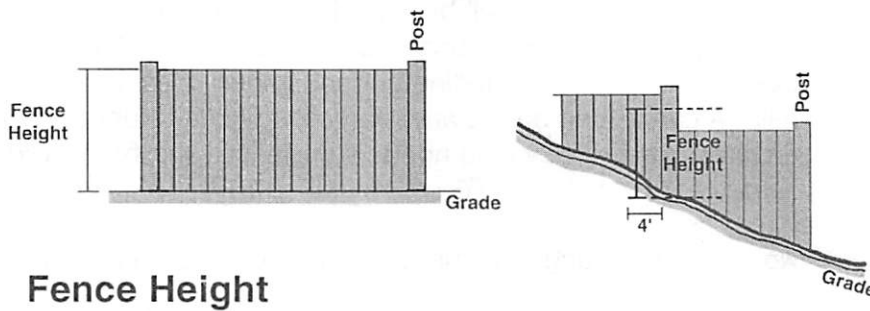
Fence height shall be measured from ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

- 1. In any zoning district, fences in any front yard area between the front building line and the road right-of-way shall not exceed four (4) feet in height.
- 2. In any zoning district, fences in a side or rear yard shall not exceed six (6) feet in height, except where otherwise permitted for specific non-residential land uses per Articles 11.0 and 12.0 (Use Standards...). Such fences shall not extend toward the front of the lot nearer than the front of the principal building or the required minimum front yard setback, whichever is greater.
- 3. Non-farm fences shall be set back a minimum of three (3) feet from any unfenced field associated with an active agricultural operation in the AG (Agricultural) District.

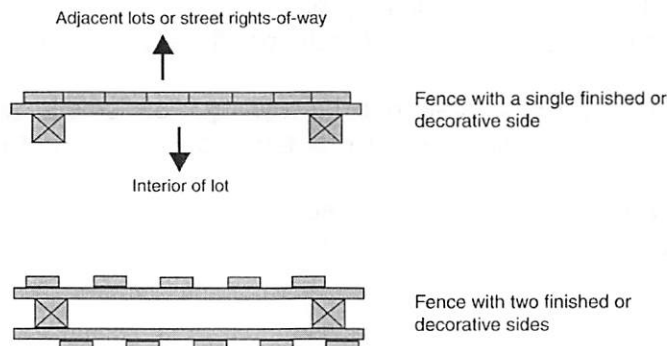
D. Fence and Wall Maintenance.

Fences shall be maintained in good condition to not endanger life or property. Such maintenance shall be the responsibility of the property owner. Damaged or missing components shall be replaced or repaired, and exposed surfaces shall be painted, stained or similarly treated. Any fence determined by the Zoning Administrator to be a nuisance due to lack of maintenance or otherwise shall be removed or repaired by the owner within 30 days after receipt of a notice from the Zoning Administrator.

ILLUSTRATIONS



Fence Height



Orientation of Finished Side - Top View

Section 3.07 Accessory Structures.

The following shall apply to all new accessory structures in the Township, and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

A. Approval Required.

It shall be unlawful for any person to construct or cause to be constructed any accessory structure upon any lot without having first obtained all necessary permits or approvals.

1. Construction, alteration or relocation of structures accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES and exceeding 120 square feet in floor area shall be subject to approval per Article 17.0 (Site Plan Review).
2. Construction, alteration or relocation of structures accessory to RESIDENTIAL USES and exceeding 100 square feet in floor area shall be subject to approval per Section 2.03 (Zoning Permits).
3. Construction, alteration or relocation of structures accessory to RURAL USES, except agricultural structures governed by the Right to Farm Act, shall be subject to approval per Section 2.03 (Zoning Permits).

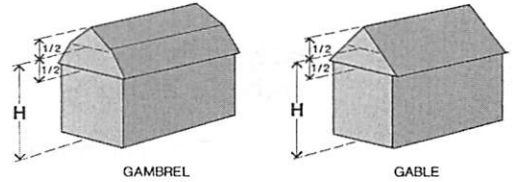
B. General Standards.

All accessory structures, including agricultural accessory structures governed by the Right to Farm Act, shall conform to the applicable requirements of this Section and Article 5.0 (Schedule of Regulations), and the following:

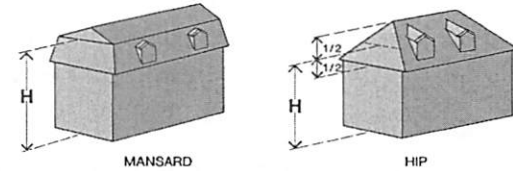
1. An accessory structure that is connected to a principal building shall be considered a part of and subject to the same yard setback requirements as the principal building.
 - a. Accessory structures shall be considered as attached to a principal building when the connecting structure consists of climate-controlled interior living space, including but not limited to as a mud room or entry hall. A connecting breezeway, portico, covered colonnade, or similar architectural device would not be sufficient to satisfy this requirement.
(amended by ord. no. 79G eff. Aug. 6, 2021)
 - b. No such connecting structure shall exceed fourteen (14) feet in length.
2. Detached accessory structures shall not be located any closer than ten (10) feet to any other principal building or accessory structure, except as otherwise provided for in Section 3.07E (Residential Accessory Structures).
3. Accessory structures shall not be constructed unless adequate facilities are provided to prevent stormwater drainage from flowing onto adjoining lots.
4. Accessory structures in any district shall only be used for permitted uses or activities customarily incidental to the permitted principal use(s) in the district.

5. No accessory structure shall be constructed prior to construction of the principal building on the same lot, except in as follows:
 - a. For principal permitted uses that do not require structures, an accessory structure may be constructed following Township approval of the principal use.
 - b. For new single-family dwellings, a permanent accessory structure may be constructed first to secure construction tools or materials after issuance of the building permit for the dwelling and after installation, inspection, and approval of the dwelling foundation.

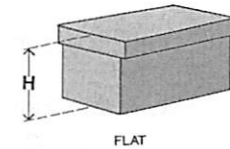
6. Accessory structures shall not be located within a dedicated easement or right-of-way.



7. Except as provided for in Section 3.07I (Other Accessory Structures), accessory structure height shall be measured as the vertical distance from the lowest grade of the structure to the top of a flat roof, deck line of a mansard roof; and mean height level (between eaves and ridges) of a gable, hip or gambrel roof.



Building Height



C. Agricultural Accessory Structures.

Structures accessory to active farm operations in the AG (Agricultural) zoning district shall conform to the minimum required side and rear yard setbacks for the zoning district. Agricultural accessory structures may be located in front of the front building line of any principal building on the lot, provided that such structures shall not be located within the required front yard setback area.

D. Former Agricultural Accessory Structures.

The intent of this subsection is to allow re-use of former agricultural structures as a residential accessory structure, subject to the following requirements:

1. The new use of such structures shall be limited to storage of household items, recreational equipment, and similar items typically kept by a householder on residential property.
2. The availability of such structures must result from their separation from land that is part of an active farm operation.
3. The former agricultural structure is at least ten (10) years old.
4. The structure conforms to the dimensional standards of Article 5.0 (Schedule of Regulations) that apply to a single-family dwelling in the zoning district.
5. The lot and any associated land division conform to applicable provisions of the Land Division Act, this Ordinance, and the Township's land division regulations.

6. The aggregate square footage of all such structures shall not exceed ten percent (10%) of the total square footage of the lot upon which they are located.
7. The structure shall not be expanded or enlarged in area, volume or height; and shall not be structurally altered or repaired in any way where the cost would exceed fifty percent (50%) of the true cash value of the structure, as determined by the Township Assessor. The structure may be relocated within the lot to conform to the dimensional standards of the zoning district.
8. The re-use shall be subject to approval per Section 2.03 (Zoning Permits).
9. If the cost to alter or repair such a structure to accommodate re-use would exceed fifty percent (50%) of the true cash value of the structure as determined by the Township Assessor, the application for re-use shall be denied.
 - a. The Township Board of Trustees may order the removal of a former agriculture accessory structure for which re-use has been denied, after recommendation from the Zoning Administrator. Any demolition costs incurred by the Township shall become a lien on the lot, which can be collected in any manner allowed by law and, if not paid, may be placed on the tax roll and collected the same as other taxes.

E. Residential Accessory Structures.

The following additional standards shall apply to all detached accessory structures accessory to RESIDENTIAL USES or located in a residential zoning district:

1. Detached accessory structures shall be located in the side or rear yard of the lot, and shall be subject to the following general standards:

Gross Floor Area of Each Detached Accessory Structure	Maximum Height	Minimum Setback	Minimum Gross Lot Area
Up to 100 square-feet	10.0 feet	3.0 feet	None
100.01 to 2,400 square-feet	14.0 feet	3.0 feet plus one-half of the height	None
	18.0 feet	25.0 feet	1.0-acre
Greater than 2,400 square-feet	Special Use Permit required (Section 3.07I)		

2. The gross floor area of all detached accessory structures on a lot shall not exceed 2,400 square-feet plus 100.0 square-feet per acre or portion thereof of gross lot area. This requirement shall not apply to a private swimming pool on the lot.
3. Detached accessory structures shall not be occupied for dwelling purposes.
4. Detached accessory structures, including private swimming pools, shall not occupy more than twenty-five percent (25%) of the required side or rear yard setback area of the zoning district, as specified in Section 5.0 (Schedule of Regulations).
5. A maximum of one (1) private garage shall be permitted per principal dwelling in the Residential Districts. *(amended by ord. no. 79G eff. Aug. 6, 2021)*

F. Carports and Vehicle Shelters.

The following additional standards shall apply to carports and vehicle shelters, including structures that are temporary in design or purpose:

1. Carports and vehicle shelters shall conform to all requirements of this Ordinance that apply to accessory structures. Carports and vehicle shelters constructed as permanent structures shall also conform to State Construction Code requirements.
2. Carports and vehicle shelters that are temporary in design or purpose shall be anchored and secured against high winds and severe storms, and shall not be electrified or climate-controlled.

G. School Bus Stop Shelter.

One (1) detached accessory structure of up to 50 square feet in area and ten (10) feet in height shall be permitted within the required front yard for the purposes of providing temporary shelter at a school bus stop, provided that the structure is set back at least ten (10) feet from the side lot boundary and outside of the road right-of-way.

H. Private Swimming Pools.

Temporary or permanent outdoor swimming pools with a diameter exceeding twelve (12) feet, a depth exceeding two (2) feet or a surface area exceeding 100 square feet shall conform to the requirements of this Section and the following:

1. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured in accordance with the requirements of the State Construction Code.
2. Swimming pools, spas, hot tubs, and associated structures shall be located only in the rear yard, and shall be set back a minimum of four (4) feet from any building on the lot, ten (10) feet from any lot boundary line, and outside of any required side yard setback area and public utility easement.

I. Other Accessory Structures.

A proposed accessory structure or re-use of a former agricultural accessory structure that exceeds the limitations of this Section may be considered as a special use subject to Section 18.05 (Standards for Special Use Approval) and compliance with the following:

1. Such structures shall be located outside of all required yard setback areas, and shall further be set back a minimum distance from all lot boundaries and road rights-of-way equal to the structure height as measured vertically from the lowest grade level to the highest roof peak.
2. Such structures shall not exceed the maximum permitted height for principal buildings in the zoning district per Article 5.0 (Schedule of Regulations).
3. The Planning Commissioners may require screening of the structure from abutting lots and road rights-of-way per Section 16.10D (Methods of Screening), and may impose additional conditions consistent with Section 18.04 (Conditions of Approval) to ensure that a proposed accessory structure will conform to the standards of this Section and be harmonious with the neighborhood and compatible with adjacent land uses.

Section 3.08 Occupied Spaces.

Outside stairs, fire escapes, porches, balconies, and other projections shall be considered part of the building, subject to the requirements of Article 5.0 (Schedule of Regulations).

Section 3.09 Essential Services.

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the Township. Such essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state law or other ordinances.

Section 3.10 Qualified Space.

No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations for the district in which the building is located. No portion of a lot used in complying with the dimensional requirements of this Ordinance, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Section 3.11 Property Maintenance.

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

Section 3.12 Property Between the Lot Line and Road.

The area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

Section 3.13 Voting Place.

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

Section 3.14 Approval of Plats.

All plats for new subdivisions shall conform to the standards of this Ordinance, the Township's subdivision regulations, other Township ordinances, and all applicable state statutes.

Sections 3.15 – 3.20 Reserved.

Section 3.21 Sidewalks.

Where designated by the master transportation plans of the Township, or county or state road authorities with jurisdiction, sidewalks and other paved pedestrian paths shall be provided within and around the perimeter of any land subject to development approval under this Ordinance or other Township ordinances, subject to the following:

1. Path design, paving, and base materials shall conform to applicable engineering standards of the Township, or county or state road authorities with jurisdiction consistent with the anticipated usage, purpose, and location.
2. Road rights-of-way within a new development shall be of sufficient width to provide for sidewalks on both sides of all internal public and private roads.
3. Extensions of existing sidewalks and pedestrian paths shall be provided into the new development, along with logical connections to existing sidewalks and pedestrian paths on abutting parcels, and across road rights-of-way by crosswalks and barrier-free access ramps.
4. Concrete sidewalks and barrier-free ramps shall be provided from all new multiple-family and non-residential building entrances to adjacent parking areas, existing or planned public sidewalks and pedestrian paths, and recreation areas.
5. The Planning Commission may waive the requirements of this Section upon determination that such work would not serve the purpose of providing adequate pedestrian access and circulation.

Section 3.22 Exterior Lighting.

The purpose of this Section is to promote the preservation of dark skies over the Township, and to preserve the lawful nighttime use and enjoyment of land in the Township through the establishment and enforcement of reasonable and consistent exterior lighting standards. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass; conserve energy; and prevent degradation of the nighttime visual environment. The standards of this Section are intended to protect the general welfare by allowing sufficient but not excessive lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; minimize the adverse effects of inappropriate lighting; and provide for the safety and security of people and property in the Township.

A. Scope.

The standards of this Section shall apply to all exterior lighting sources; all light sources visible from any road right-of-way or adjacent lot; and all projects subject to site plan review per Article 17.0 (Site Plan Review), condominium development approval per Article 19.0 (Condominium Regulations), and administrative approval per Section 2.03 (Zoning Permits). The standards of this Section shall also apply to all high intensity and security lighting for RURAL USES and single- and two-family (duplex) dwellings. This Section shall not apply in the following limited circumstances:

1. Incidental decorative light fixtures and low profile exterior lighting for RURAL USES and single- and two-family dwellings, such as porchlights and low voltage landscape lighting, shall be exempt from requirements of this Section.

2. Holiday decorations illuminated for temporary periods not to exceed 90 calendar days shall be exempt from the requirements of this Section.
3. This Section shall not apply to shielded pedestrian walkway lighting and shielded lighting of flags of the United States of America or State of Michigan.
4. This Section shall not apply to circumstances where federal or state laws take precedence, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.

B. General Provisions.

The following general standards shall apply to all light sources regulated by this Section:

1. **Fully-shielded.** Exterior lighting shall be fully shielded, using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution (see illustration).
2. **Glare and light trespass.** Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on neighboring lots, and traffic hazards for motorists.
3. **Intensity.** The maximum intensity of light within any site shall not exceed:

Light Intensity	Maximum (footcandles)
At any point within the site	10.0
At any lot boundary or road right-of-way line	0.2

4. **Lamp wattage and energy efficient technologies.** Lamp wattages shall be consistent with the fixture's style and function. The use of light emitting diode (LED) and other more energy efficient lighting technologies shall be encouraged, provided that light intensity levels shall conform to all requirements of this Section. Fixtures in parking lots and high traffic areas using low or high-pressure sodium, metal halide or similar lamp types shall be limited to a maximum lamp wattage of 250 watts per fixture up to 20 feet in height above grade. A maximum of 400 watts per fixture shall be permitted for fixtures exceeding 20 feet in height above grade.
5. **Alterations of approved exterior lighting.** Exterior light sources and fixtures regulated by this Section shall not be altered or replaced after approval has been granted, except where the Township Planner or Zoning Administrator has verified that the change conforms to the requirements of this Section.
6. **Prohibited lighting.** Exterior lighting sources and fixtures regulated by this Ordinance shall not be of a flashing, moving, animated or intermittent type.

C. Rural and Residential Exterior Lighting.

A zoning permit shall not be required to install high intensity and security lighting for RURAL USES and single- and two-family dwellings. Such exterior light sources shall

conform to the standards of this Section, including that such fixtures shall be fully shielded to prevent off-site glare and minimize light pollution. Homeowners are encouraged to confirm compliance with this Section before installing high intensity and security lighting. New or altered rural or residential exterior lighting that does not conform to the standards of this Section shall be deemed a violation of this Ordinance.

D. Standards by Type of Fixture.

The following additional standards shall apply to specific types of exterior light fixtures, in addition to the provisions of Section 3.22B (General Standards):

1. **Freestanding pole lighting.** The maximum height of all freestanding, pole-mounted fixtures shall be directly proportional to the fixture's proximity to the boundary of a lot or parcel in a residential zoning district or occupied by any RURAL USES or RESIDENTIAL USES, as follows:

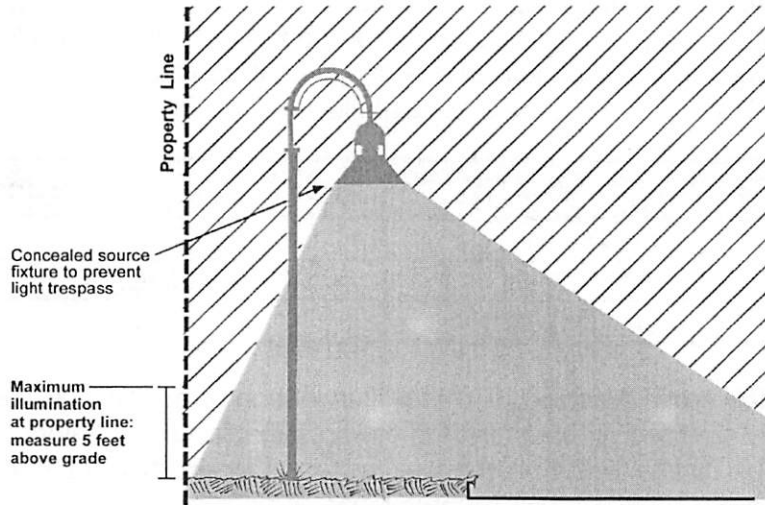
Fixture Location	Maximum Fixture Height
Less than 50 feet	15 feet
50 feet to 300 feet	20 feet
More than 300 feet	25 feet

2. **Architectural lighting.** Exterior illumination of building facades shall be limited to fully shielded fixtures directed towards the facade. All light from such fixtures shall be concentrated on the wall surface. Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to cornices, windows, and doorways.
3. **Window lighting.** For all non-residential land uses, interior light fixtures visible through a window from a road right-of-way or abutting lot shall be shielded to prevent glare impacts at the lot boundary or within the right-of-way. Unshielded luminous tube (neon) and fluorescent light fixtures shall be prohibited where the light source would be visible from an abutting lot or road right-of-way.
4. **Decorative lighting.** For all non-residential land uses, decorative light fixtures shall be permitted as an alternative to fully shielded fixtures where such fixtures would enhance the aesthetics of the site without causing off-site glare or light trespass, as determined by the Zoning Administrator or Planning Commission.

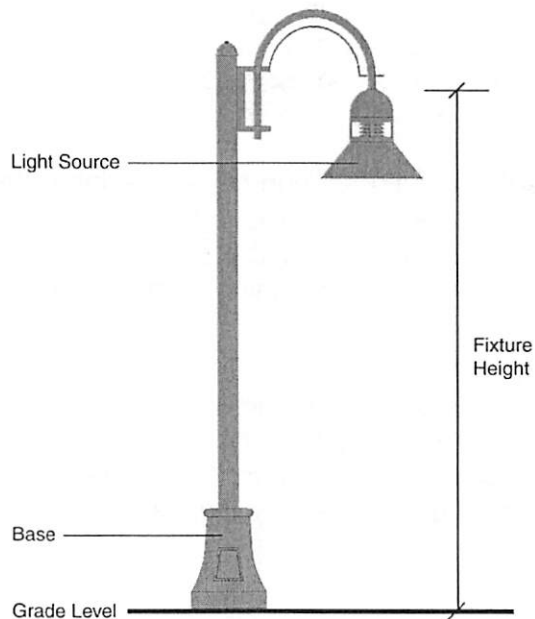
E. Measurements.

Exterior lighting intensity levels shall be measured on the horizontal plane at grade level within the site, and on the vertical plane of the lot or road right-of-way boundaries at a height of five (5) feet above grade. Fixture height shall be measured from grade level to the highest point of the light source (see illustration).

ILLUSTRATIONS



Lighting Fixture Orientation and Shielding



Light Fixture Height

ARTICLE 4.0 ZONING DISTRICTS

SECTION 4.100 PURPOSE OF DISTRICTS

Section 4.101 Zoning Districts.

For purposes of this Ordinance, Frankenlust Township is hereby divided into districts as follows:

Type of District	Zoning District Name	Symbol
Rural Districts	Agricultural District	AG
	Rural Small Farm District	SF
Residential Districts	Single-Family Residential Districts	R-1, R-2, R-3
	Two-Family Residential District	RT
	Multiple-Family Residential District	RM
	Manufactured Housing Park District	RMH
Business Districts	Neighborhood Commercial District	C-1
	Community Commercial District	C-2
	General Commercial District	C-3
	Light Industrial District	LI
Other Districts	Public/Recreational District	PR

Section 4.102 Agricultural (AG) District.

It is recognized that the public health and welfare of the citizens of the Township, state, and nation as a whole are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. The Agricultural (AG) District is hereby established as a Rural District to preserve adequate land for agricultural use, restrict the conversion of agricultural land to other uses, and provide the basis for land tax assessments that reflect its existing agricultural character.

This district is composed of a mixture of prime agricultural lands, other tilled lands, woodlands, wetlands, pastures, and open fields or scrublands; along with scattered very low-density rural residential housing. The primary intended use of the AG District is farm-related activities, so that there may be associated odors, dust, and noise that are not compatible with non-farm residences. Care should be taken to minimize conflicting land uses. The AG District is further intended to:

1. Recognize that agricultural lands have a definite public value as open space, and are an important physical, social, aesthetic, and economic asset to the Township.
2. Encourage long-term investment in the agricultural support services and facilities needed to maintain and expand agricultural production and promote a healthy rural economy in the Township.

3. Minimize cost of providing services to rural areas, and minimize excessive and unnecessary public expenditures caused by scattered demand for urban and suburban levels of public services in rural areas of the Township.
4. Protect prime farmland from speculative increases in land values, and minimize loss of farmland and fragmentation of rural land by division into small parcels.
5. Conserve the Township's rural character in accordance with the Township's Master Plan.

It is further recognized that certain value-added services and activities are a desirable addition to the district to support local agricultural operations and the rural economy of the Township. Accordingly, it is the intent of this district to allow for a limited range of agriculture-oriented tourism, educational, and recreational activities, subject to standards designed to minimize impacts on the Township's rural character.

Section 4.103 Rural Small Farm (SF) District.

The Rural Small Farm (SF) District is hereby established as a Rural District to provide areas of the Township for smaller-scale agricultural activities and market gardens for produce meant to be sold locally may occur alongside compatible uses, very low-density non-farm residential housing, and customary accessory uses. The SF District is further intended to serve as a buffer zone between the AG District and other more intensive zoning districts and land uses.

Section 4.104 Single-Family Residential (R-1, R-2, R-3) Districts.

The Single-Family Residential (R-1, R-2, R-3) Districts are hereby established as Residential Districts to provide areas in the Township where single-family residential uses, incorporating a reasonable range of lot sizes, plus compatible and accessory uses, may be established. The location and arrangement of such districts, and density of dwelling units within such districts, shall be consistent with the Township's Master Plan and the availability of public services and infrastructure to serve all of the potential land uses in each district.

Section 4.105 Two-Family Residential (RT) District.

The Two-Family Residential (RT) District is hereby established as a Residential District to provide areas in the Township for an intermediate type of residential zoning district, primarily located in areas with direct access to and frontage on a collector or primary road in the Township, and in situations where the close proximity of single-family detached housing developments would be adversely impacted by adjacent higher-density multiple-family residential uses.

The RT District is further intended to serve as a buffer zone between single-family residential areas and other more intensive multiple-family and non-residential districts and land uses. The location and arrangement of each district, and density of dwelling units within the district, shall be consistent with the Township's Master Plan and the availability of public services and infrastructure to serve all of the potential land uses in the district.

Section 4.106 Multiple-Family Residential (RM) District.

The Multiple-Family Residential (RM) District is hereby established as a Residential District to provide areas for a mixture of higher density housing options at planned locations in the

Township to meet the varied needs of residents for housing. Associated uses and facilities that serve residents in the district shall also be provided within a primarily residential environment.

The location and arrangement of each district, and density of dwelling units within the district, shall be consistent with the Township's Master Plan and the availability of public services and infrastructure to serve all of the potential land uses in the district. Development in the RM District shall be subject to appropriate standards to ensure sufficient light, air, and privacy for all uses, prevent congestion on public roads, reduce hazards to life and property, provide basic amenities, and ensure compatibility with abutting districts and uses.

Section 4.107 Manufactured Housing Park (RMH) District.

The Manufactured Housing Park (RMH) District is hereby established as a Residential District to provide for the location and regulation of manufactured housing parks (formerly known as "mobile home parks"), as defined by the Mobile Home Commission Act (Public Act 96 of 1987, as amended) and the Manufactured Housing Commission General Rules. It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district in a setting that provides a high quality of life for residents. In accordance with the purpose of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses.

The regulations and rules established by the Mobile Home Commission Act and the Manufactured Housing Commission govern all manufactured housing parks. Where regulations in this Ordinance exceed the state law or general rules, they are intended to promote the health, safety and welfare of the Township's residents, and to ensure that manufactured housing parks are developed and maintained in a manner equivalent to the standards of this Ordinance for comparable residential developments in the Township.

Uses in the RMH District shall be located near roads with adequate planned capacity to accommodate the traffic volumes typically generated by higher density development, and shall be served by appropriate utilities and services. Development in the RMH District shall be subject to appropriate standards to ensure sufficient light, air, and privacy for all uses, prevent congestion on public roads, reduce hazards to life and property, provide basic amenities, and ensure compatibility with abutting districts and uses.

Section 4.108 Neighborhood Commercial (C-1) District.

The Neighborhood Commercial (C-1) District is hereby established as a Business District to provide areas of the Township where retail, service, and office enterprises can be optimally located to best serve the immediate neighborhood. These regulations are meant to encourage cluster development and otherwise discourage costly commercial strip or linear development, especially along primary roads and highways.

Building owners in the C-1 District are encouraged to orient buildings with display windows and public entrances facing the road right-of-way. Building sizes for permitted uses may be limited to promote appropriately scaled business development in the district. Uses that would create hazards, loud noises, vibration, smoke, glare, heavy traffic or late hours of operation are prohibited. The location and arrangement of each district shall be consistent with the Township's Master Plan and the availability of public services and infrastructure to serve all of the potential land uses in the district.

Section 4.109 Community Commercial (C-2) District.

The General Commercial (C-2) District is hereby established as a Business District to provide suitable locations for general comparison retail, service, and office establishments that service the entire Township and surrounding area. Retail establishments in this district are of the comparison shopping type and tend to rely on a market area much larger than the type of local establishments most suitable for the C-1 District. However, C-1 District land uses are permitted in this district as complementary activities to the primary permitted uses.

It is the intent of the C-2 District to encourage clustering of complementary business establishments, with the intent of avoiding strip commercial development, lessening traffic congestion by reducing the number of commercial driveways opening on to the public roads, and improving the safety and convenience of patrons. Establishments permitted in this district will usually be located only on primary roads and highways. The location and arrangement of each district shall be consistent with the Township's Master Plan and the availability of public services and infrastructure to serve all of the potential land uses in the district.

Section 4.110 General Commercial (C-3) District.

The General Commercial (C-3) District is hereby established as a Business District to provide suitable locations for retail, service, and related commercial enterprises that primarily cater to the motoring public, plus compatible and accessory uses, may be located without encroaching into other districts where their unique needs or circumstances would render them undesirable.

It is the intent of the C-3 District to encourage clustering of the permitted business establishments, with the intent of avoiding strip commercial development, lessening traffic congestion by reducing the number of commercial driveways opening on to the public roads, and improving the safety and convenience of patrons. Establishments permitted in this district will usually be located only on primary roads and highways. The location and arrangement of each district shall be consistent with the Township's Master Plan and the availability of public services and infrastructure to serve all of the potential land uses in the district.

Section 4.111 Light Industrial (LI) District.

The Light Industrial (LI) District is hereby established as a Business District to provide sites for manufacturing plants, distribution warehouses, and office, research or laboratory operations and facilities. The LI District is intended to apply to those light industrial areas and subdivisions developed according to the Township's Master Plan. The regulations contained in the LI District are intended to maintain aesthetic values in the district, protect investments of the community and industries occupying the improved sites. To these ends, development is limited to operations and facilities that can maintain a compatibility with surrounding agricultural, residential or commercial areas; and that generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, and other hazards.

Section 4.112 Public/Recreational (PR) District.

The Public/Recreational (PR) District is hereby established to accommodate dedicated government buildings and uses; institutions of an educational, philanthropic, religious or charitable nature, including any accessory dormitory housing, fraternity or sorority housing or similar living facilities; recreational uses and facilities, areas of open space, and similar land uses and development of a public service or institutional character.

SECTION 4.200 GENERAL STANDARDS

Section 4.201 Principal Uses and Special Land Uses.

In all districts, no structure or land shall be used or occupied, except in conformance with Article 6.0 (Land Use Table), and as otherwise provided for in this Ordinance. Special land uses may be permitted in accordance with Article 6.0 (Land Use Table), subject to a public hearing and approval by the Planning Commission in accordance with Article 18.0 (Special Land Uses).

Section 4.202 Prohibited Uses.

Uses not listed in Article 6.0 (Land Use Table) as a permitted use in a particular zoning district or otherwise addressed by this Ordinance or determined by the Zoning Board of Appeals to be similar to a permitted use per Section 23.06 (Interpretations) shall be prohibited in the district. Land uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances shall be prohibited in any zoning district. *(Amended by ord. 79F, eff April 26, 2019)*

1. Medical marihuana facilities shall be prohibited in all zoning districts, in accordance with the resolution adopted by the Frankenlust Township Board of Trustees on December 12, 2017; including but not limited to growers, processors, provisioning centers, safety compliance facilities, and secure transporters, all as defined in and regulated by the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, as amended (MCL 333.27101 et seq.). *(Amended by ord. 79F, eff April 26, 2019)*
2. Marihuana establishments shall be prohibited in all zoning districts, in accordance with the Frankenlust Township Marihuana Prohibition Ord. No. 81A; including but not limited to marihuana growers, marihuana microbusinesses, marihuana processors, marihuana retailers, marihuana safety compliance facilities, and marihuana secure transporters, all as defined in and regulated by the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 (MCL 333.27951 et seq.). *(Amended by ord. 79F, eff April 26, 2019)*
3. Registered medical marihuana primary caregivers, as defined in and regulated by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, as amended (MCL 333.26421 et seq.), shall be prohibited in all zoning districts, unless exempted from regulation under this Ordinance by state law. *(Amended by ord. 79F, eff April 26, 2019)*
4. All other land uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances shall also be prohibited in any zoning district. *(Amended by ord. 79F, eff April 26, 2019)*

Section 4.203 Design and Development Requirements.

All uses shall comply with any applicable requirements of Articles 7.0 through 12.0 (Use Standards...), and all other applicable provisions of this Ordinance and other applicable regulations and standards. No structure shall be erected, reconstructed, altered or enlarged and no permits or certificates of occupancy shall be issued except in conformance with this Ordinance and other applicable regulations and standards.

Section 4.204 District Boundaries.

Zoning district boundaries shall, unless otherwise shown on the Official Zoning Map, follow lot or parcel lines, municipal boundaries, and the centerlines of road or other rights-of-way.

A. Zoning of Rights-of-Way.

All road and other dedicated rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon the right-of-way. Where the centerline of a right-of-way serves as a district boundary, the zoning of the right-of-way, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting land up to the centerline.

B. Zoning of Vacated Areas.

Any road or other dedicated right-of-way or other public way or portion thereof within the Township not otherwise classified within the boundaries of a zoning district on the Official Zoning Map shall, upon vacation, automatically be classified in the same zoning district as the land(s) to which it attaches.

Section 4.205 Official Zoning Map.

For the purpose of this Ordinance, the zoning districts as provided herein are bounded and defined as shown on a map entitled "Official Zoning Map of Frankenlust Township." The Official Zoning Map, and all explanatory matters thereon, are hereby made a part of this Ordinance.

A. Identification of Official Zoning Map.

The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, under the following or equivalent words: "This is to certify that this is the Official Zoning Map referred to in the Frankenlust Township Zoning Ordinance" together with the effective date of the ordinance by which the map was adopted by the Township Board.

B. Changes to Official Zoning Map.

If, in accordance with the procedures of this Ordinance and the Michigan Zoning Enabling Act, a change is made in a zoning district or boundary, such change shall be entered onto the Official Zoning Map by the Township Clerk promptly after the ordinance authorizing such change shall have been adopted and published with an entry on the Official Zoning Map stating the date of the Township Board action, and a brief description of the change. The entry shall be signed by the Township Supervisor and attested by the Township Clerk.

1. Any change in corporate boundaries within the Township shall be entered on the Official Zoning Map by the Township Supervisor with his or her signature and date, and attested by the Township Clerk.
2. No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformance with the procedures set forth herein. Any other change of whatever kind by any person or persons shall be considered a violation of this Ordinance.

C. Authority of Official Zoning Map.

Regardless of the existence of purported copies of the Official Zoning Map that, from time to time, may be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, or structure in Frankenlust Township. The Official Zoning Map shall be located in the office of the Township Clerk and shall be open to public inspection.

D. Replacement of Official Zoning Map.

If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and the number of changes made thereto, the Township Board may by ordinance adopt a new Official Zoning Map that shall supersede the prior zoning map. The new Official Zoning Map may correct drafting or other errors or omissions on the Official Zoning Map, but such corrections shall not have the effect of amending the Zoning Ordinance or the prior Official Zoning Map.

1. The replacement map shall be identified by signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of Frankenlust Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Frankenlust Township, adopted on [date] which replaces and supersedes the Official Zoning Map adopted on [date]."
2. Unless the prior Official Zoning Map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

E. Rules for Interpretation.

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall govern:

1. A boundary indicated as following a road or other right-of-way shall be construed as being located midway in the right-of-way.
2. A boundary indicated as approximately following a road centerline shall be construed as following such centerline as it exists on the ground.
3. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
4. A boundary indicated as approximately following a municipal boundary of a city, village, or township shall be construed as following such line.

5. A boundary indicated as following a shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
6. A boundary indicated as following the centerline of a stream, river or other body of water shall be construed as following such centerline existing at the time the interpretation is made.
7. A boundary indicated as parallel to, or as an extension of features described in this subsection, shall be so construed.
8. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.
9. In circumstances not otherwise addressed, or where an existing physical or natural feature is at variance with that shown on the Official Zoning Map, the Zoning Board of Appeals shall interpret the location of the district boundary.
10. Where a district boundary divides a lot that is in single ownership at the time of adoption of this Ordinance, the Zoning Board of Appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed 50 feet beyond the district line into the remaining portion of the lot.

ARTICLE 5.0 SCHEDULE OF REGULATIONS

Section 5.101 Table of Dimensional Standards by District.

Dimensional Standards		Districts															Additional Standards and Exceptions		
		Rural				Residential						Business				Other			
		AG	AG with sewer	SF	SF with sewer	R-1	R-1 with sewer	R-2	R-3	RT	RM	RMH	C-1	C-2	C-3	LI		PR	
Maximum Building Height	Feet	35		35		25		25	25	30	35	25	35	35	35	45	45	Section 5.202	
	Stories	3		3		2		2	2	2	3	2					3		
Lot Standards	Minimum Lot Width (feet)	130		130		130	100	80	60									Section 5.203	
	Minimum Lot Depth (feet)	180		180		180	180												
	Minimum Lot Area (square-feet per unit)	43,560	32,670	43,560	32,670	43,560	20,000	10,400	7,200	7,200	7,200	5,500							
Yard/Setback Standards (feet)	Minimum Front Yard		50		50		40		30	25	25	25	25	20	20	20	30	20	Section 5.204
	Minimum Side Yard	One Side Yard	25		25		10		10	5	10	10	10	10	10	10	20	20	
		Total of Two	50		50		25		20	15	20	20	30	20	20	20	40	40	
	Minimum Rear Yard		50		50		50		40	35	35	35	10	20	20	20	20	20	
Maximum Lot Coverage		25%		25%		25%		35%	35%	40%	40%								
Minimum Floor Area per Dwelling Unit (square-feet per unit)		750		750		750		750	720	720	720							Section 8.10	
Maximum Net Dwelling Unit Density (units per acre)		1.0	1.3	1.0	1.3	1.0	2.0	4.0	5.0	7.0	10.0							Section 5.203	

Type of District	Zoning District Name	Symbol
Rural Districts	Agricultural District	AG
	Rural Small Farm District	SF
Residential Districts	Single-Family Residential Districts	R-1, R-2, R-3
	Two-Family Residential District	RT
	Multiple-Family Residential District	RM
	Manufactured Housing Park District	RMH
Business Districts	Neighborhood Commercial District	C-1
	Community Commercial District	C-2
	General Commercial District	C-3
	Light Industrial District	LI
Other Districts	Public/Recreational District	PR

SECTION 5.200 ADDITIONAL STANDARDS AND EXCEPTIONS

Section 5.201 General Standards.

The following additional standards and exceptions shall apply in the specified zoning districts:

1. **Residential Districts.** Residential developments and new RESIDENTIAL USES in the following zoning districts shall be served by publicly-owned and operated sanitary sewerage and potable water systems:
 - a. R-2 and R-3 (Single-Family Residential) Districts.
 - b. RT (Two-Family Residential) District.
 - c. RM (Multiple-Family Residential) District.
2. **Manufactured Housing Park (RMH) District.** Manufactured housing park developments and individual dwelling unit sites within such parks are subject to the requirements and standards of Section 8.08 (Manufactured Housing Parks). The dimensional standards of this Article shall apply to detached dwellings or other permitted uses not located within a manufactured housing park.
3. **Planned Unit Development (PUD) District.** The requirements and standards of the Planned Unit Development (PUD) district shall be as specified in Article 20.0 (Planned Unit Development District).

Section 5.202 Height Standards and Exceptions.

The following additional standards and exceptions shall apply in the specified zoning districts:

A. Building Heights Above 35 Feet.

For fire protection purposes, a portion of permitted buildings exceeding 35 feet in height shall be stepped down in height to meet Fire Department roof access requirements, or other means of access shall be provided to the Township Fire Chief's satisfaction.

B. Height Exceptions.

The following exceptions to maximum height standards of this Article shall be permitted:

1. **Dwellings.** Where all side yard setbacks are maintained at not less than 25 feet, the maximum height of a principal dwelling in the R-1 and R-2 (Single-Family Residential) Districts may be increased to three (3) stories and 35 feet.
2. **Flagpoles.** Flagpoles, flags, and pennants shall be subject to the maximum height standards of Section 13.03D (Flags and Pennants).
3. **Farm structures.** The height of farm buildings, as defined in Section 25.03 (Definitions) shall be exempt from the requirements of this Ordinance where otherwise regulated by the Right to Farm Act.
4. **Wireless communication towers.** Wireless communication towers and antennae shall be subject to the maximum height standards of Section 16.08 (Wireless Communication Facilities).

5. **Wind energy conversion systems (WECS).** Wind energy conversion systems (WECS) shall be subject to the maximum height standards of Section 16.07 (Wind Energy Conversion Systems).
6. **Institutional uses.** The maximum height of buildings and appurtenances occupied or intended to be occupied by institutional uses, as defined in Section 25.03 (Definitions) shall be subject to the provisions of this Article and Section 9.06 (Institutional Uses).
7. **Exempt structures.** Public utility structures in any zoning district shall be exempt from the height standards of this Ordinance.
8. **Limited exceptions.** Chimneys, elevator towers, stage scenery lofts, false façades and parapet walls harmonious with the lower building structure, mechanical equipment, and similar structures and appurtenances shall not be included in calculating the height of a principal building, provided that the total area covered by such structures and appurtenances shall not exceed twenty percent (20%) of the roof area of the building.

Section 5.203 Lot and Dwelling Unit Density Standards.

The following additional standards and exceptions apply to the lot and dwelling unit density provisions of this Article:

A. Residential Density Calculations.

The following shall be excluded from the total acreage used in calculating the net density of dwelling units in Rural Districts or Residential Districts, or any planned unit development that includes RESIDENTIAL USES:

1. Existing road rights-of-way and easements;
2. Floodplains, wetlands, bodies of water, watercourses, and drainageways;
3. Steep slopes, as defined in Section 25.03 (Definitions); and
4. Any other unbuildable lands.

B. Maximum Residential Density.

The maximum net density of any residential development subject to development plan or subdivision plat approval in accordance with Article 17.0 (Site Plan Review), Article 19.0 (Condominium Regulations), or the Land Division Act and any Township subdivision regulations shall not exceed the maximum net dwelling unit density for the zoning district, as specified in Section 5.101 (Table of Dimensional Standards by District). The maximum net residential density for any planned unit development shall be subject to the standards of Article 20.0 (Planned Unit Development District).

C. Minimum Lot Area.

The minimum lot area for residential dwellings in any Rural District or Residential District not served by a municipal sanitary sewerage system and a municipal water system shall be not less than one (1) acre, and shall satisfy all applicable Bay County Environmental Health Division requirements for use of private septic systems.

D. Measurement of Lot Depth.

Where this Article requires a minimum lot depth for new lots in the zoning district, the required depth shall be measured from the rear lot boundary to the centerline of the road right-of-way.

E. Minimum Land Area for Attached Residential Dwellings.

The minimum land area required for two-family and multiple-family dwelling units, as permitted in the applicable zoning district, shall be:

Minimum Land Area (square feet)		
Size of Unit	Multiple-Family Dwellings and Apartments	Townhouses, Duplexes, and Stacked Flats
Efficiency, one-bedroom unit	3,000	4,200
Two-bedroom unit	4,200	5,100
Three-bedroom unit	5,100	5,700
Four or more bedroom units	5,700	6,000

Section 5.204 Yard Standards.

The following additional provisions apply to the yard and setback requirements of this Article:

A. Front Yard Standards.

Any required front yard area shall be used primarily for recreational and ornamental purposes, unless otherwise permitted by this Ordinance. No permanent structures and improvements shall be maintained within the required front yard, except for porches, fences, permitted signs, landscaping, pedestrian and vehicle access ways, and other structures and improvements permitted by this Ordinance. Front yards shall be further subject to the following:

1. With the exception of lots with direct frontage on the Saginaw River, all yards abutting a public or private road shall be considered to be a front yard for purposes of this Article and Ordinance. The yard abutting the Saginaw River of a waterfront lot shall be considered to be the front yard, with the yard opposite or abutting a public or private road right-of-way considered to be the rear yard for purposes of this Article and Ordinance.
2. In any Residential District or Business District where the Zoning Administrator has determined that a front yard of lesser depth than the minimum required by this Article exists in front of principal buildings on more than sixty percent (60%) of the lots of record on one (1) side of a road in any one (1) block, the depth of front yard for any new principal building erected or placed on a lot in such block need not be greater than the average depth of front yards for the existing buildings on the block.
3. Front yards accessory to single-family and two-family dwellings shall be further subject to the requirements of Section 8.10 (Single-Family and Two-Family Dwellings).

B. Side Yard Standards.

In the C-1 (Neighborhood Commercial), C-2 (Community Commercial), and C-3 (General Commercial) Districts, a minimum side yard of 20 feet shall be required on all corner lots and whenever the lot is adjacent to or across a road right-of-way from a Residential District. Side yards are not required in these districts along interior side lot lines where the principal building walls are of fireproof masonry construction and are not pierced by windows or similar openings.

C. Corner and Double Frontage Lots.

Structures on corner lots shall comply with minimum front yard setback requirements from all road rights-of-way, except as may otherwise be required by this Ordinance. Such lots shall be deemed to have two (2) front yards for purposes of this Ordinance.

A double frontage lot is any lot, other than a corner lot, that has road frontage on two (2) or more public or private road rights-of-way. Such lots shall be deemed to have two (2) front yards for the purposes of this Ordinance. The primary front yard shall be established on the road frontage that provides the primary entry into the lot. A minimum required front yard setback area shall be provided from all other road frontages, with any non-required yard area treated as a rear yard or side yard for purposes of this Ordinance.

D. Transition Buffer.

For a land use in any of the following use groups [as defined in Article 6.0 (Land Use Table)] subject to site plan approval per Article 17.0 (Site Plan Review) and as otherwise required by this Ordinance, a transition buffer shall be provided in accordance with this subsection (see "Transition Buffers and Landscape Strips" illustration):

Transition Buffer Standards		
Zoning District or Use Group	Abutting Zoning District or Use Group	Minimum Transition Strip Width
RM (Multiple-Family Residential) District, or a Multiple-family residential building or development	RURAL USES, Single-Family Residential Districts, or a Single-family detached dwelling or development	10 feet
OFFICE, SERVICE, AND COMMUNITY USES	RURAL USES,	10 feet
COMMERCIAL USES	RESIDENTIAL USES,	20 feet
INDUSTRIAL, RESEARCH, AND LABORATORY USES	Rural Districts, or Residential Districts	40 feet

1. The transition buffer shall be provided along every lot line, except front lot lines, that is contiguous to or across the street from a lot in such district.
2. No road, driveway, parking area, sidewalk or similar improvement shall be located in the transition buffer area, except to cross in a more or less perpendicular direction for the purpose of providing access to the property from an adjacent road right-of-way.

3. The transition buffer and adjacent side yard setback area shall be improved with screening elements and plantings per Section 16.10D (Methods of Screening).
4. Where a required transition buffer abuts or overlaps a lot boundary, all required building and yard setbacks for the lot shall be measured from the nearest boundary of the transition buffer.
5. The Planning Commission may require an expanded transition buffer of up to one hundred fifty percent (150%) of the minimum required width upon determination that additional buffering or separation is required in an area to ensure compatibility between land uses or development of differing intensities.

E. Landscaping Strip.

For any use subject to site plan approval per Article 17.0 (Site Plan Review) and as otherwise required by this Ordinance, a landscape strip at least 20 feet wide shall be provided along and adjacent to the front property line, along all street frontages, and shall extend across the entire width of the lot, subject to the following (see "Transition Buffers and Landscape Strips" illustration):

1. The landscape strip may overlap the required front yard setback area for the zoning district.
2. No road, driveway, parking area, sidewalk or similar improvement shall be located in this strip, except to cross in a more or less perpendicular direction for the purpose of providing access to the lot from an adjacent road right-of-way.
3. The landscape strip and required front yard setback area shall be improved with greenbelt buffer plantings per Section 16.10D (Methods of Screening).
4. Where RESIDENTIAL USES are proposed adjacent to a road right-of-way, the landscape strip shall not be part of any individual lot, but rather shall be part of the common land area for the development.

Section 5.205 Permitted Yard Encroachments.

Architectural features, chimneys, and other building projections and attached structures shall be considered part of the primary building for purposes of determining yard and setback requirements. Limited projections into certain required yards shall be permitted as follows:

Projection	Yard	Restrictions
Air conditioners, transformers, generators, and similar types of ground-mounted equipment	Rear, Side	Not permitted in any required front yard. Units located within any required side yard shall be screened by fencing or similar means approved by the Zoning Administrator.
Access drives and sidewalks	All	None
Egress window wells	All	May project up to three (3) feet into any required yard
Handicapped access ramps	All	None

Projection	Yard	Restrictions
Hydrants, laundry drying equipment, mailboxes, trellises, recreation equipment, outdoor cooking equipment, and plant materials	All	None
Personal home heating propane tanks	Rear, Side	Not permitted in any required front yard. Units located within any required rear yard shall be screened by fencing or similar means approved by the Zoning Administrator.
Accessory structures	See Section 3.07 (Accessory Structures)	
Fences	See Section 3.06 (Fences and Walls)	
Flagpoles	See Section 13.03D (Flags and Pennants).	
Off-street parking lots	See Article 14.0 (Off-Street Parking and Loading)	
Signs	See Article 13.0 (Signs)	

Section 5.206 Number of Principal Dwellings per Lot.

Not more than one (1) principal, non-farm single-family dwelling shall be located on a lot, nor shall a single-family dwelling be located on the same lot with any other principal building or use. For single-family condominium developments, not more than one (1) principal detached dwelling shall be placed on each condominium lot, as defined in Section 25.03 (Definitions).

Section 5.207 Frontage and Access Required.

No dwelling shall be built on any lot that does not abut and have direct frontage on an approved existing public or private road with a dedicated and recorded road right-of-way of 66 feet, unless a lesser width has been established and recorded prior to the effective date of adoption or amendment of this Ordinance.

1. Indirect access via a private ingress-egress easement shall not be sufficient to satisfy this requirement.
2. Access via an approved private road that has been constructed, and maintained in accordance with the applicable private road design and construction standards or ordinances of the Township shall be sufficient to satisfy this requirement.
3. Every structure erected or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on the lot as to provide safe and convenient access for emergency vehicles and any required off-street parking and loading areas.

Section 5.208 Corner Clearance Areas.

On a corner lot in any zoning district, no, fence, wall, hedge, structure, sign, screening element, planting or other obstruction to visibility shall be permitted between two (2) feet and six (6) feet above the existing centerline road grade within a triangular area formed by the intersection of two (2) road right-of-way lines connected by a diagonal across the interior of such lines at the following distances from the point of intersection (see "Corner Clearance Area" illustration):

Type of Road Intersection	Minimum Corner Clearance Distance along Rights-of-Way
Any intersection of a paved public road and a state highway	50 feet
Any intersection of local or neighborhood streets or private roads	15 feet
All other road intersections	25 feet

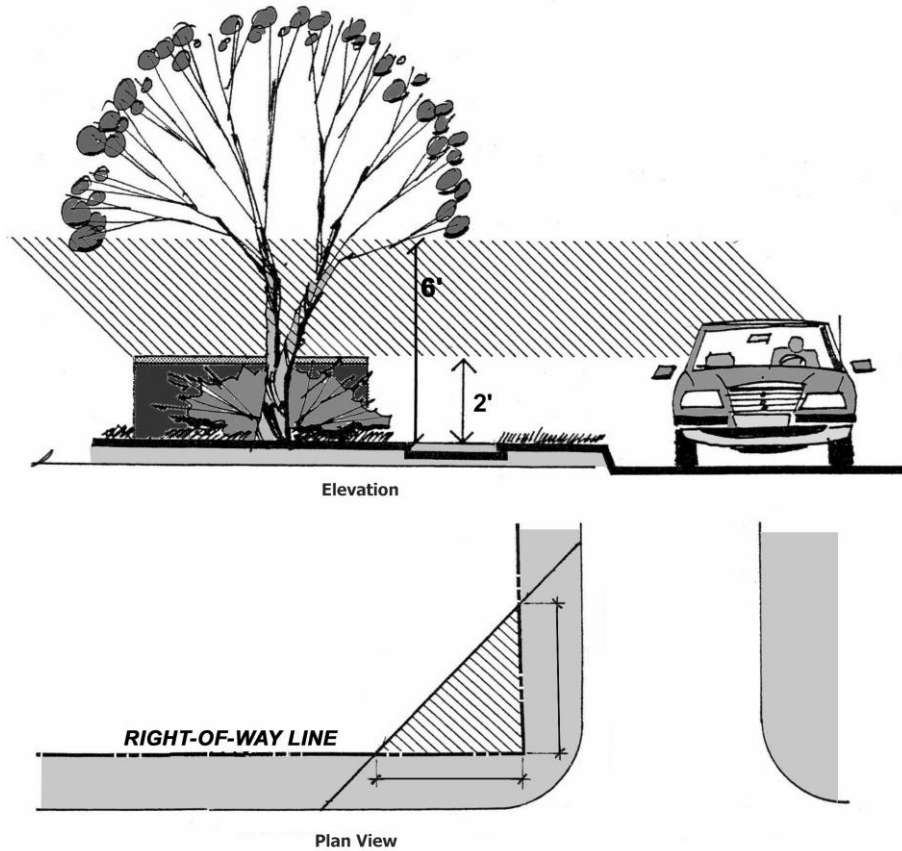
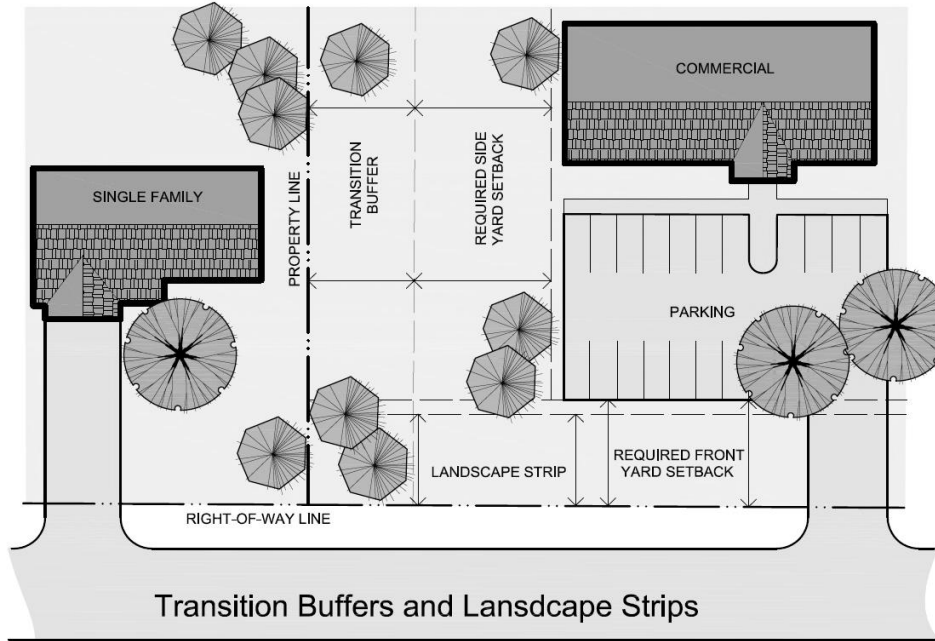
Trees shall be permitted within a corner clearance area, provided that limbs and foliage are trimmed so that they do not obstruct visibility or otherwise create a traffic hazard.

Section 5.209 Compliance with Dimensional Standards.

New lots created, new structures erected, and alterations to existing structures after the effective date of adoption or amendment of this Ordinance shall comply with all applicable dimensional standards of this Ordinance.

1. No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located.
2. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance.
3. 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.
4. Existing yard setbacks shall not be reduced below the minimum requirements of this Ordinance.

ILLUSTRATIONS



Corner Clearance Area

ARTICLE 6.0 LAND USE TABLE

Section 6.01 Key Designations in Table of Uses.

SYMBOL	KEY	
P	Permitted Uses in the Zoning District	Principal Use
S		Special Use
A		Accessory Use
[Blank]	Prohibited Use in the District	

Section 6.02 Table of Permitted Uses by District.

The uses of land in the following table have been organized, for ease of use and convenience, into use groups based upon certain characteristics that the grouped uses may share. These use groups are described below:

1. **RURAL USES.** These uses primarily involve the keeping, breeding or use of animals; production or distribution of produce and farm-related products; and associated uses of a rural character or intensity.
2. **RESIDENTIAL USES.** These uses primarily involve housing of various types and densities, and associated uses typically found in a residential neighborhood.
3. **OFFICE, SERVICE, AND COMMUNITY USES.** Community uses are public-owned or operated uses; uses of a not-for-profit nature; uses that involve benefits or services generally provided to a significant portion of the population; or uses that serve as focal or gathering points for the community. Office or service uses are private-owned or operated uses; or uses of a for-profit nature, such as personal service establishments, medical and professional offices, workshops and studios, and similar associated uses.
4. **COMMERCIAL USES.** These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.
5. **INDUSTRIAL, RESEARCH, AND LABORATORY USES.** These are uses of a light manufacturing, research, warehousing or wholesaling character; or that involve compounding, processing, packaging, assembly, storage or treatment of materials.
6. **OTHER USES.** These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into the preceding use groups.

Type of District	Zoning District Name	Symbol
Rural Districts	Agricultural District	AG
	Rural Small Farm District	SF
Residential Districts	Single-Family Residential Districts	R-1, R-2, R-3
	Two-Family Residential District	RT
	Multiple-Family Residential District	RM
	Manufactured Housing Park District	RMH
Business Districts	Neighborhood Commercial District	C-1
	Community Commercial District	C-2
	General Commercial District	C-3
	Light Industrial District	LI
Other Districts	Public/Recreational District	PR

USES	DISTRICTS												USE STANDARDS	
	Rural		Residential						Business			Other		
	AG	RF	R-1	R-2	R-3	RT	RM	RMH	C-1	C-2	C-3	LI		PR
RURAL USES														
Agricultural Service Establishments	S									P	P			Section 7.03
Bulk Feed and Fertilizer Supply Outlet	S									P	P			Section 7.03
Conservation Area or Open Space, or Preserve	P	P												
Farms for Production of Food, Feed or Fiber	P	P												
Farm-Based Tourism or Entertainment Activities	S													Section 7.02
Farm Implement Sales or Repair Activities	S									S	P	P		Section 7.03
Farm Market	S								P	P	P		P	Section 7.03
Farm Products Direct Marketing Business	P	P												Section 7.04
Garden for Private Production of Flowers, Herbs, Vegetables, etc.	A	A	A	A	A	A	A	A					A	
Greenhouse	P	P	A	A	A					A				Section 7.05
Kennel	S													Section 7.07
Landscape Businesses and Seasonal Maintenance Operations	S									S		S		Section 7.08
Non-Farm Raising/Keeping of Animals, Livestock, Poultry or Bees	P	P	P											Section 7.06
Nursery or Tree Farm	P									A				Section 7.09
Pick-Your-Own Agricultural Products Operation	P													Section 7.04
Roadside Stand	P	P	P											Section 7.10
Stables and Related Equestrian Facilities	P	P												Section 7.11
Sod Farm	P													
Veterinary Clinic or Animal Hospital	P								S	P				Section 7.12
RESIDENTIAL USES														
Accessory Dwelling Unit, One (1) Per Lot	P	P	P	S	S				S	S				Section 8.02
Accessory Dwelling Units, Two (2) or More Per Lot	S	S	S						S	S				Section 8.02

USES	DISTRICTS												USE STANDARDS
	Rural		Residential					Business			Other		
	AG	RF	R-1	R-2	R-3	RT	RM	RMH	C-1	C-2	C-3	LI	
RESIDENTIAL USES (continued)													
Adult Day Care Home, with a max. capacity of six (6) adults	S	S	S	S	S								
Adult Foster Care Family Home	P	P	P	P	P	P	P						
Adult Foster Care Small Group Home	P	P	S	S	S								Section 9.05
Adult Foster Care Large Group Home or Congregate Care Facility							S						Section 9.05
Bed and Breakfast Inn	S	S	S	S	S								Section 8.03
Boarding House with a maximum capacity of four (4) persons			P	P	P								Section 8.04
Boarding House with a capacity exceeding four (4) persons			S	S	S								Section 8.04
Child Day Care Home, Family	A	A	A	A	A	A	A	A					
Child Day Care Home, Group	S	S	S	S	S	S	S	S					Section 9.05
Child Foster Family Home or Family Group Home	P	P	P	P	P	P	P	P					
Child Foster Family Large Group Home							P						Section 9.05
Dormitories and Similar On-Campus Student Residential Housing												P	Section 8.05
Elderly and Senior Housing – Independent							P						Section 8.09
Elderly Housing – Assisted Living Facilities							S		S	S			Section 8.09
Elderly Housing – Dependent, Nursing or Convalescent Care							S		S	S			Section 8.09
Farm Labor Housing	S												Section 8.06
Home Occupation listed in Section 8.07	P	P	P	P	P	P	P	P					Section 8.07
Home Occupation not listed in Section 8.07	S	S	S	S	S	S	S	S					Section 8.07
Home Office	P	P	P	P	P	P	P	P					Section 8.07
Manufactured Housing Parks								P					Section 8.08
Multiple-Family Housing, Townhouses, and Stacked Flats							P						Section 8.09
Rooming House			S	S	S								Section 8.04
Single Family Dwellings, Detached	P	P	P	P	P	P	P	P					Section 8.10
Two-Family (Duplex) Dwellings						P	P						Section 8.10

USES	DISTRICTS											USE STANDARDS	
	Rural		Residential					Business			Other		
	AG	RF	R-1	R-2	R-3	RT	RM	RMH	C-1	C-2	C-3		LI
RESIDENTIAL USES (continued)													
State-Licensed and Other Managed Residential Facilities not otherwise listed in this table							S						
OFFICE, SERVICE, AND COMMUNITY USES													
Banquet Hall and Catering Facilities									P	P	P		
Barber Shop, Beauty Salon or Nail Care									P	P	P		
Business and Technical Training Facilities									P	P		P	A
Campgrounds and Recreational Vehicle Parks	S												S
Cemetery													P
Copying, Mailing, Packaging, and Similar Business Services									P	P		A	A
Day Care Center, Child or Adult							S	S	P			A	P
Funeral Parlor or Mortuary									P	P			
Government Offices, and Fire, Police or Ambulance Stations													P
Health Club or Fitness Center							A	A	S	P		A	A
Hospital or Urgent Care Center										S			S
Hotel or Inn											P		
Information Technology Business Facilities									P	P		P	
Institutional Uses													P
Instructional Studios for Dance, Martial Arts, Theater, Music, and Similar Activities									P	P			
Laundromat, or Dry Cleaners-pick-up/drop-off only									P	P			
Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist or Physical Therapist									P	P	P		A
Offices for Professional, Service, Clerical, Corporate, Administrative, Skilled Trades, and Similar Uses									P	P	P	P	

USES	DISTRICTS												USE STANDARDS	
	Rural		Residential						Business			Other		
	AG	RF	R-1	R-2	R-3	RT	RM	RMH	C-1	C-2	C-3	LI		PR
OFFICE, SERVICE, AND COMMUNITY USES (continued)														
Recreational Facilities, Private Membership/Restricted Access	S												P	Section 9.07
Recreational Facilities, Publicly-Owned or Resident Access Parks, Ball-fields, Golf Courses, and Similar Low Intensity Uses	S		P	P	P	P	P	P					P	Section 9.07
Recreational Facilities, Sportsman’s Clubs and Shooting Ranges, Golf Driving Ranges, and Similar Intensive Recreational Uses	S												S	Section 9.07
Resort, Group Camp or Conference Center	S												S	Section 9.08
Studios for Filmmaking or Video Production												S		
Tattoo Parlor or Body Piercing Salon										S				
Workshop Studios for Crafts, Photography, Art, Woodworking, or Decorative Metalworking (no welding, plating or industrial activities), Small Appliance Repair, Tailoring, Dressmaking, Millinery, Shoe Repair, and Similar Activities									P	P	P	P		Section 9.11
COMMERCIAL USES														
Amusement Center, Indoor										P	P			Section 10.03
Amusement Center, Outdoor											P			Section 10.03
Antique Sales or Repair									P	P				
Apparel Sales, Shoe Stores, Jewelry Stores, and Similar									P	P				
Bank, Credit Union or Similar Financial Institution									P	P	P			Section 10.07
Big Box Commercial Uses										S	S			Section 10.05
Car Wash, Vehicle Detailing Shop, or Truck Wash											P			Section 10.06
Commercial Uses not otherwise listed in this table											S			
Dealership - Outdoor Sales Lot										S	P			Section 10.11
Dealership - Indoor Showroom										P	P			
Drive-In or Drive-Through Facilities										S	P			Section 10.07

USES	DISTRICTS											USE STANDARDS		
	Rural		Residential					Business			Other			
	AG	RF	R-1	R-2	R-3	RT	RM	RMH	C-1	C-2	C-3		LI	PR
COMMERCIAL USES (continued)														
Gift Shop									P	P	P			
Grocery or Convenience Store, Specialty Market, Bakery, Delicatessen, and Similar Food Stores									P	P	P			
Hardware Store									P	P	P			
Lumber Yard, Landscape Supply or Building Materials Sales Yard										S	P			Section 10.11
Manufactured Housing Sales Lot								S			P			Section 10.11
Motion Picture Cinema, Indoor										P	P			Section 10.08
Motion Picture Cinema, Outdoor											S			Section 10.08
Motor Vehicle Fueling Station										S	P			Section 10.09
Motor Vehicle Repair Station											S	S		Section 10.09
Motor Vehicle Service Center										S	P	S		Section 10.09
Open Air Business or Outdoor Sales or Display Area										S	P			Section 10.11
Outdoor Café or Eating Area									S	P	P			Section 10.10
Pawnshop										S				Section 12.04
Pharmacies, Drugstores and Medical Supply Stores									P	P	P		A	Section 10.02
Restaurants and Food Service Establishments									P	P	P	A	A	Section 10.02
Retail Stores not otherwise listed in this table										P	P			
Secondhand Store									S	P				
Showroom for Display or Sales of Products Created On-Site									P	P		A		Section 10.02
Tavern, Pub, Brewpub or other establishment serving food and alcoholic beverages and/or providing entertainment										S	P			
INDUSTRIAL, RESEARCH, AND LABORATORY USES														
Assembly of Electrical and Electronic Components, Instruments, Appliances, and Equipment; and Articles of a Similar Nature												P		

USES	DISTRICTS												USE STANDARDS	
	Rural		Residential						Business			Other		
	AG	RF	R-1	R-2	R-3	RT	RM	RMH	C-1	C-2	C-3	LI		PR
INDUSTRIAL, RESEARCH, AND LABORATORY USES (continued)														
Contractor's Establishments or Equipment Storage											P	P		Section 11.04
Feed or Flour Mills, and Packaging of Farm Produce	P											S		
Smoking, Curing or Packing Plants, and Similar Food and Farm Product Processing Uses	S											S		Section 11.02
Fabrication or Assembly of Motor or Recreational Vehicles or Parts, Manufactured/Modular Housing, and Similar Products												P		
Hazardous Materials Storage												S		Section 11.02
Industrial, Research, and Laboratory Uses not otherwise listed in this table												S		Section 11.02
Laboratories for Environmental and Life Sciences, Materials Research, Instrumentation, and Similar Applications												P		
Machine, Welding, Tool and Die, and Sheet Metal Shops; Stone Finishing and Carving; and Similar Uses												P		
Manufacturing, Processing, or Treatment of Food Products, Pharmaceuticals, Cosmetics, and Similar Items												P		
Manufacturing, Processing, or Assembling of Appliances, Wiring Devices, Electronic Components and Equipment, Fabricated Metal Products, Transportation Equipment, and Similar Items												P		
Manufacturing, Processing, or Assembling of Automated Production Equipment; Measuring, Analyzing, and Controlling Instruments; Computing Equipment; Optical Equipment; Time-keeping Devices; and Similar Items												P		
Manufacture, Processing, Production or Bulk Storage of Chemicals, Petroleum, Paper Products, Cement, Lime, Glue, Gypsum, Soap, Soda, Compound, Potash or Similar Materials												S		Section 11.02
Outdoor Storage, General										A	S	P		Section 11.04

USES	DISTRICTS												USE STANDARDS	
	Rural		Residential					Business			Other			
	AG	RF	R-1	R-2	R-3	RT	RM	RMH	C-1	C-2	C-3	LI		PR
INDUSTRIAL, RESEARCH, AND LABORATORY USES (continued)														
Outdoor Storage of Motor or Recreational Vehicles, Construction or Farming Machinery, Manufactured Houses or Similar Items												S		Section 11.02
Outdoor Dismantling or Recycling of Motor or Recreational Vehicles, Construction or Farming Machinery, Manufactured Houses or Similar Items												S		Section 11.03
Packaging of Previously Prepared Materials												P		
Power Generation Plant, Fossil Fuel, Gas-Fired, and Similar												S		Section 11.02
Power Generation Plant, Solar												S		Section 12.12
Printing, Lithography, Bookbinding, and Similar Uses												P		
Prototype Engineering and Production, and Pilot Manufacturing and Machining												P		
Research, Development, Testing, and Engineering Facilities												P		
Self-Storage Warehouses											P	P		Section 11.05
Warehouse, Material Distribution Center, Ice and Cold Storage Plant, and Other Non-Farm Bulk Indoor Storage											P	P		
OTHER USES														
Accessory Structures and Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	
Adult Regulated Uses												P		Section 12.04
Aircraft Landing Strip, Private	S											S	S	Section 12.02
Composting Center	S													Section 12.03
Hydroponics Equipment and Indoor Growing Paraphernalia Sales											S	S		Section 12.04
Medical Marijuana – One (1) Registered Caregiver Per Lot												P		Section 12.04
Off-Street Parking Lots	A	A	A	A	A	A	A	A	A	A	A	A	A	
Private Off-Road Courses	S													Section 12.05
Public Utilities and Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	

USES	DISTRICTS												USE STANDARDS	
	Rural		Residential					Business			Other			
	AG	RF	R-1	R-2	R-3	RT	RM	RMH	C-1	C-2	C-3	LI		PR
OTHER USES (continued)														
Public Works or Road Maintenance Yards												P		Section 11.04
Racetrack													S	Section 12.06
Recycling Collection Facility												P	S	Section 11.04
Solar Collection Devices, Attached	A	A	A	A	A	A	A	A	A	A	A	A	A	Section 12.12
Solar Collection Devices, Small Freestanding	A	A	A									A	A	Section 12.12
Solar Collection Devices, Large Freestanding	S											P	P	Section 12.12
Temporary Concrete or Asphalt Batch Plants											S	S	S	Section 12.07
Temporary Structures and Uses not otherwise listed in this table	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 12.08
Temporary Structures for Construction Purposes	P	P	P	P	P	P	P	P	P	P	P	P	P	
Topsoil Removal or Stockpiling	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 12.09
Utility Transmission or Distribution Lines within Existing Easements	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 12.10
Utility Transmission or Distribution Lines within a New Easement	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 12.10
Volatile Bio-Fuel Production Facilities, Large	S													Section 12.11
Volatile Bio-Fuel Production Facilities, Small	P													Section 12.11

(ord. no. 79D, eff. June 29, 2018)

ARTICLE 7.0

USE STANDARDS – RURAL USES

Section 7.01 Intent.

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Article 22.0 (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Article 17.0 (Site Plan Review).

Section 7.02 Farm-Based Tourism or Entertainment Activities.

Farms providing tourism or entertainment-oriented facilities or activities for promotion of agriculture, rural lifestyle or farm product sales shall be subject to the following:

1. Any sales and entertainment facilities shall have direct access to one (1) or more paved or gravel public through roads. Primary access via a local subdivision street or private road shall not satisfy this requirement.
2. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 17.0 (Site Plan Review). Such plan shall show the intended use and location of all structures, growing areas, parking facilities, necessary sanitary facilities, roads and drives to be utilized by the public, pedestrian circulation, location of service areas for various facilities, any proposed exterior lighting for the event or activity, and transition plantings or screening devices.
3. Screening shall be provided per Section 16.10D (Methods of Screening) where off-site abutting residential properties are occupied with dwelling structures within 200 feet of any area on the site occupied with sales or entertainment facilities. Crop growing areas of a depth of not less than 200 feet may be permitted to satisfy this requirement.
4. No part of an event or activity shall intrude into any road right-of-way.

5. Noise levels shall not exceed 65 decibels at any lot boundary or right-of-way.
6. The hours of operation of any outdoor entertainment facilities shall be subject to Planning Commission approval.

Section 7.03 Farm Markets and Agricultural Services.

Farm markets, agricultural service establishments, farm implement sales or repair, bulk feed and fertilizer supply outlets, and similar uses shall be subject to the following:

1. Such uses shall conform to all parking, loading, screening, and other site development standards that apply to retail stores, and shall be subject to site plan approval per Article 17.0 (Site Plan Review).
2. A minimum of fifty percent (50%) of the produce or products offered for sale in a permitted farm market shall be grown or produced on land in Michigan, or made from produce grown or material produced on land in Michigan.
3. Any outdoor storage areas shall be adequately screened and covered in compliance with Section 11.04 (Outdoor Storage, General).
4. All signs shall comply with the requirements of Article 13.0 (Signs) for a non-residential use in the zoning district, even if a residence is also located on the same parcel.
5. Any farm implement repair or service facility may also repair and service other motor vehicles on an occasional basis, provided that such activities remain incidental and secondary to the principal use of the premises.

Section 7.04 Farm Products Direct Marketing Businesses.

Farm products direct marketing businesses listed in Article 6.0 (Land Use Table) as an accessory use shall only be permitted in the zoning district accessory to an active farm operation. Such businesses shall include "you-pick" commercial agricultural operations, direct sales to area businesses, restaurants, and retail stores, Internet-based sales of farm products, and similar businesses.

Section 7.05 Greenhouse.

This Section shall not apply to a residential greenhouse structure accessory to a single-family dwelling. Such residential greenhouses shall conform to all requirements of Section 3.07 (Accessory Structures). The following shall apply to all other greenhouses:

1. Retail sales of greenhouse products shall be permitted as an accessory use, subject to site plan approval per Article 17.0 (Site Plan Review) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
2. Storage, sales, and display areas shall comply with the minimum setback requirements for the zoning district in which the establishment is located.
3. Plant growing areas shall be located outside of all road rights-of-way and corner clearance areas as defined in Section 5.208 (Corner Clearance Areas).

4. The storage of loose materials shall be contained to prevent it from blowing onto adjacent properties and from access by small animals.
5. Where greenhouses are listed in Article 6.0 (Land Use Table) as a permitted accessory use, such uses shall be accessory to an active farm operation.

Section 7.06 Keeping of Livestock and Bees, Non-Farm.

The standards of this Section shall not apply to apiaries or keeping of animals that are part of an active farm operation maintained in conformance with the Right to Farm Act (P.A. 93 of 1981, as amended) and Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture. Non-farm beekeeping or raising and keeping of a limited number of poultry, rabbits or livestock shall be subject to the following:

Gross Lot Area	Maximum Number Allowed by Lot Area						
	Bee Colony or Hive	Rabbit	Chicken (hen), Duck, Quail or Similar Poultry	Chicken (rooster), Guinea Fowl or Geese	Goat	Sheep, Emu, Ostrich, Alpaca or Llama	Cow or Similar Large Non-Equine Livestock
Less than 1.0 acre	2.0	10.0	None	None	None	None	None
1.0 to 1.99 acres	4.0	10.0	10.0	None	None	None	None
2.0 to 4.99 acres	8.0	25.0	25.0	None	None	None	None
5.0 to 9.99 acres	12.0	25.0	40.0	None	4.0	2.0	1.0
10.0 acres or Greater	All activities shall be kept consistent with the applicable requirements of this Ordinance and the Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.						

1. Non-farm raising and keeping of such animals shall be clearly incidental to the principal use of the property for a single-family dwelling, and shall be prohibited within any subdivision plat or site condominium development.
2. The non-farm raising and keeping of cows, goats, llamas, alpacas, emu, ostrich, and similar livestock shall require a minimum road frontage and minimum lot width of 250 feet.
3. Structures for keeping livestock, poultry, rabbits or bees shall be set back a minimum of 30.0 feet from all lot boundaries, and 50.0 feet from any dwelling. All outdoor pens, corrals, pastures, and paddocks on lots of less than ten (10) acres shall be located outside of the required yard setback areas for the zoning district.
4. All facilities shall be so constructed and maintained that odor, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining premises.
5. Zoning permit approval shall be required per Section 2.03 (Zoning Permits).

(Amended by Ordinance 79H Effective August 05, 2022)

Section 7.07 Kennel.

The standards of this Section shall apply to the keeping, housing or raising of six (6) or more dogs over six (6) months old for breeding, showing, boarding, training, competition, or as pets. Kennels shall be licensed as required by Bay County or other outside agency with jurisdiction, and shall be subject to the following additional standards:

1. The minimum lot size shall be two (2) acres for the first four (4) dogs, plus one (1) additional acre for each ten (10) additional animals.
2. Structures, outdoor pens, and exercise areas for such animals shall be set back a minimum of 100 feet from any dwelling or building used by the public, and shall be located outside of the required yard setback areas for the zoning district.
3. The Planning Commission shall establish a limit on the maximum number of dogs that may be kept, housed or raised at one time as part of any kennel approval.
4. All facilities shall be so constructed and maintained that odor, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining premises.
5. The kennel shall be established and maintained in accordance with applicable sanitation regulations. The applicant shall submit a waste management plan for review as part of any special use permit application.
6. All dogs shall be enclosed within a building at night.
7. The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

Section 7.08 Landscape Operations and Snowplow Businesses.

Landscape maintenance and installation operations, snowplowing and removal businesses, and similar uses shall be subject to the following:

1. Establishment, expansion or alteration of such businesses shall be subject to site plan approval per Article 17.0 (Site Plan Review).
2. Outside storage, outside display areas, and parking of vehicles and equipment shall conform to the applicable standards of this Ordinance for the zoning district.
3. The Planning Commission may require screening of storage building(s), permitted outside storage areas, and business vehicle parking area(s) occupied or intended to be used by the business from road rights-of-way and abutting parcels per Section 16.10D (Methods of Screening).
4. On-site fuel storage and handling shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code.

5. In the AG (General Agriculture) District, such uses shall be accessory to a principal farm operation or single-family dwelling on the same parcel, and shall be subject to the following additional requirements:
 - a. A maximum of one (1) vehicle associated with such uses in the AG (Agricultural) District shall be permitted to be parked outside of a building.
 - b. The character or appearance of the dwelling shall not change. The total floor area of the dwelling used for the business shall not exceed twenty percent (20%) of the dwelling's total floor area. Employees of the business not residing on the parcel shall work primarily off-site. The business shall not generate vehicular traffic above that normally associated with similar agricultural operations in the Rural Districts.
 - c. Such businesses may occupy all or part of any accessory buildings on the parcel that conform to the minimum required yard setbacks for the zoning district, subject to Planning Commission approval.
 - d. The Planning Commission may limit hours of operation for the business to minimize impacts on adjacent residents and uses.

Section 7.09 Nursery.

Nursery operations, as defined in Section 25.03 (Definitions), shall be subject to the following:

1. Retail sales of unprocessed/prepared nursery products raised on the premises shall be permitted as an accessory use on the site, subject to site plan approval per Article 17.0 (Site Plan Review) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
2. Dump trucks and trailers, bulldozers, backhoes, and similar types of heavy equipment shall be limited to seasonal or intermittent use for harvesting of trees, with no permanent or long-term on-site storage of such vehicles and equipment.

A nursery operation exceeding these limitations shall be subject to special use approval per Article 18.0 (Special Land Uses).

Section 7.10 Roadside Stands.

Roadside stands, as defined in Section 25.03 (Definitions), shall be subject to the following:

1. The gross floor area of the temporary structure shall be not less than 50 square feet but not more than 250 square feet. The temporary structure shall be set back a minimum of 25 feet from all road rights-of-way, and shall not exceed a height of one (1) story.
2. Suitable containers for rubbish shall be placed on the premises for public use.
3. Off-street parking shall be located outside of road rights-of-way, but may be provided within the required front yard setback area. Such parking shall be constructed in accordance with Article 14.0 (Off-Street Parking and Loading), except asphalt or concrete paving shall not be required.

4. Signs used in connection with the use shall be temporary, and shall comply with the requirements of Article 13.0 (Signs). Off-site signage shall be prohibited.
5. Roadside stand structures and signage shall be removed by November 15 of each calendar year.

A roadside stand exceeding these limitations shall be subject to approval as a farm market per Article 6.0 (Land Use Table) and Section 7.03 (Farm Markets and Agricultural Services).

Section 7.11 Stables and Related Equestrian Facilities.

All stables and facilities for the rearing, schooling and housing of horses, mules, ponies and similar equine riding animals shall be subject to the following:

1. Such facilities shall require a minimum road frontage and minimum lot width of 250 feet, and a minimum lot area of five (5) acres for the first two (2) animals. One (1) additional acre shall be required for each additional animal for lots of less than ten (10) acres.
2. Such facilities on lots ten (10) acres and larger shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
3. Structures for keeping such animals shall be set back a minimum of 60 feet from all lot boundaries, and 100 feet from any dwelling.
4. All facilities shall be so constructed and maintained that odor, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining premises.
5. Outdoor areas for pasturing, exercising or riding such animals may extend to the front, rear or side lot boundaries.
6. There shall be no commercial activity, other than incidental sales not unusual for permitted RURAL USES or RESIDENTIAL USES.
7. Establishment or enlargement of private riding arenas and boarding stables, as defined in Section 25.03 (Definitions), shall be subject to approval of a certificate of zoning compliance per Section 1.07 (Certificates of Zoning Compliance).
8. Establishment or enlargement of public or commercial riding stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar equine riding animals available or intended for use by the public or for hire on a per diem, hourly or weekly basis shall be subject to site plan approval per Article 17.0 (Site Plan Review), and the following additional requirements:
 - a. Public or commercial riding stables and academies shall have a minimum lot area of 20.0 acres.
 - b. The applicant shall provide a written statement of the number of horses and ponies which will be accommodated, the nature and duration of any equestrian events which will be held, the planned or agreed use of any

other properties for riding or pasturing, and any agreements or arrangements with any equestrian clubs, groups or organizations.

- c. Parking for patrons and employees shall be provided in compliance with Article 14.0 (Off-Street Parking and Loading).

Section 7.12 Veterinary Clinics and Hospitals.

Veterinary clinics and hospitals shall comply with the following:

1. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 17.0 (Site Plan Review).
2. All activities shall be conducted within a completely enclosed building, except that an outdoor exercise area shall be permitted, subject to the following:
 - a. Exercise areas on lots of less than ten (10) acres shall not be located in any required yard setback areas.
 - b. Such areas shall be screened in accordance with Section 16.10D (Methods of Screening). The Planning Commission may also require fencing to enclose and secure such areas.
3. The facility shall be so constructed and maintained that odor, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining premises.
4. Keeping of animals for overnight care shall be limited to the interior of the principal building. Treatment of non-domesticated animals shall be permitted.

ARTICLE 8.0 USE STANDARDS – RESIDENTIAL USES

Section 8.01 Intent.

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Article 22.0 (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Article 17.0 (Site Plan Review).

Section 8.02 Accessory Dwelling.

It is the intent of this Section to permit accessory dwellings within principal single-family dwellings in the Rural Districts and Residential Districts for the purposes of providing a variety of housing options in the Township; accommodating the desire of some senior citizens, family groups, and other persons with special needs for private housing close to relatives; providing homeowners the additional income needed to retain their home in the community; and providing additional housing accessory to RURAL USES. It is further the intent of this Section to permit dwellings accessory to certain non-residential land uses, subject to specific standards designed to preserve the intended character of the zoning district.

The standards of this Section are designed to prevent the undesirable proliferation of multiple-family buildings in rural and single-family residential areas of the Township, and to preserve the character and appearance of commercial buildings that include an accessory dwelling unit. Accessory dwellings shall be subject to the following standards:

A. Accessory to Detached Single-Family Dwellings.

The following shall apply to dwelling units accessory to detached single-family dwellings in the Rural Districts and Residential Districts:

1. A maximum of one (1) accessory dwelling unit shall be permitted per principal dwelling within any subdivision plat or site condominium development.

2. Parking for the accessory dwelling unit shall be provided per Article 14.0 (Off-Street Parking and Loading).
3. The accessory dwelling unit shall be located entirely within the principal building, and shall be separated from and subordinate to the principal dwelling. Accessory dwelling units shall not be connected to or located within any accessory structure.
4. The exterior of the principal building shall remain unchanged, so that it does not give the appearance of being divided into separate units. Access to an accessory dwelling unit shall be limited to a common front foyer, or a separate entrance door on a sidewall. The Planning Commission may, for good cause shown or upon determination that no other means of access is feasible, approve use of an exterior stairway to provide primary or emergency access to an upper floor accessory dwelling unit.
5. Each accessory dwelling unit shall not occupy more than twenty five percent (25%) of the principal building's total gross floor area, and shall conform to all applicable State Construction Code and County Environmental Health Division requirements.
6. The principal dwelling on the premises shall be the primary and permanent legal residence of the property owner(s), and shall occupy a minimum of 750 square feet of gross floor area in the principal building.

B. Accessory to Non-Residential Uses.

The following shall apply to accessory dwelling units permitted in the Business Districts and as otherwise authorized by this Ordinance:

1. Accessory dwelling units shall be located within the principal building, and shall have separate kitchen, bath, and toilet facilities and a private entrance. Where there is more than one (1) accessory dwelling unit in a building, such entrances may be provided from a common hallway.
2. In the Business Districts, accessory dwelling units shall be prohibited on the ground floor or street level of the building.

C. Approval Required.

Construction or expansion of an accessory dwelling unit shall be subject to site plan approval per Article 17.0 (Site Plan Review). The site plan application shall include submittal of floor plans, building elevation drawings, and a plot plan of the lot to verify compliance with this Ordinance. For dwellings served by privately owned well or septic facilities, proof of adequate system capacity shall be provided to the Township.

Section 8.03 Bed and Breakfast Inn.

Bed and breakfast inns shall comply with the following:

1. **Bed and breakfast inn as an accessory use.** A bed and breakfast inn shall be permitted only in a single-family detached dwelling unit that is the principal dwelling unit on the property. The bed and breakfast inn shall be confined to a part of the principal building, and shall be clearly incidental to the use of the

property as a single-family residence. The maximum length of stay for any patron shall be 14 days in any period of 90 consecutive days.

2. **Maximum number of units.** A maximum of ten (10) sleeping rooms shall be established for the bed and breakfast inn. The Planning Commission may further limit the number of permitted sleeping rooms based on site or building limitations and principles of good design.
3. **Principal residence.** The principal building containing a bed and breakfast inn 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. **Scope of operation.** Retail sales and other COMMERCIAL USES shall be prohibited, except incidental sales directly associated with the operation.
 - a. Full breakfasts or continental breakfasts may be served to registered guests only. No other meals shall be provided to such guests.
 - b. Sale of alcoholic beverages shall be prohibited.
 - c. Bed and breakfast facilities shall not be used for receptions, weddings, and similar celebrations and parties, other than private events for members of the resident's immediate family.
5. **Kitchen and dining facilities.** There shall be no separate cooking facilities for the bed and breakfast inn, other than those that serve the principal residence. Dining space sufficient to seat all guests shall be provided.
6. **Building and room requirements.** The principal building for a bed and breakfast inn shall comply with the following minimum requirements:
 - a. There shall be at least two (2) exits to the outdoors.
 - b. Rooms used for sleeping shall have a minimum floor area of 100 square feet, and shall be designed to accommodate a maximum of two (2) occupants per room.
 - 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) full bathroom with a toilet, sink, and shower or tub shall be provided for each two (2) sleeping rooms on the same floor. Bathrooms required for guests under this subsection shall be in addition to the facilities utilized by the resident family.
7. **Parking.** Parking for the bed and breakfast inn shall be provided per Article 14.0 (Off-Street Parking and Loading). Parking for the bed and breakfast inn shall not be located in any required front yard, and stacking of more than two (2) vehicles in a driveway shall be prohibited.
8. **Signs.** In addition to a nameplate as permitted for the principal dwelling per Article 13.0 (Signs), one (1) ground sign not more than 16 square feet in area and six (6) feet in height shall be permitted for the bed and breakfast inn.

9. **Approval and opening.** Bed and breakfast inns shall be subject to site plan approval per Article 17.0 (Site Plan Review). The site plan application shall include floor plans with the dimensions and floor areas of all rooms and areas to be used by guests (sleeping rooms, bathrooms, dining areas, etc.), and the locations of required exits, emergency exit routes, tornado protection locations, smoke detectors, and carbon monoxide detectors.
 - a. Final approval of any special use permit or site plan for a bed and breakfast inn shall not become effective and the bed and breakfast inn shall not be operated for business until a certificate of occupancy has been issued with a finding of no safety violations in accordance with applicable State Construction Code requirements, and all required outside agency licenses and permits have been issued.
 - b. The operator shall provide the Township with copies of such licenses and permits, and written evidence of inspection and compliance with applicable codes and regulations prior to opening the bed and breakfast inn to the public, and upon request by the Zoning Administrator.

Section 8.04 Boarding House or Rooming House.

Boarding houses and rooming houses shall conform to the following requirements:

1. In addition to any special use approval, where required, such land uses shall be subject to zoning permit approval per Section 2.03 (Zoning Permits) to confirm compliance with all applicable requirements of this Ordinance.
2. Contact information for the property owner and individual(s), partnership or legal entity responsible for operating the boarding or rooming house shall be provided to the Township as part of any application for approval under this Ordinance.
3. Boarding and rooming houses in the R-1 through R-3 (Single-Family Residential) zoning districts shall be maintained in compliance with all requirements for one-family detached dwellings, including Section 8.10 (Single-Family and Two-Family Dwellings) and Section 14.03 (Residential Parking Requirements), to ensure compatibility with surrounding land uses.

Section 8.05 Dormitory Housing, Fraternity or Sorority Housing or Similar Living Facilities.

Dormitory housing, fraternities, sororities and similar living facilities accessory to an educational, philanthropic, or charitable institution shall be:

1. Erected on a minimum five (5) acre parcel of land contiguous to the educational, philanthropic or charitable institution.
2. Located within a building that conforms and is similar in appearance, height and size to other permitted residential buildings in the Township.
3. Subject to all other applicable requirements of this Ordinance.

Section 8.06 Farm Labor Housing.

Single-family dwelling units for temporary housing for workers and their families during the season in which they are employed in the planting, harvesting, or processing of crops or other essential but temporary agriculturally related employment associated with an active farm operation shall comply with the following:

1. Farm labor housing shall comply with the Michigan Public Health Code (P.A. 368 of 1978, as amended) and County Environmental Health Division requirements. Such housing shall comply with the State Construction Code and other codes and standards that apply to the type of construction. Proof of all required outside agency permits and approvals shall be provided to the Township.
2. Construction, expansion, and alteration of farm labor housing shall be subject to site plan approval per Article 17.0 (Site Plan Review). The number of permitted farm labor housing units shall be subject to Planning Commission approval, based upon site conditions, availability and capacity of potable water and sanitary sewerage or septic facilities, and proximity to non-farm land uses.
3. All structures for farm labor housing shall comply with the standards of Article 3.0 (Dimensional Standards) for the zoning district, and shall be set back a minimum of 150 feet from any off-site single-family dwelling located on a separate parcel of property and owned by another individual or entity.
4. The occupants shall be employed for farm labor by the farm operation owner at least fifty percent (50%) of the time while they occupy the housing.

Section 8.07 Home Occupations.

Home occupations shall be subject to the following:

A. Use Standards.

Home occupations shall conform to the following requirements:

1. The home occupation shall be conducted entirely within the dwelling or an associated accessory structure, except where specifically provided for in this Section, and shall be clearly incidental and secondary to the use of the premises for dwelling purposes.
 - a. The total floor area used by the home occupation shall not exceed twenty percent (20%) of the floor area of the principal dwelling.
 - b. There shall be no change in the appearance of the structure or premises, or other visible evidence of the home occupation.
 - c. External and internal alterations not customary for a single-family dwelling shall be prohibited.
 - d. Exterior display and storage of equipment or materials associated with or resulting from a home occupation shall be prohibited.
2. No persons other than members of the immediate family residing on the premises shall be engaged in the home occupation.

3. No signs shall be permitted for the home occupation, other than a nameplate as permitted for a dwelling per Article 13.0 (Signs).
4. No article shall be sold on the premises except that which is prepared on-site or provided as incidental to the service or profession conducted therein.
5. Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.
6. Traffic generated by a home occupation shall not be greater in volume than that normally expected within the neighborhood.
7. Parking for the home occupation shall not exceed two (2) spaces, and shall conform to the requirements of Section 14.03 (Residential Parking Standards).

B. Permitted Home Occupations.

The following uses shall be permitted as home occupations:

1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons, and similar occupations.
2. Personal services, including beauty and barbershops (one-chair operations only) and animal grooming (provided there is no overnight keeping of animals).
3. Home office for a massage therapist, subject to the standards of Section 9.10 (Therapeutic Massage).
4. Music, dance, arts and crafts classes, and private tutoring and instruction for a maximum of five (5) pupils at any given time.
5. Studios and workshops for artists, sculptors, musicians, and photographers; and for weaving, lapidary, jewelry making, cabinetry, woodworking, sewing, tailoring and similar crafts.
6. Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices.
7. Permitted home occupations in the Rural Districts or accessory to permitted Rural Uses shall also include farm implement repair, and classic or antique motor vehicle restoration activities.
8. A yard or garage sale for household or personal items of the principal residents of the dwelling shall be permitted as a temporary home occupation, provided that such activities shall not exceed 15 days per calendar year and signage is limited to temporary signs permitted in the zoning district.
9. A lemonade stand or similar incidental sales activity operated under adult supervision by one (1) or more minor residents of the premises shall be permitted as a temporary home occupation, provided that signage is limited to temporary signs permitted in the zoning district.

10. Any home occupation not specifically listed may be approved by the Planning Commission with a special use permit, subject to the provisions of this Section and Article 18.0 (Special Land Uses).
11. Cultivation of medical marihuana by a medical marihuana primary caregiver as defined by the Michigan Medical Marihuana Act shall be allowed as a home occupation in the AG (Agricultural) zoning district, subject to the applicable requirements of this Section and the additional requirements of Section 9.12 (Medical Marihuana Primary Caregiver). *(Amended by Ordinance 79H Effective August 05, 2022)*

C. Prohibited Uses.

The following uses are expressly prohibited as a home occupation:

1. General repair and servicing of motor vehicles or recreational vehicles, body and paint shops, welding shops, and storage or dismantling yards.
2. Kennels and veterinary clinics.
3. Medical or dental clinics.
4. Retail stores, and eating or drinking establishments.
5. Adult regulated uses and sexually oriented businesses.
6. Any use or process that creates noise, vibration, glare, fumes, odor, electrical interference, or similar nuisances to persons off the premises; creates or exacerbates any hazard of fire, explosion, or radioactivity; or causes visual or audible interference or fluctuations in line voltages off the premises.
7. Any use involving outdoor display or storage of materials, goods, supplies, or equipment; or the use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.
8. Uses similar to the above listed uses, or any use which would, in the determination of the Planning Commission, result in nuisance factors as defined by this Ordinance.

D. Inspection and Enforcement.

All home occupations may be subject to inspection by the Zoning Administrator to verify compliance with this Section and Ordinance. Failure to comply with this Section and Ordinance may result in Township action to seek closure of the home occupation, and such other penalties as provided for in this Ordinance.

Section 8.08 Manufactured Housing Parks.

Manufactured housing parks are subject to all minimum requirements and standards as established in the Mobile Home Commission Act (P.A. 96 of 1987, as amended), and any and all rules and regulations promulgated pursuant to Act 96, as may be amended, unless otherwise provided herein as follows:

A. Park Site Standards:

- (1) Sites for the placement and occupancy of manufactured housing units within a manufactured housing park developed under Act 96 of 1987, shall average five thousand five hundred (5,500) square feet. The five thousand five hundred (5,500) square foot requirement may be reduced by up to twenty (20) percent, provided that the individual site shall include a minimum of four thousand four hundred (4,400) square feet; and further provided that land area in an amount equal to that gained by reduction of a site(s) below five thousand five hundred (5,500) square feet shall be dedicated as open space. In no instance, however, shall required open space and spatial separation between units be less than that required under R125.1941, Rule 941; R125.1944, Rule 944; and R125.1946, Rule 946 of the Michigan Administration Code.
- (2) Minimum site size for manufactured housing parks shall be fifteen (15) acres.
- (3) Minimum standards for plumbing, heating and electrical systems shall be those set forth by the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards. Manufactured housing units built to the standards of the American National Standards Institute (ANSI) or the State of Michigan Construction Standards shall also be acceptable for those homes constructed prior to the effective date of HUD certification.
- (4) Maximum height for any building or structure shall not exceed two (2) stories or twenty-five (25) feet.

B. Manufactured Housing Unit Space Standards:

- (1) No personal property shall be stored outside or under any manufactured housing unit. Storage sheds may be used to store property but need not be supplied by the owner of the manufactured housing park development.

C. Utilities Standards:

- (1) Electric lines to each manufactured housing park space shall be installed underground and specifically designed for that purpose. When separate meters are installed, each meter shall be located in a uniform manner.
- (2) Natural gas service to each manufactured housing park space, if provided, shall be installed underground. When separate meters are installed, each meter shall be located in a uniform manner.

D. Landscaping and Ground Cover:

- (1) Exposed ground surfaces in all parts of the manufactured housing park shall be paved or covered with stone or other solid material or protected with grass, trees or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every manufactured housing park shall be graded and equipped to drain all surface water in a safe, efficient manner.
 - (a) If the manufactured housing park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.

- (b) In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way. The landscaping shall consist of evergreen trees or shrubs of a minimum three (3) feet in height, which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing park as effectively as the required landscaping described above.

E. Public Health and Safety:

- (1) Fire hydrants shall be installed in all manufactured housing parks for which public water systems are available and shall be in compliance with the requirements and provisions of the current local Fire Code in effect at the time of permit application.
- (2) For the protection of the public safety, an orderly street name system and numbering system shall be established by the manufactured housing park owner and a plan of this system shall be verified with the Township Fire and Police Department. Manufactured housing unit space numbers shall be located uniformly on each space, manufactured housing unit or identification marker, throughout the manufactured housing park and street names shall be adequately marked.
- (3) Dogs, cats or other pets shall not be permitted to run at large or to commit any nuisance within the park.
- (4) Cooking shelters, barbecue pits, fireplaces and wood burning stoves or incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed except in facilities provided and all such fires must be attended. No fuel shall be used or items burned which emit dense smoke or objectionable odors.

F. Miscellaneous Provisions:

- (1) **Performance bond.** Upon approval of a manufactured housing park by Frankenlust Township, a bond, executed by any surety company authorized to do business in the State of Michigan, may be required to be delivered to the legislative body by the applicant for the faithful performance of provisions of this Ordinance. Said bond shall be in an amount to be determined by the legislative body and shall be conditioned upon the completion of all acts relative to the construction, alteration or extension of any manufactured housing park approved by the Township.
- (2) **Removal of towing mechanisms.** Towing mechanisms shall be removed from the manufactured housing unit at the time of dwelling installation and stored so as not to be visible from the exterior of the manufactured housing park.
- (3) **Skirting of manufactured housing units.** Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire-resistant material and certified as such

by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

[NOTE: Section 8.08 regulations copied without alteration (other than updating “mobile home” to “manufactured housing unit”) from former Section 10.05 (Mobile Home Park Development Provisions)]

Section 8.09 Multiple-Family Housing.

All multiple-family dwellings and developments (including apartment buildings, townhouses, stacked flats, senior and independent elderly housing, nursing homes, assisted living facilities, and dependent elderly housing) shall comply with the following:

A. General Standards.

The following general standards shall apply to all such dwellings and developments:

1. **Building design and orientation.** The following standards shall apply to all such dwellings and developments:
 - a. No building shall exceed 200 feet in length. The minimum separation distance between any two (2) or more multiple-family buildings on the same lot shall be 30 feet.
 - b. No building shall be located closer than 25 feet from internal site access roads, nor shall the longer dimension of a building be located closer than 20 feet from parking areas or parking service drives. The shorter dimension of a building or an end wall without windows or doors may be located to within five (5) feet of parking areas or drives.
 - c. No dwelling unit in a development shall be located more than 100 feet from a public road or internal site access road.
 - d. No entrance to a dwelling unit or building shall be more than 150 feet from a parking lot, measured along the sidewalk leading to the parking lot.
 - e. The minimum required side yard for a multiple-family building shall increase by two (2) feet for each ten (10) feet or part thereof by which a building exceeds 100 feet in length parallel to the side lot boundary.
2. **Community building.** Any community building for the development shall be served by a minimum number of off-street parking spaces, as follows:
 - a. 0-100 units = A minimum of 10 spaces.
 - b. 101-150 units = A minimum of 15 spaces.
 - c. 151 or more units = A minimum of 20 spaces.
3. **Landscaping and screening.** The following minimum requirements shall apply to all such dwellings and developments, in addition to the applicable landscaping, screening and buffering of this Ordinance:
 - a. The front yard area adjacent to any multiple-family building shall be landscaped and maintained with any combination of permanent natural

- groundcovers and greenbelt buffer plantings per Section 16.10 (Landscaping and Screening).
- b. A minimum of one (1) large deciduous tree shall be planted on the interior of the site for each dwelling unit. Such trees shall conform to the minimum requirements of Section 16.10 (Landscaping and Screening).
 - c. Wherever a multiple-family dwelling or development abuts a single-family residential district or lots occupied by existing single-family residential dwellings, screening shall be provided along any common side or rear lot boundaries in accordance with Section 16.10D (Methods of Screening). The Planning Commission may require that such screening include a berm, solid privacy fence, or a six (6) foot solid un-pierced masonry wall, in addition to any required plantings.
4. **Vehicle access.** The following minimum vehicle access improvements shall be required for all such dwellings and developments:
- a. Dual access through a multiple-family development is required for emergency vehicle access. A boulevard may be utilized for dual access, provided the median strip is a minimum of 25 feet in width. No dead end roads or access drives shall be more than 300 feet in length. A suitable turning space shall be provided for vehicles at the terminus of all dead end roads and drives.
 - b. All interior roads, drives, and parking areas within a multiple-family development shall be hard surfaced with asphalt, concrete or other paving materials approved by the Township, and shall be free of on-street parking. The minimum width of an interior road or access drive shall be 24 feet.
 - c. Roadway drainage shall be designed such that stormwater from the roadway will not drain onto adjacent lots or across road rights-of-way.
 - d. Ingress-egress to parking facilities shall be arranged to minimize curb cuts directly onto the public road.
5. **Pedestrian access.** Concrete sidewalks within and abutting a multiple-family dwelling or development shall have a minimum width of five (5) feet. Additional width shall be provided where sidewalks directly abut parking spaces. Sidewalks and barrier-free access ramps shall be provided from all building entrances to adjacent parking areas, public sidewalks and recreation areas, community buildings and adjacent to abutting public roads, interior roads and access drives.
6. **Other requirements.** Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

B. Senior, Elderly, and Rehabilitative Housing.

The following additional standards shall apply to all types of senior, elderly, and rehabilitative housing:

1. The lot location shall be such that at least one (1) property line abuts a paved County primary road. The ingress and egress for off-street parking areas for guests and patients shall be directly from said County primary road.
2. Accessory retail, restaurant, office, and personal service uses may be permitted within the principal building(s) for the exclusive use of residents, employees, and guests. No exterior signs of any type are permitted for such accessory uses.
3. The main and accessory buildings shall be set back at least 75 feet from all property lines.
4. The development of new housing reserved for seniors, the elderly, or rehabilitative purposes shall not adversely impact or limit the availability of land in the zoning district for other types of multiple-family housing, as determined by the Planning Commission.
5. The number of permitted dwelling units, rooms, or beds for nursing homes, assisted living facilities, and dependent elderly housing may exceed the maximum dwelling unit density standards for the zoning district, subject to special use approval.

C. **Recreation Areas and Facilities.**

Passive or active recreation areas and improvements, including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood, shall be provided to serve the residents of the multiple-family dwelling or development, as follows:

1. **Senior, elderly, and rehabilitative housing.** Senior, elderly, and rehabilitative housing facilities shall provide a minimum of 1,500 square feet of combined indoor and outdoor recreation area for every bed used or intended to be used. Passive or active recreational improvements shall be provided within the required recreation area at convenient locations physically and visibly accessible to residents.
2. **All other multiple-family dwellings and developments.** Such recreation improvements shall be incorporated into a minimum of fifteen percent (15%) of the gross land area of all other multiple-family dwellings and developments.
3. **Additional standards.** The following additional standards shall apply to all required recreation areas and improvements for such dwellings and developments:
 - a. The calculation of this required recreation area may include required yard setbacks, buffer areas, and landscape strips, provided that all recreation improvements shall be located outside of such areas. Off-street parking areas, driveways, stormwater management facilities, and service or maintenance areas shall not be counted towards this requirement.
 - b. Indoor recreation facilities, such as an indoor swimming pool, gym or multi-use community building, may count towards meeting fifty percent (50%) of this recreation area requirement.
 - c. All recreation improvements shall be centrally and conveniently located to be physically and visibly accessible to residents.

Section 8.10 Single-Family and Two-Family Dwellings.

This Section is not intended to apply to manufactured housing units located within an approved manufactured housing park. The purpose of this Section is to establish standards governing the design and appearance of single-family detached dwellings on individual lots, two-family (duplex) dwellings, and associated lot improvements and appurtenances in Frankenlust Township. It is the intent of these regulations to:

1. Allow a mix of housing types and living styles in a manner which will not adversely affect existing neighborhoods;
2. Ensure compliance with all applicable Ordinance standards for the protection of the public health, safety, and welfare; and
3. Provide for new residential buildings subject to this Section to be aesthetically compatible with existing single-family dwellings in the surrounding area.

The following standards shall apply to all single-family detached dwellings on individual lots, two-family (duplex) dwellings, additions to existing dwellings, and associated lot improvements and appurtenances to such residential buildings, without regard to the type of construction:

A. General Requirements.

Such residential buildings shall comply with the following general requirements:

1. The residential building 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 State Construction Code. The building 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 from any manufactured home before attaching the building to its permanent foundation.
2. The pitch of the main roof shall have a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run. 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).
3. A minimum six (6) inch roof overhang shall be established on all sides of the residential building, with a roof drainage system that will collect and distribute the roof discharge of stormwater or snow away from the building foundation.
4. No new dwelling shall be located within a floodway or 100-year floodplain.
5. Any exterior attachments or extensions to the residential building, such as entry steps and storage buildings, shall comply with the State Construction Code and the requirements of this Ordinance.
6. Each dwelling shall be connected to potable water and sanitary sewerage or septic facilities per applicable Township, county, and state requirements.
7. Not more than one (1) single-family detached dwelling shall occupy a single lot. A single-family detached dwelling shall not be used as an accessory building in any residential district.

8. Parking accessory to residential buildings shall conform to the requirements of Section 14.03 (Residential Parking Requirements).
9. The front yard accessory to any residential building shall be landscaped and maintained with any combination of permanent natural groundcovers and other plantings (trees, shrubs, flowers, grasses, etc.), subject to the following:
 - a. For residential land uses subject to site plan approval per Article 17.0 (Site Plan Review), all yard setback areas shall also be maintained consistent with the approved site plan and other applicable requirements of this Ordinance.
 - b. The portion of any front yard of a single-family detached dwelling in a platted subdivision or site condominium development covered by paved or gravel driveways, sidewalks, parking pads or similar hard surfaces shall not exceed forty percent (40%) of the total front yard area of the lot.
10. No residential building shall be constructed on or delivered to any lot in the Township until it is demonstrated that the requirements of this Section can be met and a zoning permit has been issued in accordance with Section 2.03 (Zoning Permits). Prior to the construction or installation of a residential building on a lot, the owner or representative shall obtain all necessary permits and approvals from the Township and outside agencies with jurisdiction.

B. Design Compatibility Requirements.

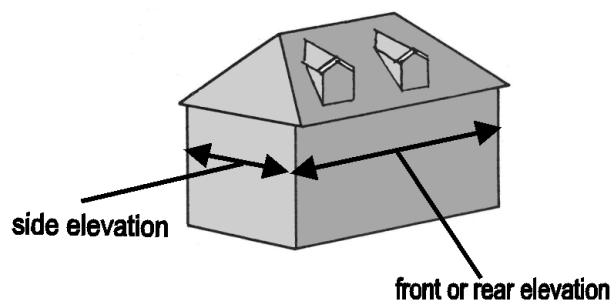
To ensure compatibility in appearance, all single-family and two-family (duplex) dwellings shall further conform to the following design compatibility requirements:

1. **Exterior materials.** The exterior siding and roofing shall consist of materials and treatments that are generally acceptable for housing in the vicinity, provided that the reflection from exterior surfaces shall be no greater than from white semi-gloss exterior enamel. Such exterior materials and treatments shall be comparable in composition, appearance, and durability to those commonly used in standard residential construction in Michigan.
2. **Dimensions.** The dimensions and placement of residential buildings shall be comparable to typical dimensions and placement of other housing in the vicinity. Each residential building shall be located on a lot so that the minimum width of the front elevation is no less than 34 feet and the minimum dimension along any side or rear elevation is no less than 24 feet.
 - a. If there are additions to the front of a single-family detached dwelling, the minimum width of this secondary front elevation shall be 24 feet.
 - b. Such dimensions shall be measured from the outer extremities and shall include additions to the main body of the residential building, such as living or recreation rooms, garages, carport, utility rooms, and the like, where the front portions of which are within ten (10) feet of the front of the building.
3. **Exterior doors.** Each dwelling shall have no less than two exterior doors, which 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 that are permanently attached to the building.

4. **Design features.** The design and arrangement of the proposed residential building's roof, windows, and other architectural features shall be similar to the visible character of existing single-family detached dwellings within 2,000 feet of the property boundaries. If no more than five (5) such dwellings are presently located within 2,000 feet of the proposed location, then the proposed building shall be compared to the nearest 50 existing single-family detached dwellings. The foregoing shall not be construed to prohibit innovative design concepts involving such features as solar energy, view, unique land contour, or relief from the common or standard design homes.
- a. The compatibility of design and appearance for two-family (duplex) residential buildings shall be determined by the Planning Commission upon review of a final site plan submittal per Article 17.0 (Site Plan Review).
 - b. The compatibility of design and appearance for single-family detached dwellings shall be determined by the Zoning Administrator upon review of the plans submitted for the dwelling as part of a zoning permit application per Section 2.03 (Zoning Permits).
 - c. An appeal of the determination of the Planning Commission or Zoning Administrator may be made to the Zoning Board of Appeals in accordance with Article 23.0 (Zoning Board of Appeals).

ILLUSTRATION



Dwelling Elevations

ARTICLE 9.0

USE STANDARDS – OFFICE AND SERVICE USES

Section 9.01 Intent.

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Article 22.0 (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Article 17.0 (Site Plan Review).

Section 9.02 Accessory Office, Service, and Community Uses.

Where specific OFFICE, SERVICE, AND COMMUNITY USES are proposed accessory to another principal use in a zoning district, such uses shall be subject to the following restrictions, in addition to any other applicable use standards:

1. Such accessory OFFICE, SERVICE, AND COMMUNITY USES shall be incidental and subordinate to the principal use(s) of the site. Such accessory uses shall be located and maintained primarily for use by the occupants of the building or employees of the principal use(s), and not for the general public.
2. Such accessory uses shall be located in the building(s) containing the permitted principal use(s) that will be served. No signs for such accessory uses shall be permitted that are visible from a road right-of-way or adjacent lot.

Section 9.03 Cemetery.

Cemeteries and similar uses shall comply with all applicable federal, state and local laws and regulations, and shall be subject to the following:

1. The minimum gross lot area for any new cemetery shall be ten (10) acres.
2. All access shall be provided from a primary or collector road as classified by the master transportation plans of the Township, or county or state road authorities.

3. The cemetery shall be secured by a fence, and screened from abutting Residential Districts and existing RESIDENTIAL USES per Section 16.10D (Methods of Screening).
4. Crypts, mausoleums, and other buildings containing human remains, other than a subterranean grave, shall be set back a minimum of 100 feet from lot boundaries.
5. The location shall not disrupt the convenient provision of utilities to adjacent properties, nor disrupt the continuity of the public road system.
6. A caretaker's residence shall be permitted accessory to a cemetery, subject to the requirements of Section 8.02 (Accessory Dwelling).
7. Establishment, expansion, and alteration of a cemetery shall be subject to site plan approval per Article 17.0 (Site Plan Review). A maintenance plan shall be submitted with the application for site plan approval, which shall include the entity responsible for long-term maintenance of the cemetery, methods and anticipated funding sources for such maintenance, and details of the proposed landscape and lawn care maintenance program.

Section 9.04 Funeral Parlor or Mortuary.

Funeral parlors and mortuaries shall be subject to the following standards:

1. An adequate assembly area shall be provided off-street for funeral processions and activities. All maneuvering areas shall be located within the site and may be incorporated into the required off-street parking. Road rights-of-way shall not be used for maneuvering or parking of vehicles.
2. The service and loading area shall be screened from Residential Districts and existing RESIDENTIAL USES per Section 16.10D (Methods of Screening).
3. An accessory caretaker's residence shall be permitted, subject to the requirements of Section 8.02 (Accessory Dwelling).

Section 9.05 Day Care and Group Home Facilities.

Group child day homes, as licensed by the State of Michigan, foster care small and large group homes, and congregate care facilities shall conform to the following:

1. Group child day care homes, foster care group homes, and similar facilities shall not be located closer than 1,500 feet to any of the following facilities, as measured along a road or other public thoroughfare:
 - a. Another licensed group day care home.
 - b. Another adult foster care small group home or large group home.
 - c. A facility offering substance abuse treatment and rehabilitation to seven (7) or more people, whether or not it is licensed by the State of Michigan.
 - d. A community correction center, resident home, halfway house or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections or a similar governmental authority.

2. All outdoor play areas for group child day care homes shall be enclosed by a fence that is not climbable in design and at least 54 inches high.
3. Where the facility is associated with a dwelling, the premises shall be maintained consistent with the visible characteristics of the neighborhood. The facility shall not require the modification of the exterior of the dwelling nor the location of any equipment in the front yard.
4. Group child day care homes, adult foster care group homes, and similar facilities may have one (1) non-illuminated sign, as follows:
 - a. Shall not exceed four (4) square feet in total sign area.
 - b. Shall not exceed an overall height of four (4) feet.
 - c. Shall be setback at least ten (10) feet from all property lines.
5. Group child day care homes, adult foster care group homes, and similar facilities shall provide on-site parking for all employees, in a driveway or similar facility common to the particular neighborhood, in addition to the on-site parking required for the residence itself. Such parking shall not conform to the requirements of Section 14.03 (Residential Parking Requirements).
6. Operating hours for child day care group homes shall be limited to between 6:00 a.m. and 10:00 p.m. daily.
7. In accordance with Section 206 of the Michigan Zoning Enabling Act, the Planning Commission shall approve a special use permit for a group day care home upon determination that the proposed use conforms to the requirements of this Section and Ordinance. The Planning Commission shall not impose additional conditions beyond those listed in this Section.

Section 9.06 Institutional Uses.

The following shall apply to all educational, social and religious institutions, public and private elementary and secondary schools, institutions of higher education, auditoriums, and other places of assembly defined as institutional uses in Section 25.03 (Definitions):

1. The maximum height of the principal building containing an institutional use shall be subject to the following conditions and exceptions:
 - a. The building height shall be permitted to exceed maximum height requirements up to a maximum height equal to twice the permitted maximum height of the zoning district, provided that the minimum required front, side and rear yard setbacks shall be increased by one (1) foot for each foot of additional building height above the maximum.
 - b. The highest point of chimneys, stage towers of scenery lofts, church spires, cupolas, and domes may be erected to a height not exceeding one-hundred-fifty percent (150%) of the height of the building, provided that no such structure shall occupy more than twenty percent (20%) of the roof area of the building.

2. Institutional uses shall have direct vehicle access to a primary or collector road as classified by the master transportation plans of the Township, or county or state road authorities.
3. A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities with a seating capacity of over 500 persons.

Section 9.07 Recreational Facilities.

Parks and recreational facilities (including but not limited to parks, country clubs, golf courses, golf driving ranges, sportsman’s clubs, and similar facilities shall be subject to the following:

A. General Requirements.

The following general standards shall apply to all private recreational facilities:

1. Construction, expansion, and alteration of such recreational facilities shall be subject to site plan approval per Article 17.0 (Site Plan Review).
2. The Planning Commission may require the applicant to submit an impact assessment of the proposed use to determine potential impacts on surrounding properties and uses, and proposed mitigation measures.

B. Sportsman’s Clubs and Ranges.

The following additional standards shall apply to all sportsman’s clubs, shooting ranges, and similar uses:

1. The minimum lot area for such facilities shall be 40 acres.
2. Such facilities shall be secured by perimeter fencing with a minimum height of six (6) feet, and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than 50 feet apart.
3. Design and operation of such facilities shall conform to current National Rifle Association specifications and practices and applicable state and federal laws.
4. Indoor firearms ranges shall be insulated with sound dampening materials, and shall be set back a minimum of 500 feet from all lot boundaries. Outdoor firearms ranges shall be surrounded by berms or other suitable containment and noise dampening measures, and set back a minimum of 1,500 feet from all lot boundaries. All facilities shall be designed to contain projectiles within the site, and to minimize noise impacts on surrounding properties and uses.
5. Hours of operation for outdoor shooting ranges for firearms shall be limited to between 8:00 a.m. and 8:00 p.m.

C. Golf Course and Driving Range Regulations.

The following minimum acreage and road frontage requirements shall apply to all golf courses and driving ranges, in addition to the general standards above:

1. The minimum required lot area for such facilities shall be 60 acres.

2. A shelter building with toilet facilities shall be provided that meets all requirements of the County Environmental Health Division and the State Construction Code.
3. All principal buildings and accessory structures shall be set back a minimum of 75 feet from all lot boundaries.
4. The course shall be designed and maintained to prevent golf balls or other course activities from encroaching on abutting lots or uses. The use of netting or similar materials to contain errant golf balls within the site shall be prohibited, except where the Planning Commission determines that it would be compatible with surrounding uses.
5. The site plan shall include illustration of expected ball trajectories and dispersion patterns along fairways and for driving ranges located within 500 feet of a building, parking lot, lot boundary or road right-of-way.
6. The Planning Commission may limit hours of operation where such facilities are adjacent to existing RESIDENTIAL USES.

Section 9.08 Resort, Group Camp Facility or Conference Center.

Resort or group camps facilities, conference centers, and similar uses shall be subject to the following:

1. Such facilities shall be located on a minimum contiguous lot area of 30 acres.
2. Structures associated with such uses shall be set back a minimum of 100 feet from all lot boundaries and road rights-of-way.
3. The facility shall provide vehicular access improvements, off-street parking and barrier-free access in accordance with the requirements of the State Construction Code, this Ordinance, and other outside agencies with jurisdiction.
4. The owner and/or operator of the facility shall submit a management plan as part of any application for approval of this land use. At a minimum, the plan shall address security and public safety, provision of public facilities, maintenance of the facility and grounds, public ingress/egress and mitigation of impacts on the public roads, proposed hours of operation, and whether the facility will be a seasonal or year-round operation.
5. The Planning Commission may limit the hours of operation for outdoor activities associated with the facility or any activities that would create significant or undue disturbance or adversely impact the quiet enjoyment of adjoining properties.
6. The Planning Commission may require the applicant to submit an impact assessment of the proposed use to determine potential impacts on surrounding properties and uses, and proposed mitigation measures.
7. Use of this facility for residential care and treatment of addictions, mental or physical healthcare, or similar activities shall be prohibited.

Section 9.09 Recreational Vehicle Parks and Campgrounds.

Recreational vehicle parks and campgrounds shall be subject to the following:

1. Minimum site area shall be ten (10) acres.
2. Recreational vehicle parks shall have direct vehicle access to a primary road or collector road as classified by the master transportation plans of the Township, or county or state road authorities.
3. The Planning Commission may require a fence up to six (6) feet in height around the site's perimeter, and may require screening from road rights-of-way and abutting RESIDENTIAL USES per Section 16.10D (Methods of Screening)
4. Structures and areas designated for camping shall be located a minimum of 100 feet from all lot boundaries. The storage of vehicles not set up for occupancy shall be located a minimum of 200 feet from all lot boundaries, and shall be screened in accordance with Section 16.10D (Methods of Screening)
5. The site shall include adequate vehicle access and parking facilities. All parking for campgrounds and recreational vehicle parks shall be set back a minimum of 40 feet from any Residential Districts.
6. Campgrounds and recreational vehicle parks shall be for seasonal recreation use only, with the exception of any resident manager(s) or caretaker(s).
7. The location, layout, design, or operation of campgrounds and recreational vehicle parks shall conform to all applicable standards of outside agencies with jurisdiction for potable water, bathroom and shower facilities, and other requirements; and shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby lots. Such uses shall not generate excessive noise, odors, dust, or other impacts that impair the continued use and enjoyment of adjacent lots.
8. Limited retail uses shall be permitted accessory to a campground or recreational vehicle park, provided that such uses are designed to serve only campground or park patrons.

Section 9.10 Therapeutic Massage.

A therapeutic massage practitioner and all employees of the establishment performing these services must satisfy a minimum of two (2) or more of the following requirements:

1. The person is a member of the current Professional Level in the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), International Myomassethics Federation (IMF), or other recognized massage association with equivalent professional membership standards consisting of at least 500 hours of training, including: at least 300 hours of theory, practice, and techniques of massage; at least 100 hours of human anatomy and physiology; and at least 100 hours professionalism. Instruction in this area shall include training in contraindications, benefits, ethics, and legalities of massage, building and marking practice, and other electives as appropriate.

2. The person is a graduate of a school of massage licensed by the State of Michigan or holder of a current license from another state which requires, at a minimum, the training set forth in Section 9.10.1 above.
3. The person has completed a massage training program at a community college, college, university, or technical school located in the United States, where such program requires at a minimum, the training set forth in Section 9.10.1 above.
4. The person has passed the National Certification Exam for Massage and Bodywork Practitioners.

Proof of such licenses or certifications shall be provided to the Township. All activities that meet the definition of a controlled use or sexually oriented business shall be prohibited.

Section 9.11 Workshops or Studios.

Workshops, studios, showrooms or offices of photographers, skilled trades, decorators, artists, upholsterers, tailors, taxidermists and similar businesses; or for repair and service of bicycles, electronics, small appliances, furniture, shoes, and similar items shall be subject to the following standards by zoning district:

1. In the LI (Industrial-Research) District, showrooms or sales and display areas for sales of products or services at retail on the premises shall be limited to no more than ten percent (10%) of the usable floor area occupied by the workshop or studio.
2. In the Business Districts, showrooms or sales and display areas for sales of products or services at retail on the premises shall occupy a minimum of fifty percent (50%) of the usable floor area occupied by the use, and shall include the street level façade.

Section 9.12 Medical Marihuana Primary Caregiver

The following requirements shall apply to a medical marijuana primary caregiver in the Township:

1. **Zoning Permit Approval.** Cultivation and medical use of marihuana by a medical marihuana primary caregiver shall be subject to approval per Section 2.03 (Zoning Permits). Documentation of compliance with the Michigan Medical Marihuana Act, associated state rules, the requirements of this Section, and with the home occupation requirements of Section 8.07 shall be provided with the zoning permit application.
2. **Setback from Schools.** The cultivation of medical marihuana shall be set back a minimum of 1,000 feet from any school or child day care facility.
3. **Number of Primary Caregivers and Qualifying Patients.** Not more than one (1) medical marihuana caregiver per lot shall be allowed to assist qualifying patients, and not more than five (5) qualifying patients shall be assisted in any given calendar week.
4. **Growing.** Medical marihuana shall be contained in an enclosed, locked facility as follows:

- a. A closet, room, or other comparable, stationary, and fully enclosed area inside a fully enclosed principal or accessory building equipped with secured locks or other functioning security devices that permit access only by the medical marihuana primary caregiver or registered qualifying patient; or
 - b. A stationary outdoor facility that is anchored to the ground on land which is owned, leased or rented by a medical marihuana caregiver in compliance with minimum zoning district setback requirements for principal buildings; that is enclosed on all sides by chain-link fencing, wooden slats or a similar material which prevents visibility of the marihuana plants to the unaided eye from an adjacent property, when viewed by an individual at ground level or from a permanent structure; and that is equipped with functioning locks or other security devices which restrict access to the medical marihuana caregiver.
5. **Lighting.** If a room with windows is utilized as a growing location, lighting methods shall be fully shielded, without alteration to the exterior of the residence.
6. **Permits and Inspections.** Necessary permits shall be obtained for electrical wiring, lighting, HVAC or watering devices that support marihuana cultivation. That portion of the structure where chemical herbicides, pesticides or fertilizers are stored or energy usage or heat exceed typical residential use (such as a grow room) shall require confirmation of compliance with building and fire codes prior to occupancy for the intended use.
7. **Limitations.** Nothing in this Ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Michigan Medical Marihuana Act and rules adopted under the Act. Nothing in this Ordinance or any other regulatory provisions of the Township is intended to grant, and shall not be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers, or the owners of property on which medical marihuana is grown or used from Federal prosecution or from having their property seized by Federal authorities under the Federal Controlled Substance Act. *(Amended by Ordinance 79H Effective August 05, 2022)*

ARTICLE 10.0 USE STANDARDS – COMMERCIAL USES

Section 10.01 Intent.

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Article 22.0 (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Article 17.0 (Site Plan Review).

Section 10.02 Accessory COMMERCIAL USES.

Where specific COMMERCIAL USES are permitted as an accessory use in a zoning district, such uses shall be subject to the following, in addition to any other applicable use standards:

1. Such accessory COMMERCIAL USES shall be incidental and subordinate to the principal use(s) of the site. Such accessory uses, except temporary outdoor sales, shall be located and maintained primarily for use by the occupants of the building or employees of the principal use(s), and not for the general public.
2. Such accessory uses, except temporary outdoor sales, shall be located in the building(s) containing the permitted principal use(s) that will be served. No additional permanent signs for such businesses shall be permitted that are visible from a road right-of-way or adjacent lot.
3. Not more than twenty percent (20%) of the usable floor area of each principal building shall be occupied by any accessory COMMERCIAL USES.
4. Temporary outdoor sales shall be subject to the following additional standards:
 - a. Such sales shall be located outside of any road right-of-way, corner clearance area, required yard setback, landscape strip, and transition buffer.
 - b. The sales operation shall not impede or adversely affect vehicular or pedestrian traffic flow or parking maneuvers.

- c. Merchandise, equipment, and materials used in or resulting from such sales shall be removed from the premises within three (3) days of termination of the sale.
- d. Temporary outdoor sales accessory to a business operation shall not exceed a maximum of 30 days per calendar year. Where multiple businesses occupy a single building or zoning lot (such as in a shopping center), such sales shall not exceed a maximum total for all businesses of 60 days per calendar year.

Section 10.03 Amusement Center.

Amusement centers that provide space for patrons to engage in the playing of mechanical amusement devices, recreational games, and similar recreational activities of a commercial character shall be subject to the following:

1. All amusement centers shall have direct vehicle access to a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. Outdoor amusement centers also shall be subject to the standards of Section 10.410 (Outdoor Sales or Display Areas).

Section 10.04 Bakeries.

Bakeries shall be subject to the following standards by zoning district:

1. In the LI (Industrial-Research) District, the principal use of the premises shall be for the preparation and manufacturing of bakery products to be distributed and sold at off-site locations. Any area(s) for sales of products prepared on the premises shall be limited to no more than twenty percent (20%) of the usable floor area occupied by the principal use.
2. In the Business Districts, the principal use of the premises shall be the preparation and on-site retail sales of bakery products. Distribution of products to off-site locations shall be permitted as an accessory use, provided that such activities remain incidental and subordinate to the principal use of the premises.

Section 10.05 Big Box COMMERCIAL USES.

"Big-Box" stores, supermarkets, and wholesales stores, multi-tenant shopping centers, and similar COMMERCIAL USES with more than 50,000 square-feet of total gross floor area in a single building footprint) shall be subject to the following:

1. **Access and circulation.** Vehicular circulation patterns shall be designed to eliminate potential conflicts between traffic generated by the site, and traffic and adjacent streets and streets, and the number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
 - a. Sites shall have frontage on a state highway or primary road as classified by the master transportation plans of the Township, or county or state

road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.

- b. A traffic impact study and proposed mitigation measures shall be required.
2. **Outlots.** The site design, circulation, parking layout and building architecture of any outlots shall be complementary to and fully integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission.
3. **Screening.** Screening shall be required from adjacent Rural Districts, Residential Districts, and existing RESIDENTIAL USES per Section 16.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
4. **Pedestrian connectivity.** Building entrances, sidewalks, and outlots shall be arranged and designed to allow for convenient and safe pedestrian access and connectivity through the site. A minimum six (6) foot wide concrete sidewalk shall be provided through the parking areas to all public entrances in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

Section 10.06 Car Washes.

Automobile, truck, and recreational vehicle wash facilities shall be subject to the following:

1. The minimum lot area for such facilities shall be 10,000 square feet.
2. All washing activities must be carried on within a building. Vacuuming activities shall be limited to the rear yard and shall be set back a minimum of 50 feet from any abutting Residential Districts or existing RESIDENTIAL USES.
3. To minimize traffic conflicts and road icing caused by runoff from vehicles, sufficient space shall be provided on the lot so that vehicles do not exit the wash building directly into the road right-of-way. All maneuvering areas and stacking lanes shall be located within the car wash lot.
4. Driveways serving a drive-in or drive-through facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads. No more than one (1) driveway shall be permitted per road frontage.
5. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
6. The Planning Commission may limit hours of operation where such facilities are adjacent to existing RESIDENTIAL USES.
7. Screening shall be provided for adjacent Rural Districts, Residential Districts, and existing RESIDENTIAL USES per Section 16.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.

Section 10.07 Drive-in or Drive-through Facilities.

Drive-in and drive-through lanes, facilities or establishments shall be subject to the following:

1. Adequate on-site stacking space for vehicles shall be provided for each drive-in window so that vehicles will not interfere with vehicular circulation or parking maneuvers on the site, will not interfere with access to or egress from the site, and will not cause standing of vehicles in a public right-of-way.
 - a. Access to and egress from the site shall not interfere with peak-hour traffic flow on the street serving the property.
 - b. Projected peak-hour traffic volumes that will be generated by the proposed drive-in or drive-through service shall not cause undue congestion during the peak hour of the street serving the site.
2. Such facilities shall be set back a minimum of 100 feet from abutting RESIDENTIAL USES. Screening shall be provided for adjacent Rural Districts, Residential Districts, and existing RESIDENTIAL USES per Section 16.10D (Methods of Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
3. Driveways serving a drive-in or drive-through facility shall be set back a minimum of 100 feet from the intersection of any two (2) public roads. No more than one (1) driveway shall be permitted per road frontage.
4. A bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to Planning Commission approval.
5. Devices for the transmission of voices shall be directed and designed to prevent transmitted sound from being audible beyond the lot boundaries.
6. Sales of alcoholic beverages through any drive-through or drive-in service window or facility shall be prohibited.
7. Menu boards may be installed and maintained for the drive-through facility, subject to the following:
 - a. Such signs shall be located on the interior of the lot, and shall be shielded to minimize visibility from all road rights-of-way and abutting lots. The total sign area of all permitted menu boards shall not exceed 48 square feet.
 - b. The location, size, and manner of illumination shall not create or exacerbate a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow.

Section 10.08 Motion Picture Cinema.

Indoor or outdoor motion picture cinemas shall be subject to the following:

A. General Requirements.

All indoor or outdoor motion picture cinemas shall conform to the following standards:

1. Screening shall be required from adjacent Rural Districts, Residential Districts, and existing RESIDENTIAL USES per Section 16.10D (Methods of Screening)
2. Sites shall have frontage on a primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
3. A traffic impact study and proposed mitigation measures may be required by the Planning Commission for facilities with a seating capacity of over 500 persons.

B. Additional Outdoor Cinema Requirements.

All outdoor cinemas and drive-in theaters shall conform to the following:

1. The lot shall be located at least 500 feet from any Residential Districts or existing RESIDENTIAL USES.
2. The premises shall be enclosed with a solid screen fence eight (8) feet in height. Signs or other advertising material shall not be placed on the fence in a manner visible from adjacent lots and road rights-of-way.
3. All points of entrance or exit shall be located no closer than 250 feet to any road intersection, as measured to the nearest intersection of right-of-way lines.
4. Stacking space shall be provided on-premises for 50 waiting vehicles to stand at the entrance to the facility.
5. The theater screen shall not be visible to a public road, or any Residential Districts or existing RESIDENTIAL USES.
6. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.

Section 10.09 Motor Vehicle Service Centers, Repair Stations, and Fueling Stations.

Motor vehicle service centers, repair stations, and fueling stations shall be subject to the following:

A. General Standards.

1. Such uses shall be located on a primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. The minimum lot area for such uses shall be 15,000 square feet, and the minimum lot width for such uses shall be 120 feet.
3. Hydraulic hoist, service pits, lubricating, greasing, and repair equipment and operations shall be located within a completely enclosed structure(s).
4. The Planning Commission may limit hours of operation and outdoor activities where such facilities are adjacent to existing RESIDENTIAL USES.
5. Motor vehicles sales shall be prohibited, except where the facility is accessory to a permitted dealership showroom or outdoor dealership sales lot.
6. Open service bays and overhead doors shall not face towards any adjacent Residential Districts and RESIDENTIAL USES.
7. Display of temporary signs shall be prohibited where such signs are attached to the pump island canopy, light poles or similar structures.
8. Outdoor sales or display areas shall be limited to areas identified on an approved final site plan, and shall conform to the requirements of Section 10.10 (Outdoor Sales or Display Areas). Any outdoor vehicle repair or servicing areas shall be limited to areas identified on an approved final site plan.

B. Pollution Prevention.

In addition to the requirements contained in Article 17.0 (Site Plan Review), the final site plan shall contain provisions for ventilation and the dispersion and removal of fumes, for the removal of hazardous chemicals and fluids, and for the containment of accidental spills and leaks of hazardous chemicals and fluids, including a detailed description of the oil and grit separator or other measures to be used to control and contain run-off.

1. There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building.
2. The entire area used for vehicle service shall be paved.
3. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of odors.

C. Fueling Station Pump Islands.

In addition to the requirements contained in Article 17.0 (Site Plan Review), the site plan shall illustrate the height, proposed clearance, materials, and design for all pump island canopy structures (see "Pump Island Canopy Lighting" illustration).

1. Pump islands shall be located outside of all required yard setbacks, and so arranged that ample space is available for motor vehicles that are required to wait.
2. The location of gasoline storage and sales shall be reviewed by the Township Fire Department for compliance with the National Fire Prevention Code.
3. The pump island canopy shall be architecturally compatible with the principal building and the surrounding area, as determined by the Planning Commission based on consistency with one (1) or more of the following criteria:
(amended by ord. no 79C eff. January 29, 2016)
 - a. Unified color scheme;
(amended by ord. no 79C eff. January 29, 2016)
 - b. Consistent use of building materials;
(amended by ord. no 79C eff. January 29, 2016)
 - c. Coordinated use of architectural design elements; or
(amended by ord. no 79C eff. January 29, 2016)
 - d. Other relevant factors as accepted by the Planning Commission.
(amended by ord. no 79C eff. January 29, 2016)
4. All lighting fixtures under the canopy shall be fully recessed into the canopy structure (see illustration). The Planning Commission may permit a maximum intensity of 30.0 footcandles for lighting directly under the canopy as part of site plan approval, provided that site lighting is otherwise in compliance with Ordinance requirements for exterior lighting.
(amended by ord. no 79C eff. January 29, 2016)

D. Vehicle Access.

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance nearby buildings or uses.

1. Sidewalks shall be separated from vehicular circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb.
2. The maximum widths of any driveway at the right-of-way line shall be 30 feet, and the interior angle of the driveway between the street curb line and the lot line shall be not less than 60 degrees.
3. The distance of any driveway from any property line shall be at least 25 feet, measured at the tangent points of the drive edge and the street curb return.
4. The distance between curb cuts shall be no less than 50 feet, measured between the tangent points of the drive edges and the street curb returns. On corner lots or where the facility has frontage on more than one (1) road right-of-way, not more than one (1) driveway shall be permitted per road frontage.

E. Incidental Outdoor Storage.

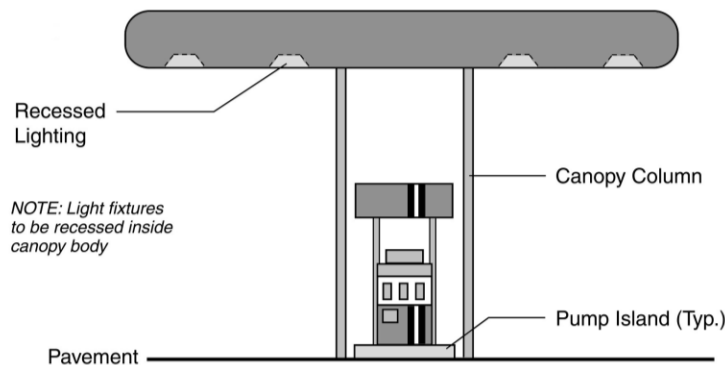
Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than 30 calendar days, and then only for the purpose of temporary storage pending transfer to a junk yard or other premises for permanent disposition or disposal.

1. Outdoor storage of trash or other materials, including new or discarded vehicle parts, shall comply with the provisions of Section 16.10F (Loading, Storage, and Service Area Screening).
2. Such storage shall not occur in front of the front building line.
3. Outdoor storage shall be prohibited accessory to a motor vehicle fueling station, unless separate approval has been granted for a vehicle repair use.

F. Combined Uses.

Where motor vehicle service centers, repair stations or fueling stations are combined with a car wash, retail store, food service establishment, drive-through lane, or other permitted land uses, the regulations of this Ordinance for each land use shall apply to the site.

ILLUSTRATION



Pump Island Canopy Lighting

Section 10.10 Outdoor Cafes and Eating Areas.

Outdoor seating and/or service when associated with a restaurant shall be subject to required approvals from the Bay County Environmental Health Division and the following:

1. The site plan shall indicate the area for and location of all outdoor seating. No such seating shall be located in a required yard setback.
2. Parking shall be provided for seating in an outdoor seating area per Article 14.0 (Off-Street Parking and Loading).
3. The outdoor café shall be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required.

4. Exterior lighting for the outdoor café shall not constitute a nuisance or hazard to adjoining lots and uses.
5. Noise levels from music or any other amplified sound shall not exceed 65 decibels at any lot boundary or right-of-way.
6. Signs shall not be permitted beyond those allowed for the principal use.

Section 10.11 Outdoor Sales or Display Areas.

Open air businesses and outdoor sales or display areas for sales or rentals of motor vehicles, recreational vehicles, building supplies, equipment, boats, merchandise or similar items shall be subject to the following:

1. **Location.** The location of all sales activity and the display of all merchandise shall be maintained in the area specified on an approved final site plan. No sales activity or display of merchandise shall be permitted in any road right-of-way.
2. **Setbacks.** Outdoor sales or display areas shall be set back a minimum of ten (10) feet from any parking area, driveway or access drive. No outdoor sales area shall be located within any required side or rear yard setback area, or within 50 feet of any Residential Districts and existing RESIDENTIAL USES.
3. **Hours of operation.** Where the use abuts any Residential Districts, the maximum hours of operation shall be limited to between the hours of 9:00 a.m. and 9:00 p.m., Monday through Friday; and between 10:00 a.m. and 6:00 p.m. on Saturday and Sunday.
4. **Exterior lighting and signs.** Exterior lighting shall conform to the standards of this Ordinance for exterior lighting. Additional signs shall not be permitted beyond those permitted for the principal use.
5. **Pedestrian access.** The proposed activity shall be located and designed so as to ensure safe pedestrian access.
6. **Grading, surfacing, and drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain stormwater runoff.
7. **Screening.** Such sales or display area shall be screened from adjacent Rural Districts, Residential Districts in accordance with Section 16.10D (Methods of Screening).

ARTICLE 11.0

USE STANDARDS – INDUSTRIAL AND RESEARCH USES

Section 11.01 Intent.

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Article 22.0 (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Article 17.0 (Site Plan Review).

Section 11.02 Intensive Industrial Operations.

Intensive industrial operations, as defined in Section 2.03 (Definitions) and specified in Article 20.0 (Land Use Table), shall be subject to the following:

A. General Standards.

Such uses shall comply with all standards of this Ordinance, the Township's utility and sewer ordinances, and all standards established by the U.S. Environmental Protection Agency, U.S. Department of Agriculture, Michigan Department of Environmental Quality, Michigan State Police, Bay County Environmental Health Division, and other agencies with jurisdiction.

B. Impact Assessment.

The applicant shall submit an impact assessment with any plan submitted for review, which shall describe the expected impacts associated with the use and any mitigation measures to be employed. The assessment shall include the following minimum information and documentation:

1. Negative short-term and long-term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts:
 - a. Noise, light, and pollution of the land, water or air associated with the proposed use.

- b. Effect of the proposed use on public utilities.
 - c. Displacement of people and other land uses by the proposed use.
 - d. Alteration of the character of the area by the proposed use.
 - e. Effect of the proposed use on the Township's tax base and adjacent property values.
 - f. Impact of the proposed use on traffic.
 - g. Impacts of the proposed use on emergency services and equipment, and the ability of the Fire Department to adequately protect the facility and respond in the event of fire, explosion or other emergency conditions.
2. Description of all planned or potential discharges of any type of wastewater to a storm sewer, drain, river, stream, wetland, other surface water body or into the groundwater.
 3. Description of storage area for any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
 4. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.
 5. Description of all secondary containment measures, including design, construction materials and specifications, and security measures.
 6. Description of the process for maintaining and recording of all shipping manifests.

All mitigation measures shall be subject to Planning Commission approval. The Planning Commission may impose conditions on the proposed use determines to be necessary to minimize any adverse impact of the facility on nearby properties, in addition to the conditions of approval specified in Article 18.0 (Special Land Uses).

C. Development Standards.

To minimize impacts on neighboring land uses, road rights-of-way, and the Township as a whole, intensive industrial operations shall be subject to the following additional requirements:

1. Where such uses are located within 500 feet of any Residential Districts, a Planning Commission determination that the expected impacts associated with the use cannot be effectively mitigated at the proposed location shall constitute grounds for denial of a proposed intensive industrial operation.
2. Such uses shall be screened from all road rights-of-way and abutting uses in accordance with Section 60.09D (Methods of Screening).

Section 11.03 Junkyards.

Outdoor dismantling or recycling of motor or recreational vehicles, construction or farming machinery, manufactured houses or similar items shall conform to all applicable federal, state, county, and local laws and regulations, and the following:

A. General Standards.

The following general standards shall apply to such facilities:

1. The minimum lot area for such facilities shall be ten (10) acres.
2. Structures, fencing, and outdoor storage, dismantling, and recycling areas shall be set back a minimum of 50 feet from all front lot lines and road rights-of-way.
3. Parking facilities shall be provided for the anticipated peak load of customers, per the requirements of Article 14.0 (Off-Street Parking and Loading).
4. Signs or other advertising materials shall not be placed on any fences or walls.
5. Stored vehicles and materials shall be stored in organized rows with open intervals at least 20 feet wide between rows for purposes of fire protection access and visitor safety.
6. Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the Fire Chief or other designated fire official, the Building Inspector, and the County Environmental Health Division.
7. Flammable liquids shall be drained immediately from automobiles and other vehicles brought to the facility. Such liquids shall be stored in containers approved by the Fire Chief or other designated fire official, and promptly disposed of in accordance with applicable outside agency regulations.
8. The site shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis. The site shall be secured from unauthorized entry and removal of materials when attendants are not present.
9. Power driven processing, dismantling, and wrecking operations may be restricted or prohibited by the Planning Commission to minimize impacts of such operations on neighboring properties. Processing operations shall be limited to baling, crushing, compacting, grinding, shredding, and sorting of source-related recyclable materials.
10. Noise levels shall not exceed 65 dBA, as measured at the property line or road right-of-way. No dust, fumes, smoke, vibration, or odor above ambient levels shall be detectable on neighboring properties. To achieve this end, the Planning Commission may require odor-control devices or facilities.

B. Enclosures and Screening.

The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 16.10D (Methods of Screening) and the following:

1. The facility shall be enclosed within a solid wall or fence at least six (6) feet and no more than ten (10) feet in height. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited. Gates shall also be made of solid, opaque material.
2. Automobiles, trucks, and other vehicles or junk materials shall not be stored in piles or stacked higher than the top of the fence or wall surrounding the facility.
3. All exterior storage of recyclable or recoverable materials, other than large vehicle components, shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized. No storage containers or enclosures, excluding truck trailers, shall be visible above the height of the fence or wall.

C. Access and Truck Routes.

Such facilities shall be located on a paved primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.

1. Such facilities shall not be located on property contiguous to or across a road right-of-way from the boundary of any Rural Districts or Residential Districts.
2. Travel routes within the Township for trucks entering and leaving the facility shall be shown on a map submitted with the site plan required by Article 17.0 (Site Plan Review).
3. Truck travel routes shall not pass through residential areas, unless such routes follow paved primary roads.
4. All roads, driveways, parking lots, and loading and unloading areas within any junkyard shall be paved, oiled, watered or chemically treated so as to limit for adjoining lots and public roads, the nuisance caused by windborne dust.
5. There shall not be more than one (1) entranceway from each public road that adjoins the facility.

D. Proximity to Residential Districts and Uses.

The facility, when established and located within 1,000 feet of any Residential Districts or existing RESIDENTIAL USES, as measured on a straight line distance, shall be limited to business hours between 7:00 a.m. and 6:00 p.m. on weekdays, and between 7:00 a.m. and 12:00 noon on Saturdays. Such facilities shall not be open for business or otherwise operate on Sundays and legal holidays.

Section 11.04 Outdoor Storage, General.

Outdoor storage of equipment, products, machinery, lumber, landscaping and building supplies or similar items for future transfer to other premises shall be subject to the following:

1. Structures, fencing, and outdoor storage areas shall be set back a minimum of 50 feet from all front lot lines and road rights-of-way.
2. Signs or other advertising materials shall not be placed on any fences or walls.
3. The storage area shall be enclosed within a solid wall or fence at least six (6) feet and no more than ten (10) feet in height. Strips of metal, plastic or other materials inserted into wire fences shall be prohibited. Gates shall also be made of solid, opaque material.
4. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 16.10D (Methods of Screening). A landscape strip shall be provided along the road right-of-way, and the remaining required yard areas shall be landscaped and maintained in good condition.
5. The storage of soil, fertilizer and similar loosely packaged materials shall be contained to prevent dispersal by the wind.
6. Any outside storage area shall be paved or surfaced with a gravel or similar hard surface material, and shall include an approved stormwater management system.
7. Outdoor storage of materials within any yard setback areas or above the height of the required wall or fence shall be prohibited.
8. Storage or disposal of used oil or other petrochemicals, junk vehicles, garbage, or similar materials shall be prohibited.

Section 11.05 Self-Storage Warehouses.

The following regulations shall apply to self-storage warehouses:

1. Such facilities shall be located on a paved primary road as classified by the master transportation plans of the Township, or county or state road authorities. Vehicle access to private, local or unpaved roads shall be prohibited.
2. All areas intended for vehicular travel shall be paved with asphalt or concrete, as approved by the Planning Commission.
3. Site development shall be compatible with the surrounding area and the following:
 - a. Storage unit exterior walls shall be of decorative masonry construction.
 - b. The self-storage warehouse buildings shall be visually screened from all road rights-of-way and abutting uses in accordance with Section 16.10D (Methods of Screening).
4. A caretaker's residence may be provided within the principal building as an accessory dwelling in accordance with Section 8.02 (Accessory Dwelling).

5. Self-storage-warehouse establishments shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment may be permitted as an accessory use, subject to the following:
 - a. Such storage shall be incidental and secondary to the main use of enclosed storage, as determined by the Planning Commission.
 - b. Outdoor storage of such vehicles and equipment shall be located to the rear of the lot, and completely screened from road rights-of-way and abutting uses in accordance with Section 16.10D (Methods of Screening).
 - c. All recreational vehicles and equipment shall be operable and licensed to operate on the highways of the State of Michigan.

ARTICLE 12.0

USE STANDARDS – OTHER USES

Section 12.01 Intent.

Each use listed in this Article, whether permitted by right or subject to approval of a special use permit, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the zoning district in which the use is located. The standards of this Article are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

Unless otherwise specified in this Article, all uses shall be subject to the applicable dimensional and use standards for the zoning district in which the use is located. All uses shall comply with the performance standards for noise, odor, and other impacts specified in Article 22.0 (Performance Standards). Conformance with these standards shall be subject to site plan approval, where required per this Article or Article 17.0 (Site Plan Review).

Section 12.02 Aircraft Landing Strips.

Private aircraft landing strips, hangars, masts, and related facilities shall comply with the following:

1. The aircraft landing strip site and design shall comply with the standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation.
2. All required "clear zones" (as defined by the FAA) shall be owned by the aircraft landing strip owner, or set aside as permanent open space by a recorded conservation easement.
3. The number of permitted runways shall not exceed a maximum of two (2).
4. Parking for aircraft storage areas, offices and other uses associated with the landing strip shall conform to Article 14.0 (Off-Street Parking and Loading).
5. An emergency access road constructed of either asphalt, concrete, or compacted gravel shall be provided and maintained to the landing strip.
6. The plans for such facilities shall be subject to approval by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics, where required by these agencies.

Section 12.03 Composting Centers.

This Section shall not apply to composting associated with landscape businesses, composting of common household materials generated by RURAL USES or RESIDENTIAL USES on an individual lot, and similar activities of an incidental nature. The following regulations shall apply to operations designed for commercial composting of organic materials and/or conversion of sewage or sludge into usable or saleable products:

A. Site Plan Requirements for Composting Facilities.

Establishment, expansion, and alteration of a composting facility shall be subject to site plan approval. In addition to the requirements of Article 17.0 (Site Plan Review), the following information shall be included on a site plan for a composting facility:

1. Access route traffic patterns as well as on-site traffic patterns.
2. A detailed maintenance plan for all outdoor areas where compost materials are received, processed, cured or stored; and impacts on public road rights-of-way. The maintenance plan shall include the following minimum provisions:
 - a. Methods and practices by which the tracking of mud or compost materials from composting areas into public road rights-of-way will be minimized.
 - b. Location(s) of truck cleaning areas, and methods of cleaning trucks to prevent the occurrence of nuisances resulting from the tracking of mud or compost materials.
 - c. An on-site traffic control pattern, including a bypass road around the truck cleaning area if applicable.
 - d. Method for removing soil, dust, and/or compost materials attributable to the composting operations from public roads within 1,500 feet of the composting area entrance and exits.
3. Written documentation of an operation plan addressing the following:
 - a. Method of receiving, sorting, and handling composting materials on-site.
 - b. Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.
 - c. Expected frequency of turning and removal of composted materials, and measures to be taken should anaerobic conditions arise.
 - d. Hours of operation and a description of daily cleanup procedures.
 - e. Planned response(s) to surface or groundwater contamination.
 - f. The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.
4. A closure plan shall be submitted with the application, which shall detail the final end use of the property should use of the facility be discontinued for more than 365 consecutive days. The plan shall include a clean up and restoration plan and

cost estimate; a description of how and where the existing surface debris will be disposed; and a re-use plan for the final disposition of the land.

B. Size and Location.

Composting facilities shall have a minimum lot area of 20 acres, and shall not be allowed in any 100-year floodplain, groundwater recharge area, or regulated wetland.

C. Ground and Surface Water Quality.

To ensure that ground or surface waters are not contaminated, such facilities shall be subject to the following:

1. The surface and ground waters at a composting facility shall comply with the water quality requirements of applicable state and federal laws.
2. Monitoring wells shall be installed by the owner, operator or lessee on site prior to construction of the composting facility. The location of such wells shall be determined on a site-by-site basis, subject to review and approval by a professional acceptable to the Township. All review costs shall be assumed by owner/operator or lessee.
 - a. Sampling of groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two (2) year period after operations cease for compliance with applicable state and federal laws. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner/operator or lessee.
 - b. Should test wells reveal violation of the water quality requirements of applicable state and federal laws, the petitioner shall be required to install a groundwater remediation system. The system shall be subject to review and approval by a professional acceptable to the Township. All costs shall be assumed by owner/operator or lessee.
3. If any stream or swale is present on the site, it shall be buffered by a 100 foot open space setback measured from the outer edge of the floodplain or all alluvial soils to ensure that the stream is adequately protected from pollution.
4. Surface water monitoring shall also be required to assess the adequacy of leachate containment and runoff control, and for compliance with applicable state and federal laws. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator or lessee.
5. Documentation of the analysis for all ground and surface water monitoring events shall be submitted to the Township within 60 days after completion.
6. Discharge of water from an on-site stormwater retention basin shall only be reintroduced into the compost pile, directed into a publicly-owned and operated sanitary sewerage system, or transported and disposed of off-site by a liquid industrial waste hauler. Discharges into the Township's sanitary sewerage system shall comply with the Township's utility and sewer ordinances.

D. Anaerobic Conditions Prohibited.

Compost materials shall not be accepted on site in an anaerobic condition. Such facilities shall be closed when anaerobic conditions arise, with operations limited to correcting the condition. Determination of anaerobic conditions may be made by the Zoning Administrator, Bay County, or authorized consultant.

If anaerobic conditions arise more than two (2) times during any 30 calendar day period, the Planning Commission may rescind approval of any special use permit or require closure of the facility for up to 60 calendar days. After two (2) such closures within one (1) calendar year, the Planning Commission may take action to rescind approval of any Special Use Permit and require closure of the facility permanently.

E. Screening and Separation Standards.

To ensure proper buffering of the composting facility from nearby land uses that may be adversely affected by the facility, the following requirements shall apply:

1. No composting facility shall be constructed or expanded within 1,000 feet of any Residential Districts.
2. The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 16.10D (Methods of Screening).

F. Fugitive Dust, Noxious Odors, Noise, Vibration, Light, and Blowing Debris.

The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare.

1. All composting facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.
2. Failure to meet minimum performance standards or maintain the site in compliance with the approved plans shall be considered a use violation of this Ordinance, subject to all applicable penalties

G. Compost Storage.

The height of compost material shall not exceed eight (8) feet, and storage of any material, other than compost, shall not be allowed on-site. No sludge of any kind shall be stored or deposited on composting facility property.

H. Right of Entry and Inspection.

All composting areas are subject to inspection by the Zoning Administrator, Township Planner, Township Engineer or other designated Township agent during regular business hours. The designated Township agent shall be empowered to collect and examine samples as deemed necessary to perform such inspections, and to take photographic, videotape, or other representation of conditions in the composting facility. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined.

Section 12.04 Controlled Uses.

It is hereby recognized by the Township Board that there are certain uses which, because of their very nature, have serious and inherent objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. This includes specific impacts on local economic development and land use planning, such as lost business opportunities, increased costs for police and ordinance enforcement services in the neighborhood of such uses, and significant financial costs associated with mitigation and removal of such blighting influences.

Controlled uses, as defined in Section 25.03 (Definitions), are hereby recognized as an impediment to stable growth and development and full implementation of the Township Master Plan. Such uses create or exacerbate disruptive and deleterious conditions that impact adjacent properties. Special regulation of these uses is necessary to minimize adverse impacts on the public health, safety, and welfare of persons and property; and to ensure that such impacts will not cause or contribute to blighting conditions or downgrading of property values in the Township. Accordingly, it is the intent and purpose of Frankenlust Township to adopt reasonable regulations for such uses. Operation or expansion of any controlled use, whether conducted as a separate business activity or in conjunction with another use, shall conform to the following:

A. Controlled Uses Defined.

The following uses are defined as "controlled uses" for the purposes of this Ordinance:

1. Pawnshops;
2. Adult regulated uses or sexually-oriented businesses, as defined in Section 25.03 (Definitions);
3. Any registered medical marijuana caregiver, as defined in Section 25.03 (Definitions) and the Michigan Medical Marihuana Act of 2008; and
4. Sales of hydroponics equipment and indoor growing paraphernalia as the principal use of a building or premises. This Section shall not apply to retail sales or wholesale suppliers for which sales of such equipment is an incidental component of the overall business operation.

B. Location Limitations.

The following limitations shall apply to all controlled uses:

1. The establishment of any controlled use, as defined in Section 25.03 (Definitions) and listed in this Section, shall be prohibited if the establishment of such use will constitute the second such use within a radius of 1,000 feet of the boundaries of the subject lot.
2. It shall be unlawful to hereafter establish any controlled use if the proposed use will be within a 1,000 foot radius of any of the following:
 - a. Any "Class C" establishment licensed by the Michigan Liquor Control Commission.
 - b. Public park, playground, community swimming pool or other recreational facility, ice or roller skating rinks, motion picture cinema, amusement

- center, community center, child or family services facility, or similar indoor or outdoor facility that typically caters to minors.
- c. Church, temple, synagogue or similar religious institution; school; or other institutional use as defined in Section 25.03 (Definitions).
 - d. Day care center.
 - e. Any land in the Residential Districts, or in any zoning district that permits RESIDENTIAL USES and is occupied by or has received final site plan approval for development of one (1) or more dwellings.
3. The minimum required distance between uses shall be measured in a straight line between the nearest property lines, and shall be illustrated on any site plan submittal for the proposed controlled use per Article 17.0 (Site Plan Review).

C. Additional Provisions for Adult Regulated Uses.

Any building and premises occupied by an adult regulated use or sexually oriented business shall be designed and constructed so that material depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in Section 25.03 (Definitions), cannot be observed by pedestrians or from vehicles on any public road right-of-way. This provision shall apply to any display, decoration, sign, show window, or other opening.

Section 12.05 Private Off-Road Courses.

Private recreational motocross or BMX courses and similar off-road courses shall be subject to the following:

1. Zoning permit approval shall be required per Section 2.03 (Zoning Permits). No formal site plan shall be necessary unless otherwise required by this Ordinance.
2. The principal dwelling of the property owner for the subject parcel shall be located on the same or an adjoining parcel.
3. The minimum contiguous lot area shall be ten (10) or more acres under single ownership. All structures, improvements, and other elements of the course shall be set back a minimum of 50 feet from all lot boundaries and road rights-of-way, and 150 feet from dwellings on abutting parcels.
4. Site grading that would change the general topography of the site and adversely impact drainage patterns or adjacent watercourses shall be prohibited.
5. There shall be no excessive noise, or obnoxious odors, or other nuisances caused by course activity. The hours of operation for such courses shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.
6. Use of the course shall be limited to the family and guests of the property owner. Such courses shall not be open to the general public, and shall not be available for public tournaments or for rent. There shall be no commercial activity, other than incidental sales not unusual for a residential use.

A private off-road course exceeding these limitations shall be subject to approval as a racetrack per Article 6.0 (Land Use Table) and Section 12.06 (Racetracks).

Section 12.06 Racetracks.

Racetracks and similar facilities shall be subject to the following:

1. **Frontage and access.** Racetracks and similar facilities shall have direct vehicle access to a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities.
2. **Accessory uses.** Retail, restaurant, office, and service uses may be permitted within a racetrack facility for exclusive use of patrons, employees, and guests.
3. **Screening.** The site shall be screened from all road rights-of-way and abutting uses in accordance with Section 16.10D (Methods of Screening). The racetrack, grandstands, and service areas shall be enclosed within a solid wall or fence at least six (6) feet and no more than ten (10) feet in height.
4. **Setbacks.** All structures and racetrack facilities shall be set back a minimum of 300 feet from all lot boundaries and road rights-of-way, and a minimum of 1,000 feet from the boundary of Residential Districts and abutting RESIDENTIAL USES.
5. **Parking and loading.** All parking, loading and maneuvering space shall be contained within the site.
6. **Impact assessment.** The applicant shall submit an impact assessment describing the expected impacts associated with the use and proposed mitigation measures. At a minimum, the assessment shall address the following:
 - a. Anticipated levels and costs of necessary public services associated with the proposed racetrack use. Any additional public services not currently available shall be identified, along with proposed measures to secure such services.
 - b. Anticipated noise levels shall be provided at the lot boundaries and road rights-of-way, and any proposed noise mitigation measures.
 - c. Anticipated traffic impacts, including operational plans to ensure that traffic to and from the site does not adversely impact public roads, or the public health, safety or welfare.
 - d. Any other anticipated impacts of the proposed use.

Section 12.07 Temporary Concrete or Asphalt Batch Plants.

This Section shall not apply to mobile batch plants, provided such plants are not placed in a fixed location while in use. Concrete or asphalt batch plants for temporary use at a fixed location during construction shall be subject to the following:

1. The batch plant operation shall be set back a minimum of 50 feet from all lot boundaries and road right-of-way boundaries.

2. The Planning Commission may limit the hours and days of operation where the batch plant is located within 1,000 feet of any existing RESIDENTIAL USES.
3. The maximum permitted period for any temporary batch plant shall be 365 calendar days. The Planning Commission may, upon written request from the plant owner or operator, approve one (1) extension of this approval period for up to an additional 365 calendar days.
4. No portion of the batch plant or its operation shall be located within a public or private road right-of-way. This subsection shall not apply to areas within a state trunkline highway right-of-way.
5. The batch plant shall only furnish concrete and/or asphalt to the specific development or construction project to which the plant is accessory as a temporary use.
6. The temporary plant and all trucks and related equipment shall be operated in a manner that minimizes dust, noise, and odor.
7. Within 30 calendar days of completion of the project, the plant owner or operator site shall clear all temporary batch plant equipment, material, and debris from the site and restore it to its original condition or better; and repair or replace public improvements damaged during operation of the temporary plant.
8. The Planning Commission or Zoning Administrator may require the plant owner or operator to deposit a performance guarantee sufficient to ensure restoration of the site and repair or replacement of damaged public improvements.

Section 12.08 Temporary Uses Not Otherwise Regulated.

The Planning Commission shall have the authority to authorize the limited establishment of certain temporary uses for periods not to exceed 365 calendar days, subject to the following:

A. Limitations.

Planning Commission authorization shall be limited to only those temporary uses not otherwise permitted in any zoning district, and that do not require the erection of any capital improvements of a structural nature. Such authorization shall not include temporary construction structures, temporary residences, transient and amusement activities, garage sales, roadside stands, and other temporary uses otherwise regulated by this Ordinance.

B. Conditions of Temporary Use Approval.

The granting of a temporary use permit shall be subject to the following conditions:

1. The granting of the temporary use shall in no way constitute a change in the land uses permitted in the zoning district where the property is located.
2. The granting of a temporary use shall be based upon a finding that the location of the activity will not adversely impact adjoining properties, the character of the surrounding neighborhood, or the public health, safety, and general welfare.

3. The granting of a temporary use shall be in writing stipulating all conditions as to time, nature of use permitted, and arrangements for removing the permitted use at the termination of the temporary permit.
4. All setbacks, land coverage, off-street parking, and other requirements of the district shall be met.
5. In classifying uses as not requiring capital improvements, the Planning Commission shall determine that there are either demountable structures related to the permitted use of the land; or structures which do not require foundations, heating systems, or sanitary connections.
6. A cash performance guarantee, in an amount set by resolution of the Township Board, shall be deposited by the applicant to ensure the removal of the temporary use and restoration of the site upon expiration of the permit. If removal is complete by the expiration date specified, the entire sum shall be returned to the applicant; otherwise, the entire sum shall be forfeited to the Township. In determining the amount of the required guarantee, the Township Board may seek the advice and recommendation of professional consultants.
7. The Planning Commission may grant an extension of a temporary use permit for a period not to exceed an additional 365 calendar days.

Section 12.09 Topsoil Removal or Stockpiling.

The removal or temporary stockpiling of topsoil on a site under development in the Township shall comply with all applicable federal, state, and local laws, regulations, codes, and ordinances; and shall be subject to the following:

1. **Development sites and site plan approval.** Removal or temporary stockpiling of topsoil on a site under development shall be prohibited, except where a site plan has received final approval from the Township. Expiration of site plan approval shall also cause any zoning permit for removal or temporary stockpiling of topsoil to immediately expire.
2. **Zoning permit.** Zoning permit approval per Section 2.03 (Zoning Permits) shall be required for removal or temporary stockpiling of topsoil from any site in the Township. The application shall include a plan showing areas of temporary topsoil stockpiling, proposed methods of containment, and proposed truck route(s) for any removal of topsoil from the site. Calculations of the volume of existing topsoil on the site, minimum volume required to support the planned use of the site, and any volume anticipated to be removed from the site shall also be provided.
3. **Setbacks.** Topsoil stockpiling areas shall comply with the minimum setback requirements for the district, and shall be set back a minimum of 100 feet from the boundary of any Residential Districts and abutting existing RESIDENTIAL USES.
4. **Access.** All truck access to the site for removal of topsoil shall be from a major road or primary road as classified by the master transportation plans of the Township, or county or state road authorities. Removal of topsoil using local roads shall be prohibited.

5. **Containment and screening.** Stockpiled topsoil shall be contained to prevent blowing of materials or dust upon adjacent properties. Such stockpiled areas shall be screened from abutting road rights-of-way, Residential Districts and existing RESIDENTIAL USES per Section 16.10D (Methods of Screening).
6. **Limitation on removal.** Topsoil removal from the site shall be limited to the amount determined to be unnecessary for the planned use of the site, as demonstrated on a plan submitted for zoning permit approval.

Section 12.10 Utility Transmission and Distribution Lines.

The standards of this Section shall not apply to public utility companies constructing individual lateral service lines utilizing not more than three (3) poles. All other electricity transmission and distribution lines, gas and oil pipelines, and other utility structures, lines, and pipelines shall be subject to the following:

1. Storage of materials, equipment, vehicles, or supplies shall be prohibited on the premises, except as required during periods of maintenance and servicing.
2. No personnel shall be quartered or employed on the premises.
3. Structures or buildings shall be located, designed, constructed, and landscaped in conformance to the character of the surrounding area and zoning district.

Section 12.11 Volatile Biofuel Production.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, limited, farm-based production of certain biofuels shall conform to the following requirements:

A. General Standards.

The following standards shall apply to all such facilities:

1. The biofuel production facility shall be accessory to and located on the same parcel as an active farm operation lawfully operating in the Township.
2. Biofuel production authorized by this Section shall be limited to a renewable fuel product, such as ethanol and bio-diesel, derived from recently living organisms or their metabolic byproducts. Farm-based production of methane or any fuel product from an anaerobic digester shall be prohibited.
3. No part of a biofuel production facility, including driveways and other site improvements, shall be located within any required yard setback area per Article 5.0 (Schedule of Regulations). In addition, such facilities and improvements shall be set back a minimum of 100 feet from all lot boundaries and road rights-of-way.
4. Structures, facilities, and equipment used in the production or storage of biofuel shall comply with this Ordinance, other ordinances, and applicable state and federal laws and regulations.
5. Prior to the start of operation and upon any written request from the Township, the owner or operator of the biofuel production facility shall provide to the Zoning

Administrator documentation of all necessary permits and approvals from the State of Michigan and other outside agencies with jurisdiction over any of the following:

- a. Air pollution emissions;
 - b. Transportation of biofuel or another product or by-product of production;
 - c. Use or reuse of additional products resulting from biofuel production;
 - d. Storage of raw materials, fuel or additional products used in or resulting from biofuel production; and
 - e. Verification that the facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production; or the capacity to dispose of additional products through land application, livestock consumption, sale or other lawful means.
 - f. Compliance with federal requirements associated with ethanol production of more than 10,000 proof gallons annually.
6. The operator of the facility shall keep a written record of the source(s) of the feedstock for the biofuel production facility, and the end users of the biofuel or another product or by-product produced by the biofuel production facility.
7. The operator of a facility with an annual production capacity of not more than 100,000 gallons of biofuel operating as a permitted use in the zoning district (without special use permit approval) shall also provide an annual written report to the Zoning Administrator which demonstrates that:
- a. At least seventy-five percent (75%) of the feedstock was produced on the farm where the biofuel production facility is located; and
 - b. At least seventy-five percent (75%) of the biofuel or another product or byproduct produced by the biofuel production facility is used on that farm.
 - c. Operation of a biofuel production facility with an annual production capacity of not more than 100,000 gallons that does not conform to the percentage limitations of this subsection shall be subject to Special Use Permit approval in accordance with this Section and Ordinance.

B. Additional Standards for Certain Facilities.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, the following additional standards shall apply only to large biofuel production facilities, which are facilities with an annual production capacity of more than 100,000 gallons of biofuel, and to any biofuel production facility subject to Special Use Permit approval in accordance with this Section or Ordinance:

1. Large biofuel production facilities shall be limited to a maximum annual biofuel production capacity of not more than 500,000 gallons.

2. Any application for approval of a such a facility shall include all of the following, in addition to the other applicable requirements of this Ordinance:
 - a. A detailed description of the process to be used to produce the biofuel.
 - b. The number of gallons of biofuel anticipated to be produced annually.
 - c. An emergency access and fire protection plan, subject to review and recommendation by emergency response agencies serving the Township.
 - d. Documentation of compliance with applicable requirements of this Ordinance, other ordinances, and state and federal laws and regulations.

C. Limitations on Special Use Permit Review.

In accordance with Section 3513 of the Michigan Zoning Enabling Act, Township review of any Special Use Permit application for a biofuel production facility shall be modified as follows:

1. **60-day time limit for a public hearing.** For any special use permit application subject to the requirements of this Section, the Planning Commission shall hold a public hearing on the application in accordance with Section 2.10 (Public Hearing Procedures) within 60 calendar days after the filing date of a complete and accurate application.

The application shall be deemed to have been rejected as incomplete if no public hearing is held within this 60 calendar day period. An application deemed incomplete per this subsection may be resubmitted as a new application for the purpose of completing the review process. Such applications shall not be subject to the requirements of Section 18.08 (Re-Application).

2. **Limitation on conditions of approval.** The Planning Commission's authority to impose conditions on the approval of a biofuel production facility subject to this Section shall be limited to conditions necessary to verify that the facility conforms to all of the requirements of this Section.

Section 12.12 Solar Energy Facilities and Devices.

Solar collection devices shall be subject to the following requirements:

A. General Standards.

The following standards shall apply to all solar collection devices in the Township:

1. **Responsibilities.** The duties, obligations and liabilities associated with solar collection devices shall lie with the applicant or operator and the property owner, jointly and severally.
2. **Code compliance.** Solar collection devices shall be designed and installed in compliance with the manufacturer's installation instructions and comply with all State Construction Code and Fire Code requirements.
3. **Wind load and anchoring.** Solar collection devices shall be designed and anchored to withstand anticipated lateral and uplifting wind loads, as well as anticipated peak high winds during inclement weather.
4. **Reflection and glare.** Solar collection devices shall be installed and maintained in a manner so that reflection, glare or concentrations of light or heat energy does not adversely impact surrounding residents, land uses, structures or road rights-of-way.
5. **Electromagnetic interference.** Solar collection devices shall be installed so as not to cause electromagnetic interference, and shall comply with all applicable Federal Communications Commission (FCC) guidelines.
6. **Lot coverage.** Solar collection devices shall be evaluated for compliance with the maximum lot coverage requirements of the zoning district based upon the total surface area of all solar panels.
7. **Solar access.** The following solar access provisions shall apply to all solar collection devices in the Township:
 - a. All solar collection device owners, operators, and installers shall recognize that trees in Michigan grow to a substantial height, and may create shade that extends across a lot boundary or road right-of-way.
 - b. A lot shall be considered to have access to adequate light regardless of shading caused by structures, signs, fences or walls lawfully constructed on an adjacent lot; by any changes in topography; or by the presence or growth of any trees, hedgerows or other vegetation.
 - c. Tree removal to accommodate a solar collection device subject to site plan approval shall be subject to the requirements of Section 16.04 (Natural Resource Protection).
 - d. Use of solar access easements for a solar collection device subject to this Section and Ordinance shall be prohibited.

(ord. no. 79D, eff. June 29, 2018)

B. Application Requirements.

Solar collection devices allowed as an accessory use, per Article 6.0 (Land Use Table), shall be subject to administrative review and approval per Section 2.03 (Zoning Permits). All other solar energy facilities and devices shall be subject to site plan approval per Article 14.0 (Site Plan Review). The following additional requirements shall apply to any application for approval of a solar energy facility or device:

1. The following additional information shall be required as part of any application:
 - a. A written narrative describing the proposed project.
 - b. Heights, lengths, and angles of the solar energy facility or device.
 - c. Detailed descriptions of all proposed grading, filling, and tree or woodland clearing, site security measures, potential light reflection, concentration, and glare impacts on adjacent land, structures, uses, and road rights-of-way, and proposed measures for mitigation of any anticipated impacts.
 - d. A copy of the manufacturer's instructions and design prints, along with documentation that the solar energy facility or device will be installed in compliance with the manufacturer's instructions and all applicable State Construction Code and Fire Code standards.
 - e. Documentation of compliance with all applicable requirements of this Section.
 - f. Any other information deemed necessary by the Planning Commission to verify compliance with the standards of this Section.

The Township, within its reasonable discretion, may retain the services of a solar energy conversion systems expert to assist with review of the application or any site inspections. The expense thereof shall be the responsibility of the applicant in accordance with Section 2.07 (Fees and Performance Guarantees).

(ord. no. 79D, eff. June 29, 2018)

C. Additional Standards for Solar Power Generation Plants and Solar Collection Systems – Large Freestanding.

The following additional standards shall apply to all solar power generation plants and solar collection systems – large freestanding, as defined in Section 25.03 (Definitions):

1. Such facilities shall be limited to land areas that are not suitable for commercial agricultural production due to topography, soil conditions or other factors accepted by the Planning Commission. Use of prime farmland for such facilities shall be prohibited.
2. Such facilities shall conform to the applicable yard setback requirements of the zoning district. Where allowed in the Rural Districts, such devices shall also be set back a minimum of 100 feet from the front lot line or road right-of-way, and a minimum of 50 feet from the side lot lines.

3. The following additional documentation shall be provided as part of any application for approval of a solar power generation plant or solar energy collection system – large freestanding:
 - a. The location of existing utility grid infrastructure and details of all off-site improvements needed to facilitate connection into the utility grid.
 - b. Details of the planned electrical output of the facility and the anticipated impacts on the utility grid and existing electrical infrastructure.
 - c. Copies of studies and evaluations of solar radiation strength at the proposed location to demonstrate that adequate sunlight is available consistently over the course of the year to support the planned facility.
 - d. Written documentation of compliance with the electrical utility provider’s requirements for connection into the utility grid, along with copies of any utility-required interconnection or operating agreement.
 - e. Written documentation of the anticipated operating lifespan for the facility, maintenance plans, and an estimate of the cost of removal of the facility and restoration of the site, certified by a licensed engineer.
 - f. A signed and notarized removal agreement for the future removal of the facility in accordance with the requirements of this Section.
 - g. A performance guarantee, per Section 2.07C (Performance Guarantees), sufficient to ensure device removal, site restoration, and reimbursement of associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the facility in accordance with the requirements of this Section.

(ord. no. 79D, eff. June 29, 2018)

D. Additional Standards for Solar Collection Devices – Small Freestanding.

The following additional standards shall apply to all freestanding solar collection devices – small, as defined in Section 25.03 (Definitions):

1. Such devices shall not exceed the height allowed for accessory structures in the zoning district where the devices are located.
2. Such facilities shall conform to the applicable yard setback requirements of the zoning district.
3. Where allowed accessory to RURAL USES or RESIDENTIAL USES, such devices may only be located in a front yard area subject to special use approval per Article 18.0 (Special Land Uses) and the following additional standards:
 - a. The device shall be set back a minimum of 100 feet from the front lot line or road right-of-way, and a minimum of 50 feet from the side lot lines.
 - b. The applicant shall demonstrate to the Planning Commission’s satisfaction that no alternative location on the lot can meet the device’s engineering

or operating requirements due to topographic conditions, proximity to tall buildings or trees, or other factors accepted by the Planning Commission.

(ord. no. 79D, eff. June 29, 2018)

E. Additional Standards for Solar Collection Devices – Attached.

Solar energy collection devices that are mounted on a principal building or accessory structure shall not exceed the height of the building or structure by more than one (1) foot, and shall not exceed the maximum height allowed in the zoning district. Use or installation of attached solar collection devices shall be prohibited where the building or structure would be in violation of the applicable requirements of Section 8.10 (Single-Family and Two-Family Dwellings) or Section 16.12 (Building Form and Composition).

(ord. no. 79D, eff. June 29, 2018)

F. Inspection.

The Township shall have the right upon issuing the required permits or approvals to inspect the premises on which the solar collection device is located at all reasonable times for the purpose of verifying compliance with the requirements of this Ordinance.

(ord. no. 79D, eff. June 29, 2018)

G. Abandonment and Removal.

The owner or operator shall remove a solar collection device for which a required special use permit approval has been rescinded per Section 18.09 (Rescinding Special Land Use Approval), that has ceased operation for more than 365 consecutive days, or that has been determined by the Township to be abandoned, as follows:

1. Any solar collection device that is not used for 365 calendar days shall be deemed to be abandoned.
2. The device(s) shall be removed within 90 calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within 90 calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the device.
3. Failure by the owner to remove the device(s) in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the device at the owner's expense, and to make use of any performance guarantee or other security provided for that purpose.
4. Removal of the device shall include removal of any foundation, including concrete footings, support structures or other appurtenances to a depth of 48 inches below grade, and the land re-graded and restored to the original grade.
5. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved device.

(ord. no. 79D, eff. June 29, 2018)

ARTICLE 13.0 SIGNS

Section 13.01 Purpose.

The primary function of signage, as it relates to this Ordinance, is to identify a particular use or business occupying a lot or building in the Township. The Township further finds that reasonable use of signage promotes commerce in the Township. However, a proliferation of signs would unduly distract or endanger motorists and pedestrians; cause the deterioration of business or residential areas; obstruct vision; negatively impact property values; and reduce the effectiveness of private and public signage.

The purposes of this Article shall be to establish standards for the construction, alteration, repair, and maintenance of all signs with respect to safety, location, dimensions, height, and method of illumination; minimize the proliferation of visual clutter and preserve the appearance of the Township by preventing the placement of oversized signs that are out of scale with surrounding buildings and uses; and provide for the removal of unlawful and abandoned signs. All signs within the Township shall conform to the provisions of this Article.

Section 13.02 General Standards.

Signs erected, altered, and maintained in the Township shall conform to the standards of this Article and Ordinance. The following standards shall apply to signs in all zoning districts:

A. Standards of Measurement.

Dimensional standards and measurements for signs shall be subject to the following:

1. **Sign height.** The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements (see illustration).
2. **Sign setback.** Setbacks shall be measured from the closest road right-of-way or front lot line to the nearest edge of the sign.
3. **Sign area.** Measurements of permitted sign area shall be in accordance with the following standards:
 - a. The surface area of a sign shall include the total area within a regular geometric figure (circle, triangle, rectangle or square) enclosing the extreme limits of letters, symbols or other materials forming an integral part of the display, plus the surface area of any board, panel, or similar sign copy area to which the letters, symbols or other materials are attached (see illustration).
 - b. For an internally illuminated sign, the entire illuminated surface area of a sign face shall be included in the measurement of sign area.
 - c. Where a sign has more than two (2) sign faces, then the sign area shall equal the total area of all sign faces.

- d. Where two (2) sign faces are placed more than 18 inches apart at any point, then the sign area shall equal the total area of all sign faces.
 - e. Where two (2) sign faces with identical sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of one (1) face.
 - f. Where two (2) sign faces with different sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of the larger face.
4. **Signable area.** The signable area of a building shall equal the area of the building's street level façade (see illustration).
- a. **Signable area for multi-tenant buildings.** Where more than one business or use occupies space on the street level façade, the total signable area allowed for the building shall be divided among the businesses or uses in proportion to the size of each occupied space.
 - b. **Signable area for buildings on corner lots.** Where a building has two (2) or more street level facades (such as on a corner lot), each street level façade shall be considered as a separate signable area for purposes of this Article [e.g. - a building that faces two (2) road rights-of-way shall have two (2) signable areas].

B. Construction and Maintenance.

All signs shall be constructed or installed in compliance with the State Construction Code and other applicable building, fire, and electrical codes; shall be maintained in good repair and working order; and shall present a neat and orderly appearance. All signs shall be of sturdy construction to withstand normal natural elements, and shall be properly maintained at all times. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination. Signs with damaged, incomplete or missing sign copy areas or non-functional or damaged illumination elements shall be classified as damaged signs for purposes of this Article.

C. Road Rights-of-Way.

No sign shall be located in, project into or overhang a public or private road right-of-way or easement, except signs provided by local, county, state or federal governments, required legal notices, and mailboxes and delivery boxes.

D. Hazards and Obstructions.

Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision or interfere with any traffic control device. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or emergency exit.

E. Vehicle Signs.

Signs painted on, or otherwise affixed to, trucks, trailers or other vehicles shall be subject to the requirements of this Article for temporary signs unless all of the following conditions are met:

1. The vehicle or trailer has a valid license.
2. The vehicle or trailer is operable and used for transportation, deliveries or services related to the principal permitted use that is the subject of the sign.
3. The vehicle or trailer is actively used in such a fashion that requires it to be transported off the site on a daily basis during business hours.

F. Changeable Copy Area or Electronic Message Board.

A changeable copy area or electronic message board shall be allowed as part of a permitted building-mounted sign, ground sign or billboard sign, subject to the following:

1. The permitted changeable copy area or electronic message board of a building-mounted sign or ground sign shall not exceed fifty percent (50%) of the total sign area, and shall conform to the illumination standards of this Section.
2. The changeable copy area or electronic message board shall be limited to no more than two (2) revolutions or changes in the display per minute. To minimize visual distractions and hazards for motorists, pedestrians, and property, animated copy as defined in Section 25.03 (Definitions) shall be prohibited.

G. Illumination.

Internal and external sign illumination shall be permitted, subject to the following:

1. **External sign illumination.** Where permitted under this Article, external illumination of signs shall be subject to the following:
 - a. The light source(s) shall be fully shielded to prevent upward illumination or glare, directed towards the sign face, and designed to concentrate all light on the sign copy area (see illustration); and
 - b. The light source(s) shall be arranged and shaded so as not to project onto the public right-of-way and interfere with traffic or project onto adjacent property.
2. **Internal sign illumination.** Where permitted under this Article, internal illumination of signs shall be subject to the following:
 - a. The sign faces shall be more than fifty percent (50%) covered by semi-opaque colors and materials with a color value and saturation of fifty percent (50%) or higher (see illustration).
 - b. Internally illuminated signs shall be equipped with a reduced intensity nighttime setting activated by photocell or timer.
3. **Other Limitations.** Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent or moving type. Illumination involving searchlights, strings of lights or movement of lights or other devices shall be prohibited.

Section 13.03 Signs Allowed Without a Permit.

The following signs are exempt from Section 13.09 (Sign Permit) requirements, and shall be permitted accessory to a permitted use in any zoning district. Such signs shall be subject to all other applicable standards of this Article:

A. Address Numbers and Nameplate.

All principal buildings shall display their assigned address number in a manner legible from the road right-of-way. In addition, one (1) nameplate shall be permitted per principal building to provide for the further identification of the building, use or occupants. The nameplate shall not exceed four (4) square-feet in area, and shall be attached flat against the building wall.

B. Construction Signs.

Temporary construction signs shall be subject to the following:

Standards	Construction Signs
Maximum number of permitted signs	One (1) sign per road frontage of the development parcel
Minimum required setbacks	Outside of any road rights-of-way and corner clearance areas as defined and regulated by this Ordinance; and ten (10) feet from any side or rear lot boundary and the edge of pavement for any internal access drive
Maximum sign area	32.0 square feet per sign
Maximum sign height	6.0 feet
Method of illumination	External light sources only
Display period	Sign(s) may be erected following final site plan or final preliminary plat approval, and shall be removed within 14 calendar days of completion of the project's final phase, or upon expiration of site plan or permit approval.

C. Other Temporary Signs.

Temporary signs not otherwise provided for in this Section, subject to the following:

- Maximum height and sign area.** Such temporary signs shall be permitted in accordance with the following table of standards for maximum permitted height and total sign area per lot:

Zoning District Name	Maximum Total Sign Area	Maximum Sign Height
Rural Districts	32.0 square feet	6.0 feet
Residential Districts	16.0 square feet	6.0 feet
Business Districts	32.0 square feet	8.0 feet
Other Districts	32.0 square feet	8.0 feet

- Minimum required setbacks.** Such temporary signs shall be located outside of any road rights-of-way and corner clearance areas as defined and regulated by this Ordinance; and ten (10) feet from any side or rear lot boundary and the edge of pavement for any internal access drive.

3. **Off-premises temporary signs.** A maximum of two (2) off-premises temporary signs shall be permitted accessory to a property offered for sale in the Township or accessory to an active farm operation in the Township that sells farm products at a lawfully established roadside stand or farm market, subject to the following:
 - a. Such signs shall be located on other private land, with permission of the property owner, that is no more than one (1) mile from the farm operation or property posted for sale.
 - b. Each permitted off-premises temporary sign shall not exceed eight (8) square-feet in area and four (4) feet in height.
 - c. Such signs shall be located outside of any road rights-of-way and corner clearance areas as defined and regulated by this Ordinance.
4. **Removal.** Such signs shall be removed by the property or business owner, agent or person responsible for creating or placing the sign on the lot within five (5) calendar days following completion or discontinuation of the event, action or activity to which the sign pertains.

D. Flags and Pennants.

Flagpoles, flags, and pennants shall be permitted accessory to a permitted use in any zoning district, subject to the following:

1. All flags shall be displayed from a pole or other mounting that is permanently affixed to the ground or a structure and conforms to the dimensional requirements of Article 5.0 (Schedule of Regulations).
2. The following flagpole standards shall apply in all zoning districts:
 - a. One (1) flagpole shall be permitted per zoning lot up to a maximum height equal to one hundred fifty percent 150% of the maximum height requirements of the zoning district in which it is located.
 - b. Any additional flagpoles on the same zoning lot shall conform to the maximum height requirements of the district.
 - c. Flagpoles shall be set back a minimum of 10 feet from all lot boundaries and road rights-of-way and the edge of pavement for any internal access drive.
3. A maximum of three (3) flags shall be permitted per road frontage of a zoning lot. The maximum permitted area of each flag shall be as follows:

Flagpole Height (feet)	Maximum Permitted Flag Area (square-feet)
Less than 21.0	15.0
21.0 to 25.0	24.0
25.0 to 45.0	40.0
Greater than 45.0	60.0

E. Other Signs and Sign-Related Activities.

The following types of signs and sign-related activities shall be permitted accessory to a permitted use in any zoning district:

1. Painting, servicing, cleaning, normal maintenance, and minor repairs of an existing sign, provided that the approved design is not altered and all work is in compliance with applicable Ordinance requirements.
2. One (1) window sign accessory to a principal non-residential use not exceeding four (4) square-feet in area and may be illuminated. Additional window signs may be permitted in accordance with Section 13.05 (Building Mounted Signs).
3. Memorial signs, tablets or markers that are cut into the face of masonry surfaces or constructed of bronze or other incombustible materials, and are integrated into the façade wall of a building.
4. Signs of a duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; signs identifying public access, municipal facilities and similar official markers; and incidental signs displayed for the direction, safety or convenience of the public.
5. Traffic safety and control and similar signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices; and essential service signs denoting utilities, hazards, and precautions.
6. Signs on the interior of a building not legible from the building exterior, and other incidental signs not visible from public road rights-of-way.
7. Changes to sign copy within an approved changeable copy area.
8. Incidental signs carried by or affixed to clothing worn by persons.

Section 13.04 Signs Allowed With a Permit.

The following signs shall be permitted accessory to a permitted use in any zoning district, subject to sign permit approval per Section 13.09 (Sign Permits) and the following:

A. Site Entry Features with Signage.

Site entry features with signage may be erected at the entrance to a residential subdivision, condominium or multiple-family development; manufactured housing park; or multi-tenant office, research or business park or campus, subject to sign permit approval per Section 13.09 (Sign Permits) and the following (see illustration):

1. Site entry features may consist of walls, columns, gates, and similar design elements. The location, design, and maintenance provisions for the site entry features shall be subject to site plan approval per Article 17.0 (Site Plan Review).
2. The location and design of an entrance structure shall not interfere with pedestrian, bicycle, or vehicular traffic movement.
3. Site entry features may be located within required yard setback areas, but shall be located outside of any road rights-of-way and corner clearance areas as defined and regulated by this Ordinance.
4. A maximum of one (1) sign shall be permitted on a site entry features per road entrance from a public road classified as a primary roadway by the master

transportation plans of the Township, or county or state road authorities, subject to the following:

Standards	Site Entry Features with Signage
Maximum sign area	32.0 square feet per sign
Maximum sign height	6.0 feet
Method of illumination	External light sources only.

B. Directional Signage.

On lots in the Business Districts and PR (Public/Recreational) District where additional wayfinding guidance for motorists would be beneficial for purposes of traffic control or pedestrian safety, a limited number of small directional signs shall be permitted subject to sign permit approval per Section 13.09 (Sign Permits) and the following:

1. A maximum of two (2) on-premises directional signs shall be permitted per zoning lot, which shall not exceed four (4) square-feet in area and three (3) feet in height per sign.
2. Such directional signs may be located within required yard setback areas, but shall be located outside of any road rights-of-way and corner clearance areas as defined and regulated by this Ordinance. The location of such signs shall not interfere with pedestrian, bicycle, or vehicular traffic movement.

Section 13.05 Building-Mounted Signs.

The intent of this Section is to establish consistent and reasonable standards for the location, size and range of permitted types of signs located on buildings in the Township. Building-mounted signs may be erected accessory to non-residential uses in any zoning district, subject to approval of a sign permit in accordance with Section 13.09 (Sign Permits) and the following:

Standards	Type of Permitted Signs		
	Wall	Awning	Window
Permit required?	yes	yes	no
Internal or external illumination permitted?	yes	yes	no
Maximum number of sign faces per building-mounted sign	one (1)	one (1)	one (1)
Minimum sign height	none	7.5 feet	none
Maximum permitted sign area of all building-mounted signs	10% of the signable area of the building space occupied by the use (see illustration)		10% of the street level window surface area

1. **Location.** All building-mounted signs shall be located entirely within the street level façade(s).
2. **Painted wall signs.** Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a building-mounted sign

subject to the standards of this Section. Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.

3. **Awning signs.** Awning signs shall be restricted to the surface area of the awning's valance, which is the band of material hanging perpendicular to the ground (see illustration). Awning materials for an internally illuminated awning sign shall be opaque, except for any permitted sign area.
4. **Window signs.** Window signs shall be restricted to interior window surfaces. A sign permit shall not be required for permitted window signs under this Section.
5. **Residential land uses.** Building-mounted signs shall be prohibited accessory to residential land uses in any zoning district.

Section 13.06 Ground Signs.

The intent of this Section is to establish consistent and reasonable standards for the height, location and size of ground signs in the Township. Ground signs may be erected accessory to non-residential uses in any zoning district, subject to approval of a sign permit in accordance with Section 13.09 (Sign Permits) and the following:

A. Ground Sign Standards.

Maximum Ground Sign Height	Minimum Sign Setback from Front Lot Boundaries and Road Rights-of-Way	Maximum Sign Area per Ground Sign	Maximum Number of Ground Signs per Parcel
12.0 feet	10.0 feet	40.0 square feet	1.0

1. Ground signs shall be prohibited accessory to any single-family and two-family dwellings, and within corner clearance areas as defined in Section 5.208 (Corner Clearance Areas).
2. Setbacks shall be measured from the near edge of the road right-of-way, provided that no ground sign shall be placed in such a manner as to prevent any motorist on a curve of a road from obtaining a clear view of approaching vehicles for a distance of 500 feet along the road.
3. Ground signs shall be set back a minimum of 20 feet from all side or rear lot boundaries, and any lot boundary abutting lots occupied by RESIDENTIAL USES or within a Residential District.

B. Pylon Signs Prohibited.

The Township has made the following determinations related to pylon signs, which are freestanding signs accessory to COMMERCIAL USES that are of such height and scale as to be visible and legible at a distance, and particularly from the I-75 expressway:

1. The placement of additional signs on lots or structures in the Township that exceed the maximum permitted sign height and area standards of this Article for ground signs would result in visual pollution and obstructions of light and air for adjoining lots and uses, and would be inappropriate to the intended character and sound development of the Township.

2. Additional pylon signs adjacent to the I-75 expressway and M-84 state highway would lessen the effectiveness of signs allowed under this Article, exacerbate the visual clutter created by existing signs, compete for the visual attention of motorists, and increase hazards for motorists and pedestrians.
3. Alternative means are available to inform the motoring public of the availability of nearby commercial services and business operations, including mobile applications for smartphones and other digital devices; existing billboard signs in the vicinity of the exit; and use of the Michigan Department of Transportation's "Specific Services Signing" or "Logo Signing" program, which allows eligible businesses to place their logos on MDOT sign panels located within the I-75 right-of-way near the exit to identify available services and businesses.

In accordance with the above findings, new pylon signs shall be prohibited in the Township. Pylon signs lawfully existing in the Township on the date of adoption of this Ordinance shall be permitted to continue, subject to the provisions of Section 13.10 (Nonconforming Signs). The Zoning Administrator shall be responsible for maintaining an inventory of the location and condition of existing pylon signs in the Township.

C. Permitted Modifications.

The following modifications to the standards of this Section have been established to preserve the character and appearance of the Township's lower intensity use districts through more restrictive standards; and ensure that permitted signage is in reasonable proportion to the land use intensity, road right-of-way width, and lot frontage.

Modifiers shall be cumulative down each column of the following table, as applied to a particular land use or zoning district:

Permitted Modifiers (cumulative down each column)	Maximum Sign Height	Minimum Sign Setback	Maximum Sign Area per Sign	Maximum Number of Signs
	12.0 feet	10.0 feet	40.0 square feet	1.0
Located in a Rural District	- 4.0 feet	no change	- 8.0 square feet	no change
Located in a Residential District	- 6.0 feet	no change	- 16.0 square feet	no change
Located in a C-1 or C-2 District	no change	no change	no change	no change
Located in the C-3 District	+ 2.0 feet	no change	+ 8.0 square feet	no change
Located in the LI District	no change	no change	no change	no change
Located in the PR District	- 2.0 feet	no change	- 8.0 square feet	no change
Sign abuts any part of state highway M-84, or any public road right-of-way of 120 feet or greater in width	+ 2.0 feet	no change	+ 8.0 square feet	no change
Sign abuts part of state highway M-84 where the travel lanes are divided by a grassy median area	+ 2.0 feet	no change	+ 16.0 square feet	no change
Total lot frontage on all paved public road rights-of-way exceeds 400 feet	no change	no change	no change	+ 1.0 additional sign
Sign abuts a primary paved road with a posted speed limit greater than 50 miles per hour	+ 2.0 feet	no change	+ 8.0 square feet	no change
Lot is occupied by a multi-tenant office building, shopping center or similar group of three (3) or more independent non-residential uses	no change	no change	+ 40.0 square feet	no change
Total Permitted with Modifiers:	_____ feet	_____ feet	_____ square feet	_____ sign(s)

Section 13.07 Billboards.

Billboard signs, as defined in Section 25.03 (Definitions), shall be subject to the following:

A. Findings.

The Township has made the following determinations related to billboard signs:

1. The placement of additional signs on lots or structures in the Township that exceed the maximum permitted sign height and area standards of this Article for ground signs would result in visual pollution and obstructions of light and air for adjoining lots and uses, and would be inappropriate to the intended character and sound development of the Township.
2. Billboard signs are not appropriate in the Rural Districts and undeveloped areas of the Township. Such signs would detract from the visual appearance and rural

character of the Township, which is attractive to visitors and residents and a significant benefit to the local agricultural economy.

3. Billboards are not appropriate in the Residential Districts or any Planned Unit Development (PUD) where residential land uses are permitted, because the intense commercial nature of the advertising activity would be harmful to property values and incompatible with quality of life in residential areas.
4. Billboards are not appropriate in the Business Districts, because such signs would be incompatible with the intended character of the districts, out-of-scale with permitted structures and ground signage, incompatible with abutting rural, residential, and recreational uses, and harmful to the promotion of commerce and economic development in the Township.
5. Billboard signs are not appropriate in the Public/Recreational (PR) District, because such signs would be incompatible with the intended character of the district, out-of-scale with permitted structures and ground signage, and incompatible with abutting rural, residential, and recreational uses.
6. Expanded display of billboard signs along the I-75 expressway and M-84 state highway would lessen the effectiveness of signs allowed under this Article, exacerbate the visual clutter created by existing billboard signs, compete for the visual attention of motorists, and increase hazards for motorists and pedestrians.
7. Typical levels of billboard illumination would create light pollution and glare, which would inhibit the quiet enjoyment of the night sky and nighttime rural character of the area by Township residents and visitors.
8. The placement of new billboard signs in the Township is contrary to the purpose of this Article, and the goals and objectives of the Township's Master Plan.

B. New Billboards Prohibited.

In accordance with the above findings, new billboard signs shall be prohibited in the Township.

C. Existing Billboards.

Billboard signs lawfully existing in the Township on the date of adoption of this Ordinance shall be permitted to continue, subject to the provisions of Section 13.10 (Nonconforming Signs). The Zoning Administrator shall be responsible for maintaining an inventory of the location and condition of existing billboard signs in the Township.

Section 13.08 Prohibited Signs.

The following types of signs are prohibited in all districts:

1. Signs that resemble and could be confused with an official highway, traffic or government sign, signal or traffic control device; or that obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information.
2. Signs painted on or attached to trees, utility poles, fences or streetlights.

3. Signs placed upon or across any road or other right-of-way, except as otherwise provided for in this Article.
4. Signs that incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; or unshielded luminous tube lighting.
5. Signs that have any visible moving parts, mechanical movement, rotation, or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents; and signs that discharge any audible sound, odor or visible matter.
6. Roof signs, inflatable signs, projecting signs, pylon signs, billboard signs, and portable signs.
7. Building-mounted signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation.
8. Signs displayed without required permits or outside of permitted size, location or time period limitations.
9. Abandoned or unlawful signs, displays of obscene material on any sign, and any other sign not expressly permitted by this Article.

Section 13.09 Sign Permits.

It shall be unlawful for any person to erect, alter, or relocate any sign, sign structure or sign area subject to permit approval under the provisions of this Article, without first obtaining appropriate permit(s) from the Township and paying the required permit fee according to the schedule of fees established by the Township Board.

A. Sign Permits.

Where a provision of this Article requires approval of a sign permit, such approval shall be subject to the provisions of Section 2.03 (Zoning Permits) and the following:

1. The Zoning Administrator shall be responsible for verifying compliance with this Article, prior to issuing a sign permit under this Section.
2. Other permits may be required in accordance with applicable building and electrical codes.
3. Issuance of a building or electrical permit shall not exempt the permit holder from compliance with the requirements of this Section and Article.

B. Required Information for Sign Permit Applications.

In addition to the requirement of Section 2.03 (Zoning Permits), the following shall be provided with any sign permit application:

1. Permit applications shall include the name, address and telephone numbers for the applicant, property owner, and sign contractor; address or property location where the sign is to be located; written consent of the property or sign owner to

perform the proposed work; and any other information required by the Zoning Administrator to show full compliance with this Ordinance.

2. A plot plan of the subject parcel, drawn to scale, including all existing and proposed property lines, improvements, buildings, signs and parking areas, as well as setbacks from all property lines to all signs and structures. If building-mounted signs are proposed, elevation drawings of all buildings on the site shall be provided showing all existing and proposed building-mounted signs.
3. The Zoning Administrator may require a survey of the subject property upon determination that it is necessary to verify property lines, right-of-way lines, building setbacks, or other dimensional aspects of the site essential to verifying compliance with the requirements of this Article.
4. Specifications and drawings showing the materials, design, dimensions, structural supports, and method of illumination.

Section 13.10 Nonconforming Signs.

All existing signs that do not conform to the provisions of this Article shall be permitted to continue as nonconforming signs until removed or altered, subject to the following:

A. Good Working Order.

Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 13.02 (General Standards), to the maximum extent feasible. Nonconforming signs shall be maintained with all necessary structural and decorative components, including supports, sign frame, and electrical equipment. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination.

B. Servicing.

Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with the requirements for all signs specified in Section 13.02 (General Standards).

C. Alterations.

Alterations to nonconforming signs shall be prohibited, except as follows:

1. **Sign copy area.** The sign copy area of a nonconforming sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the degree of nonconformity is not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 13.02G (Illumination).
2. **Billboard signs.** A nonconforming billboard sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the sign area and height are not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 13.02G (Illumination). A nonconforming billboard sign may be converted to an electronic message board, subject to the requirements of Section 13.02F (Changeable Copy Area or Electronic Message Board).

3. **Sign frame or structural elements.** Alterations to the sign frame or structural elements of a nonconforming sign shall be permitted, subject to the following:
 - a. The sign shall be brought into compliance with the maximum sign height and sign area standards for the location and type of sign, as specified in this Article.
 - b. Where a ground sign is nonconforming with respect to a required setback, the existing sign's wiring and support structure(s) may be re-used, subject to the following:
 - (1) The sign shall be located outside of any existing or planned future road right-of-way, as defined by the master transportation plans for the Township, county or state road authorities.
 - (2) The sign shall be located outside of any corner clearance area, as defined by Section 5.208 (Corner Clearance Areas).
 - (3) The existing sign setback distance shall be maintained or increased by the permitted alterations.

Section 13.11 Sign Removal by Township Action.

Sign removal by Township action shall be subject to the following procedures and standards:

A. Abandoned or Unlawful Signs.

The Zoning Administrator shall have the authority to determine whether a sign is unlawful or has been abandoned, as defined in Section 25.03 (Definitions), subject to appeal by an aggrieved person to the Zoning Board of Appeals. The Zoning Administrator may order the removal of such signs in accordance with the following:

1. **Determination.** Written notification of the determination and any order for removal shall be provided by certified mail to the owner, operator or person having beneficial use of the property upon which the sign is located.
2. **Removal.** Abandoned or unlawful signs shall be removed within 15 calendar days after written notification of a determination and order for removal by the Zoning Administrator. All support structures and components shall be completely removed.
 - a. Failure to remove the sign shall constitute grounds for the Township to seek Circuit Court approval to remove the sign at the property owner's expense.
 - b. The owner shall reimburse the Township for necessary removal costs, or the Township may place a lien on the property for removal expenses.

B. Damaged Signs.

Signs determined to be in a damaged condition by the Zoning Administrator shall be repaired or removed within five (5) calendar days after written notification. If such action is not taken by the owner, operator or person having beneficial use of the

property where the sign is located, the Zoning Administrator shall have the authority to order the repair or removal of the damaged sign. The owner shall reimburse the Township for repair or removal costs, or the Township may place a lien on the property for such expenses.

C. Unsafe Signs.

The Zoning Administrator may order the removal of any sign determined to be unsafe without prior notice. After removal, the Zoning Administrator shall notify the property owner by certified mail of the action taken and the reasons for the action. The owner shall reimburse the Township for removal, storage and reclamation costs, or the Township may place a lien on the property for such expenses.

D. Nonconforming Signs.

The elimination of nonconforming signs in the Township is hereby declared to be for a public purpose and for a public use. The Township may purchase nonconforming signs for the purpose of removal, or may initiate condemnation proceedings for nonconforming signs determined to be in violation of Section 13.10 (Nonconforming Signs) requirements.

E. Temporary Signs.

The owner, agent or person responsible for creating or placing the sign on the lot shall immediately remove such signs determined by the Zoning Administrator to be in a damaged or unsafe condition. Failure to remove a sign in such condition shall be considered a violation of this Ordinance. Temporary signs affixed within a road right-of-way or corner clearance zone may be removed by the Township without notice. Signs removed shall be held by the Township for five (5) calendar days, after which the sign may be discarded.

Section 13.12 Exceptions.

Any party who has been denied a sign permit for a proposed sign may file a petition for an exception to provisions of this Article with the Zoning Board of Appeals (ZBA) within 60 calendar days of denial. The ZBA shall have the authority to grant an exception from the strict application of these regulations in accordance with the general procedures of the Zoning Board of Appeals in Article 23.0 (Zoning Board of Appeals) and the following:

A. Applications and Review Procedures.

Application for a sign exception shall be filed with the Township Clerk by the sign permit applicant, owner of record of the property in question, or a person authorized to act on the record owner's behalf. The petition shall consist of:

1. A completed application form and required fee, along with a copy of the original sign permit application and notice denial from the Zoning Administrator.
2. A statement of the specific reasons for the exception request, and demonstration of how the request meets the exception standards of this Section.

The Township Clerk shall transmit the application and information to the ZBA and to the Zoning Administrator.

B. Public Hearing.

The ZBA shall hold a public hearing on each request for a sign exception under this Section. After receipt of a complete and accurate application, the Chair shall fix a reasonable time and date for the hearing. Notice shall be given in accordance with the public hearing provisions of Section 2.10 (Public Hearing Procedures). All hearings shall be open to the public.

C. Sign Exception Standards.

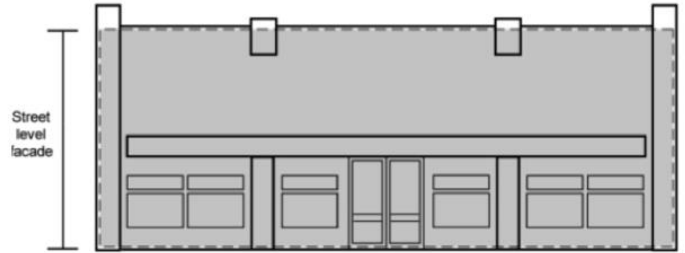
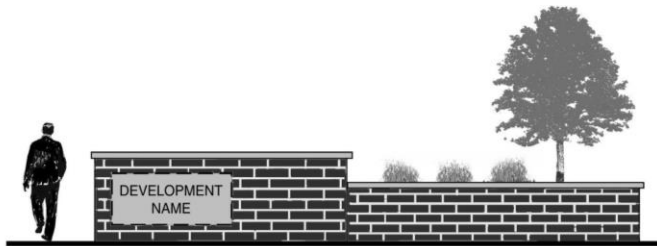
For all sign exception petitions, the ZBA shall consider the following exception standards, the intent and purposes of this Article, and any other factors deemed relevant in determining whether to grant an exception from provisions of this Article:

1. **Obstructions.** Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.
2. **Visibility.** A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions.
3. **Site features.** Construction of a conforming sign would require significant tree removal or extensive topographic changes.
4. **Scale.** A sign that exceeds the allowable height or area standards of this Article would be more appropriate in scale to the building, use or site frontage.
5. **Aesthetics.** The exception shall not adversely impact the character or appearance of the building or lot, the surrounding area, and the zoning district.
6. **Minimum necessary action.** The exception shall not impair the intent and purposes of this Article, and shall be the minimum necessary to provide for reasonable use, visibility or legibility of the sign.
7. **Off-site ground signs.** For an exception to allow a ground sign to be located on a lot separate from that of the associated land use or business, the applicant shall also demonstrate to the ZBA's satisfaction that the off-site ground sign is the minimum necessary to provide adequate wayfinding guidance to visitors and patrons of the land use or business.

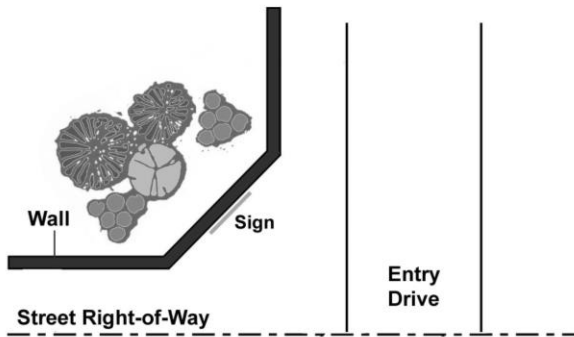
D. Findings and Conditions.

In a motion granting or denying a sign exception, the ZBA shall state the specific findings of fact and conclusions or grounds for the decision. The ZBA may attach conditions to a sign exception approval in accordance with the intent and purposes of this Article.

ILLUSTRATIONS



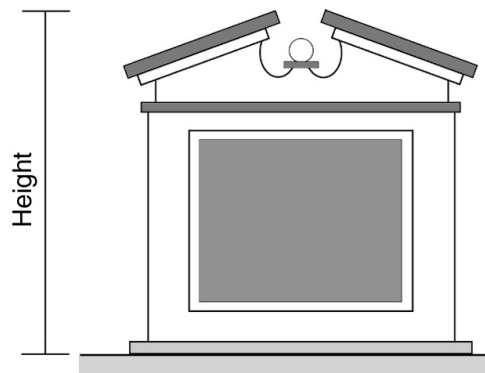
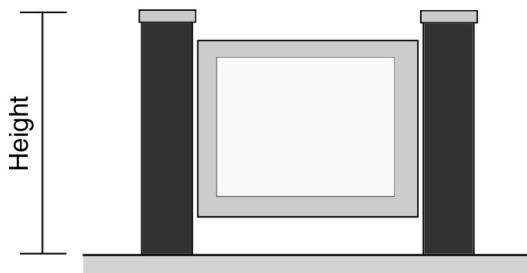
Single-story Building



Multiple-story Building

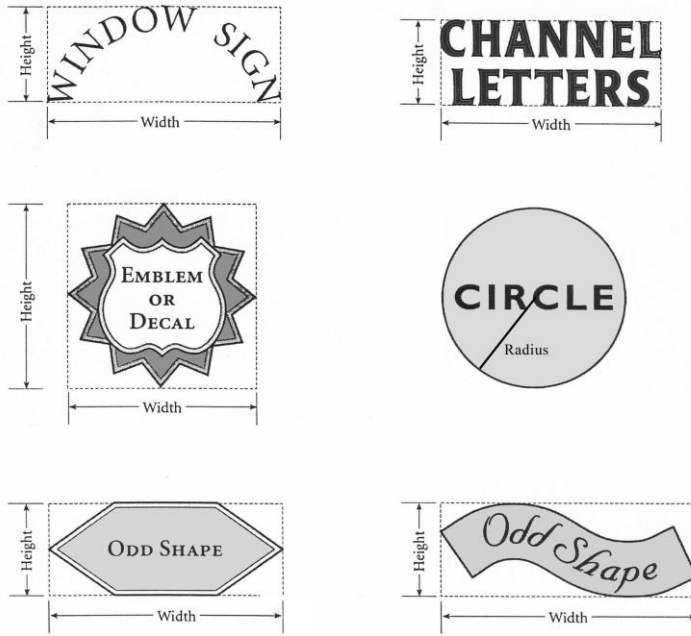
Signable Area

Site Entry Feature With Signage

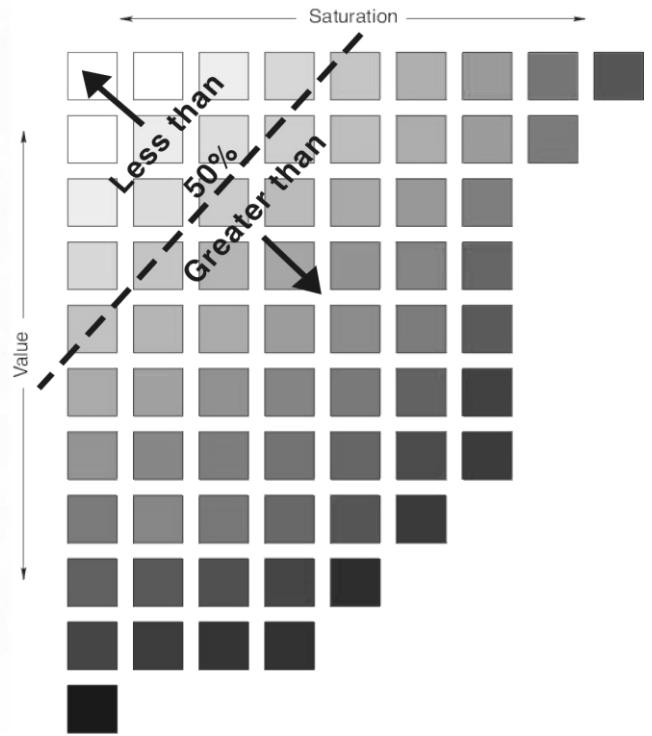


Sign Height

ILLUSTRATIONS



Computation of Sign Area



Color Value and Saturation



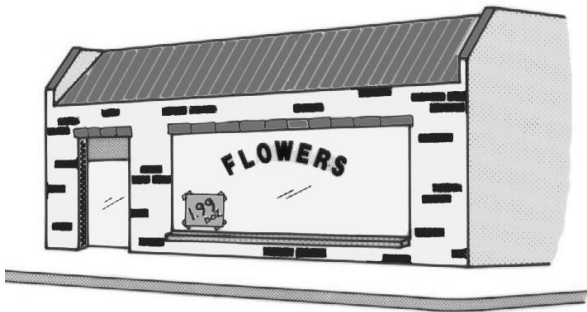
External illumination only



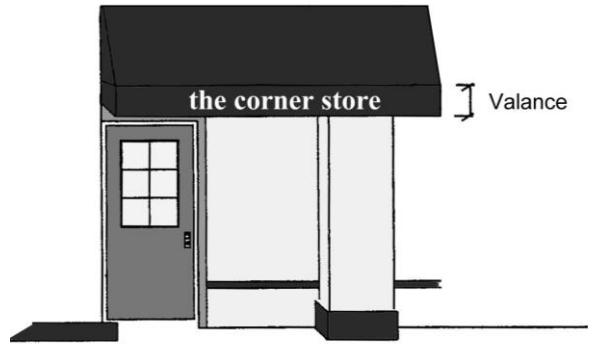
Internal illumination permitted

Sign Illumination

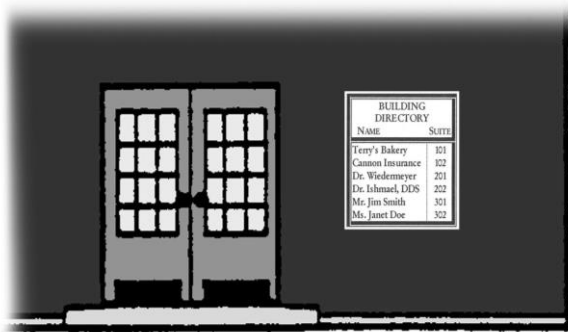
ILLUSTRATIONS



Window Sign

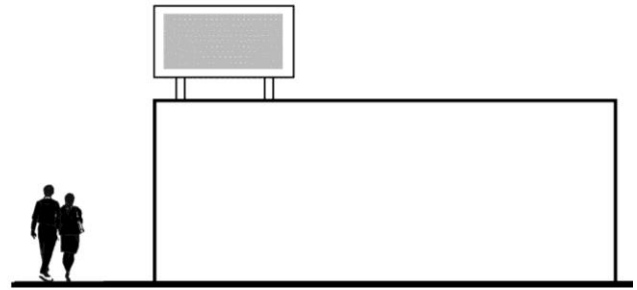


Awning Sign

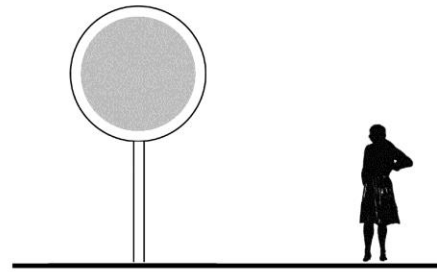
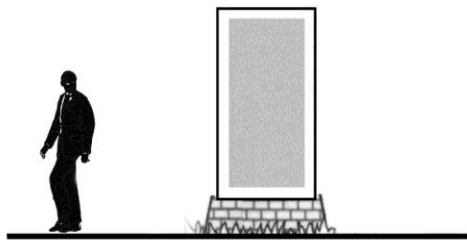
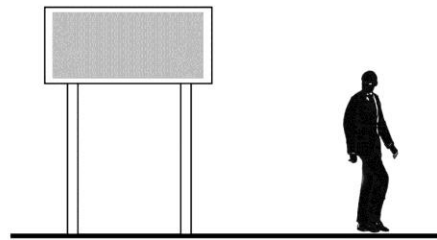
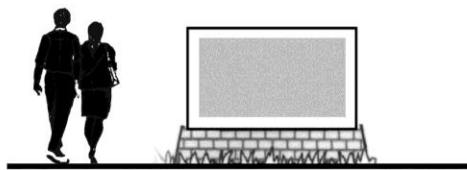


BUILDING DIRECTORY	
NAME	SUITE
Terry's Bakery	101
Cannon Insurance	102
Dr. Wedemeyer	201
Dr. Ishmael, DDS	202
Ms. Jim Smith	301
Ms. Janet Doe	302

Building Directory



Roof Sign



Various Types of Ground Signs

ARTICLE 14.0

OFF-STREET PARKING AND LOADING

Section 14.01 Purpose and Scope.

The purpose of this Article is to protect water quality and the capacity of drainage and stormwater management systems; to limit the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building; to establish flexible minimum and maximum standards for off-street parking and loading; and to promote the use and development of shared parking facilities and cross-access between sites. The regulations of this Article shall be met in all districts whenever any uses are established; any structure is erected, enlarged, or increased in capacity; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity. Such spaces shall be provided in accordance with the provisions of this Article, subject to approval per Article 17.0 (Site Plan Review).

Section 14.02 Use Of Parking Facilities.

Any area designated as required off-street parking, stacking, and loading spaces shall not be changed to any other use, unless adequate spaces meeting the standards of this Article have first been provided at another location acceptable to the Planning Commission.

1. No commercial activity, storage of materials or merchandise, or selling of any kind shall be conducted within such areas, except as part of a permitted temporary use.
2. Parking of an operable motor vehicle shall not exceed a continuous period of more than 48 hours. Repairs, servicing or display of vehicles for sale shall be prohibited. Such areas shall not be used for parking of unlicensed or inoperable motor vehicles.
3. Required parking facilities may also be provided within a garage, carport or other accessory structure that conforms to the requirements of this Ordinance.

Section 14.03 Residential Parking Standards.

The following standards shall apply to parking accessory to all residential dwellings and other RESIDENTIAL USES in the Township.

1. Required off-street parking facilities for all residential land uses shall be limited to any combination of an accessory garage or carport, private driveway, off-street parking pad, or space within an off-street parking lot meeting the requirements of this Ordinance. Parking elsewhere on a residential lot shall be prohibited [see also Section 8.10 (Single-Family and Two-Family Dwellings)].
 - a. Required parking shall be located within 100 feet of the residential building served by the facility.
 - b. The required number of off-street parking spaces for a dwelling unit shall be maintained and kept available for parking of motor vehicles.
 - c. Such parking shall not block or impede the use of sidewalks, pedestrian pathways, fire lanes or emergency access.

2. Required off-street parking facilities for single-family and two-family dwellings shall be located outside of the road right-of-way and on the same lot as the dwelling the facilities are intended to serve.
3. Required off-street parking facilities for multiple-family dwellings shall be located outside of the required front yard setback area, and shall conform to a site plan approved in accordance with Article 17.0 (Site Plan Review).
4. Parking accessory to each dwelling unit in a two-family or multiple-family building shall not exceed a maximum of four (4) parking spaces. Where an approved site plan depicts a lesser number of spaces for the unit, the site plan shall govern.
5. Parking in the R-3 (Single-Family Residential) and RM (Multiple-Family Residential) zoning districts accessory to multiple-family dwellings, two-family dwellings, and single-family dwellings on lots with less than 10,400 square-feet of lot area shall be subject to the following additional requirements:
 - a. A maximum of four (4) parking spaces shall be permitted per dwelling.
 - b. Stacking of a row of more than two (2) vehicles in a driveway outside of a garage or other accessory structure shall be prohibited.
 - c. Such parking shall be limited to passenger vehicles and a maximum of one (1) commercial or recreational vehicle per dwelling, with a maximum gross vehicle weight or equivalent rating of 12,000 pounds.

Section 14.04 Shared Facilities.

The development and use of a parking or loading facility shared between two (2) or more contiguous uses shall be permitted, subject to the following:

1. Prior to approval, the Planning Commission shall determine that peak activity for each use will occur at different periods of the day or week.
2. Where shared parking facilities are provided, the number of parking spaces shall not be less than seventy percent (70%) nor more than one hundred fifty percent (150%) of the sum of the minimum requirements for the individual uses as specified in Section 14.07 (Schedule Of Required Parking by Use):
$$\text{Minimum Shared Parking} = (\text{sum of minimum requirements for individual uses}) \times 70\%$$
$$\text{Maximum Shared Parking} = (\text{sum of minimum requirements for individual uses}) \times 150\%$$
3. Shared facilities and the permitted reduction in required parking shall be subject to a shared facility agreement between the property owners. A copy of the signed and notarized agreement shall be filed with the Township Clerk.

Section 14.05 Schedule Of Required Parking by Use.

The minimum number of required off-street parking spaces for an individual use shall be determined in accordance with the following:

A. Parking Calculations.

The following standards shall apply to calculations of required parking:

1. Where calculation of the number of required parking spaces result in a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and any fraction over one-half (1/2) shall be rounded-up to the next highest whole number.
2. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift or busiest period of the workday.
3. For requirements stated in terms of capacity or maximum occupancy, the calculation shall be based upon the largest occupancy rating by the State Construction Code, or applicable local, county or state fire or health codes.
4. Where a use is not specifically mentioned in this Section, the Planning Commission shall apply the standards for a similar listed use. The following uses shall be exempt from the required parking standards of this Section:
 - a. RURAL USES not specifically listed in this Section.
 - b. Child Foster family home or family group home.
 - c. Home occupations listed in Section 8.07 (Home Occupations).
 - d. Cemetery, other than any office uses.
 - e. Public utility and essential service uses.
 - f. Aircraft landing strips and helipads, other than any office uses.

B. Minimum and Maximum Parking Requirements.

The following minimum and maximum parking space standards shall apply:

1. **Minimum required spaces.** Off-street parking, stacking, and loading spaces shall be provided in accordance with the minimum requirements of Section 14.05C (Schedule Of Required Parking by Use). The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this Section.
2. **Maximum permitted parking spaces.** The maximum off-street parking permitted for any particular land use, except residential dwellings, shall not exceed one hundred fifty percent (150%) of the minimum requirements of this Section. This requirement shall not apply to:
 - a. Residential dwellings, which shall be subject to the requirements of Section 14.03 (Residential Parking Standards).
 - b. Spaces reserved for off-site uses as part of an off-site parking facility agreement per Section 14.08A (Off-Site Parking Facilities).

C. Schedule Of Required Parking by Use.

Use	Minimum Required Parking
RURAL USES	
Farm-Based Tourism or Entertainment Activities	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or one (1) per four (4) persons allowed within the maximum capacity of the facility.
Farm Market, Bulk Feed and Fertilizer Supply, and Farm Implement Sales or Repair	One (1) per 400 square feet of usable floor area, plus one (1) per on-duty employee.
Veterinary Clinic, Animal Hospital, or Kennel	One (1) per 500 square feet of usable floor area, plus one (1) per on-duty employee.
RESIDENTIAL USES	
Accessory Dwelling	One (1) per dwelling unit, plus any required spaces for the dwelling.
Adult Foster Care Small or Large Group Home, State Licensed Residential Facilities, and Other Managed Residential Facilities	One (1) per resident sleeping room, plus one (1) per on-duty employee.
Bed and Breakfast Inn	One (1) per guest sleeping room, plus any required spaces for the dwelling.
Elderly and Senior Housing – Independent	One (1) per dwelling unit, plus one (1) per on-duty employee.
Elderly Housing – Assisted Living Facilities; or Dependent, Nursing or Convalescent Care	One (1) per two (2) dwelling units or per four (4) beds, plus one (1) per on-duty employee.
Family and Group Child Day Care Home, or Adult Foster Care Family Home	One (1) per on-duty employee, plus any required spaces for the dwelling.
Manufactured Housing Parks	Two (2) per dwelling.
Multiple-Family Housing, Town-houses, and Stacked Flats	One and one-half (1.5) per dwelling unit with up to two bedrooms, and two (2) per three-bedroom or larger dwelling unit.
Two-Family (Duplex) Dwellings	
Single Family Dwellings, Detached	Two (2) per dwelling.
OFFICE, SERVICE, AND COMMUNITY USES	
Ambulance, Fire, and Police Stations	One (1) per on-duty employee, plus any required spaces for storage of vehicles.
Barber Shop, Beauty Salon or Nail Care	One (1) per service chair or station, plus one (1) per on-duty employee.
Day Care Center – Child or Adult	One and one-half (1.5) per six (6) children of state licensed or authorized capacity, plus one (1) per on-duty employee.
Funeral Parlor or Mortuary	One (1) per four (4) persons allowed within the maximum building occupancy.
Health Club or Fitness Center	One (1) per four (4) persons allowed within the maximum building occupancy, or one (1) per 300 square feet of usable floor area.
Hospital or Urgent Care Center	One (1) per four (4) beds, plus one (1) per on-duty employee.

C. Schedule Of Required Parking by Use.

Use	Minimum Required Parking
Institutional Uses	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or One (1) per on-duty employee, plus one (1) per four (4) persons allowed within the maximum building occupancy.
Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist, or Physical Therapy Facility	One (1) per on-duty employee, plus one (1) per examination or treatment room.
Offices for Professional, Service or Administrative Uses	One (1) per 300 square feet of usable floor area.
Government Offices	
Recreation Facilities, Indoor	One (1) per four (4) persons allowed within the maximum building occupancy, or one (1) per 300 square feet of usable floor area.
Recreation Facilities, Outdoor	One (1) per 7,500 square feet of gross land area.
Workshop or Studio	One (1) per 400 square feet of usable floor area.
COMMERCIAL USES	
Bank, Credit Union or Similar Financial Institution	One (1) per 300 square feet of usable floor area.
Big Box Commercial Uses	One (1) per 200 square feet of usable floor area.
Car Wash	Two (2), plus one (1) per on-duty employee, plus six (6) stacking spaces per service lane and two (2) for post-wash detailing.
Dealership Showroom for Sale or Rental of Recreational Vehicles, Motor Vehicles, Construction Machinery or Similar Durable Goods	One (1) per 500 square feet of usable floor area of the sales room, plus one (1) per on-duty employee.
Drive-in or Drive-through Facilities	Two (2) per service window, booth, cubicle or stall, plus six (6) stacking spaces per service lane.
Hotel or Inn	One (1) per occupancy unit, plus one (1) per on-duty employee.
Laundromat or Dry Cleaners	One (1) per six (6) washing or drying machines, or one (1) per 300 square feet of usable floor area.
Manufactured Housing Sales	One (1) per 4,000 square feet of outdoor sales or display area, plus one (1) per on-duty employee.
Motor Vehicle Fueling Station	One (1) per on-duty employee, plus one (1) per fueling location, plus one (1) stacking space per two (2) fueling locations.
Motor Vehicle Service Center or Repair Stations	One (1) per on-duty employee, plus one (1) per service bay, plus one (1) stacking space per service bay.
Open Air Business, Outdoor Display Area, Garden Center, or Dealership Sales Lot	One (1) per 1,000 square feet of outdoor sales or display area.
Restaurants and Food Service Establishments, Carry-Out Only	One (1) per 200 square feet of usable floor area, plus one (1) per on-duty employee.
Restaurants and Food Service Establishments, with Dine-In Seating	One (1) per four (4) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee.

C. Schedule Of Required Parking by Use.

Use	Minimum Required Parking
Outdoor Café or Eating Area	
Retail Stores and COMMERCIAL USES not otherwise listed in this table, with less than 10,000 square feet of total gross floor area	One (1) per 275 square feet of usable floor area.
Retail Stores and COMMERCIAL USES not otherwise listed in this table, with 10,000 to 50,000 square feet of total gross floor area	One (1) per 250 square feet of usable floor area.
Retail Stores and COMMERCIAL USES not otherwise listed in this table, with more than 50,000 square-feet of total gross floor area	One (1) per 200 square feet of usable floor area.
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club	One (1) per three (3) persons allowed, based upon the maximum seating capacity of the primary assembly space, plus one (1) per on-duty employee.
INDUSTRIAL, RESEARCH, AND LABORATORY USES	
INDUSTRIAL, RESEARCH, AND LABORATORY USES not otherwise listed in this table – established for a known user.	Five (5), plus one (1) per on-duty employee, plus required parking for any accessory office or other uses.
INDUSTRIAL, RESEARCH, AND LABORATORY USES not otherwise listed in this table – established on speculation, or where the end user or number of anticipated employees is not known.	Five (5), plus one (1) per 2,000 square feet of usable floor area for the proposed principal use(s), plus required parking for any accessory office or other uses.
Outdoor Storage, General	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.
Junkyards	
Self-Storage Warehouses	Two (2) for the caretaker’s dwelling, plus one (1) per 300 square feet of usable floor area in the principal building.
Outdoor Storage of Recreational Vehicles or Similar Items	
OTHER USES	
Adult Regulated Uses and Sexually-Oriented Businesses, and other Controlled Uses	One (1) per 200 square feet of usable floor area.
Composting Centers	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.
Extraction Operations	
Public Works and Road Maintenance Yards	One (1) per on-duty employee, plus required parking for any accessory office or other uses.
Racetracks	One (1) per three (3) seats or six (6) feet of benches, based upon the maximum seating capacity of the primary assembly space; or One (1) per on-duty employee, plus one (1) per three (3) persons allowed within the maximum building occupancy.
Recycling Collection Facility	One and one-half (1.5) per on-duty employee, plus required parking for any accessory office or other uses.

Section 14.06 Design Requirements.

Off-street parking facilities, other than parking for residential dwellings subject to Section 14.03 (Residential Parking Standards), shall be designed, constructed, and maintained in accordance with the following:

A. Barrier-Free Parking Requirements.

Barrier-free parking spaces, signed and striped shall be provided at conveniently accessible locations within each parking lot built to accommodate five (5) or more vehicles. Such parking shall be in accordance with minimum standards of the State Construction Code, or other equivalent standard accepted by the Township.

B. Landscaping and Screening.

All loading facilities and any off-street parking area providing space for five (5) or more vehicles shall be effectively screened from all lot boundaries and road rights-of-way in accordance with Section 16.10E (Parking Lot Landscaping and Perimeter Screening). Not more than 15 parking spaces shall be permitted in a continuous row without interruption by a landscaped parking lot island or cross-access aisle.

C. Setback.

Distance measurements for driveway setbacks shall be made along the edge of the road right-of-way from the points where the edges of the driveway pavement intersect the right-of-way. All other measurements shall be made from the pavement edge to the nearest point along the lot boundary or right-of-way. Off-street parking spaces and all driveways and maneuvering lanes shall conform to the following setback requirements:

1. Driveways shall be set back a minimum of 25 feet distant from any property lines.
2. Off-street parking spaces shall not be closer than ten (10) feet to any property line.
3. Off-street parking facilities shall not be located in any required front yard.
4. No parking spaces shall be located within a transition strip required by Section 5.203D (Transition Buffer). Driveways shall be permitted to cut through a required transition strip only to the minimum extent necessary to provide access to the site.

D. Exterior Lighting.

Where provided, all exterior lighting shall comply with Section 16.09 (Exterior Lighting).

E. Ingress/Egress.

Adequate means of ingress and egress of vehicles and pedestrians shall be provided for all parking and loading facilities by means of clearly limited and defined drives, defined pedestrian pathways, curb cuts, and maneuvering lanes.

1. Off-street parking spaces shall be located within 300 feet of a primary building entrance, and a dedicated pedestrian path shall be provided from the road to each primary building entrance.
2. Backing directly onto a road or using a road for maneuvering between parking rows shall be prohibited.

3. Adequate ingress and egress to any parking lot shall be provided for all vehicles by means of clearly defined driveways, which shall be limited to the minimum necessary to provide reasonable ingress and egress.
4. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Exit lanes shall include an on-site stacking area for traffic waiting to exit the site. The driveway shall intersect the abutting road at a 90-degree angle.

F. Pavement and Striping.

Off-street parking facilities, driveways, and pedestrian paths to building entrances shall be paved with concrete, plant-mixed bituminous asphalt or similar materials acceptable to the Township. Parking spaces shall be marked with pavement striping. The paving plan and materials shall be subject to design and materials approval by the Township Engineer. The Planning Commission may approve alternative paving or surfacing as part of site plan approval, subject to the provisions of Section 14.08 (Modification of Standards).

G. Stacking Spaces.

Where required by this Ordinance, stacking spaces for drive-through facilities shall be ten (10) feet wide by 20 feet long. Stacking spaces shall not intrude into any road right-of-way or maneuvering lane for an off-street parking lot.

H. Grading and Drainage.

Driveways and parking areas shall be graded and provided with adequate drainage to dispose of surface waters in accordance with applicable construction and design standards established by the Township, the County Road Commission, and the County Water Resources Commissioner. Surface water shall not drain on to adjoining lots or across a public road, except in accordance with an approved drainage plan.

I. Off-Street Parking Layout.

The layout of off-street parking shall be in accordance with the following minimum requirements (see illustration):

Parking Pattern (degrees)	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Width of Maneuvering Lane Plus Two Rows
0° (parallel)	12 feet (one-way)	8.5 feet	22 feet	29 feet (one way) 32 feet (two way)
30° to 53°	14 feet (one-way)	10 feet	20 feet	53 feet (one way)
54° to 74°	18 feet (one-way)	10 feet	20 feet	60 feet (one way)
75° to 90°	22 feet (two-way)	10 feet	20 feet	62 feet (two way)

Section 14.07 Off-Street Loading.

Adequate space shall be provided for loading and unloading activities associated with any use involving the receipt or distribution of vehicles, materials or merchandise, subject to the following:

A. General Standards.

The following shall apply to loading and unloading areas in all zoning districts:

1. Loading spaces shall be set back a minimum of 50 feet from any residential district or use, except where enclosed within a building or screened by walls, landscaping or a combination thereof to the satisfaction of the Planning Commission, per Section 16.10D (Methods of Screening).
2. Loading spaces shall be paved with a surface providing the equivalent load strength of nine (9) inches of concrete.
3. Each loading space shall be at least ten (10) feet wide and 25 feet long, and shall be sized to accommodate the anticipated delivery vehicle type.
4. Loading areas shall be located only in side or rear yards, and shall be arranged to minimize conflicts with pedestrian and vehicular circulation. All maneuvering of trucks and other vehicles shall take place on the site and not within a public road right-of-way.

B. Use Standards.

The minimum size or number of required loading spaces shall be based on the gross floor area of a building or addition. COMMERCIAL USES and INDUSTRIAL, RESEARCH, AND LABORATORY USES shall be required to provide a minimum number of loading spaces as follows:

1. Buildings up to and including 20,000 square feet of gross floor area shall provide at least one (1) space.
2. Buildings with more than 20,000 square feet in gross floor area, but less than 50,000 square feet shall provide a minimum of two (2) spaces.
3. Buildings 50,000 square feet and greater in gross floor area shall provide three (3) spaces plus one (1) space for each additional 50,000 square feet or fraction thereof.

Section 14.08 Modification of Standards.

Limited modifications to the standards of this Article shall be permitted, subject to the following:

A. Off-Site Parking Facilities.

The Planning Commission may approve the location of all or part of any required parking facilities accessory to non-residential uses in any zoning district on a separate zoning lot from the use served by the parking, subject to the following:

1. Approved off-site parking spaces shall be located within 500 feet of a primary building entrance for the use.
2. A written agreement shall be drawn to the satisfaction of the Township Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve. A copy of the signed and notarized agreement shall be filed with the Township Clerk.

B. Deferment of Parking or Loading Spaces.

Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, or that adequate loading space is available to serve the building or use, the Planning Commission may approve the

construction of a lesser number of spaces, provided that the deferred parking or loading spaces are shown on the site plan and set aside as open space.

Deferred parking or loading spaces shall be constructed in accordance with the approved site plan upon written request by the Township after the Zoning Administrator has documented three (3) incidents of problem parking or loading on the site.

C. Modification of Paving Requirements.

The Planning Commission may approve an off-street parking facility surfaced with graded and compacted gravel, crushed limestone or similar materials that provide a durable, smooth and dustless surface, subject to Planning Commission determination that the anticipated frequency, duration, and general nature of vehicular traffic do not warrant concrete or asphalt paving; and that the proposed surfacing will have minimal impact on adjacent parcels with regard to dust.

No waivers of paving requirements shall be permitted for barrier free parking spaces, access aisles, and pedestrian paths to building entrances.

D. Modification of Parking Space Dimensions.

The Planning Commission may approve an off-street parking facility that includes one (1) or more rows of parking spaces of reduced width and/or length for compact and similar small automobiles, provided that appropriate "Small Car Parking" signage shall be provided.

E. Alternative Parking Standard.

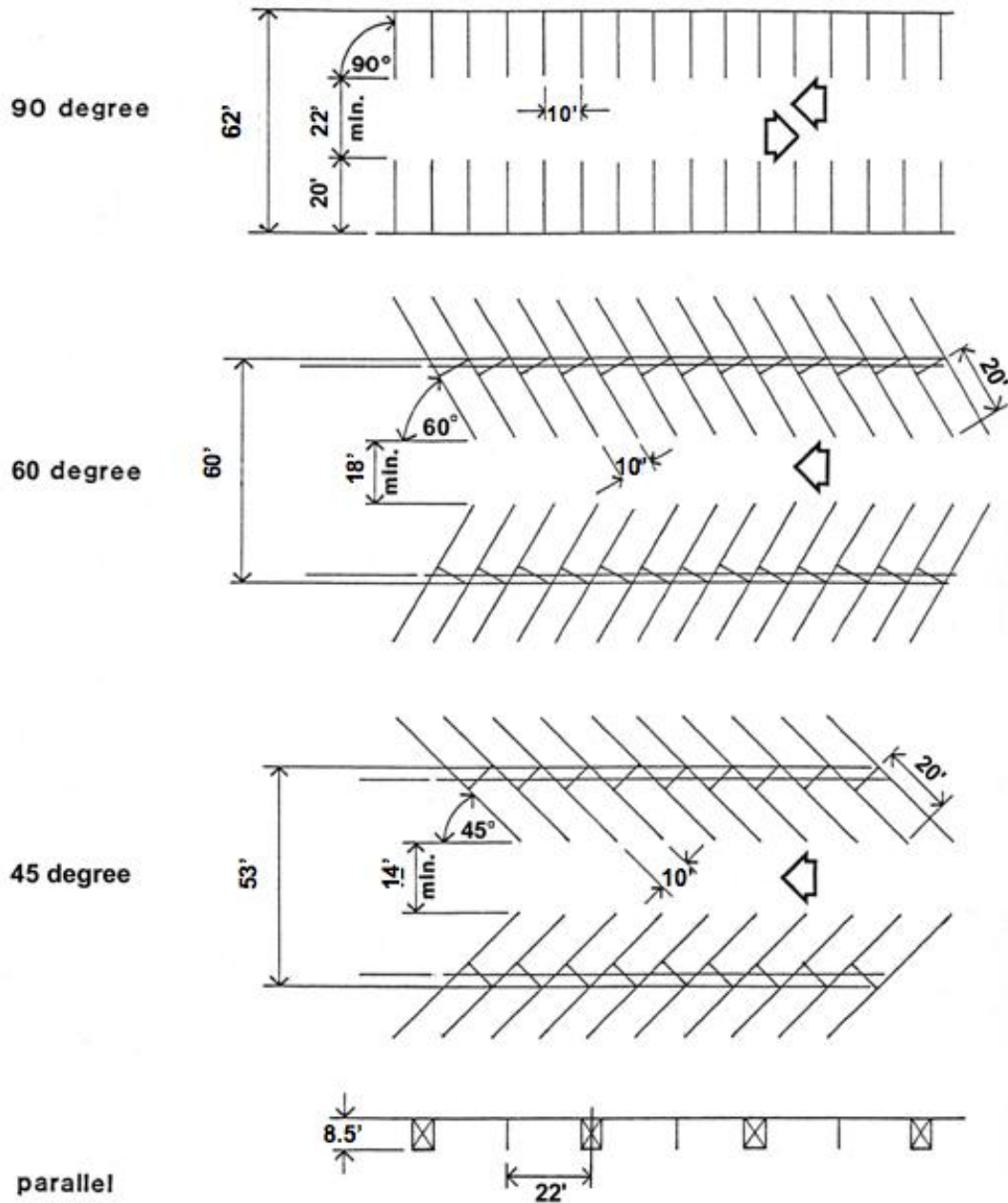
The Planning Commission may approve an alternative off-street parking standard for a proposed land use as part of site plan approval, upon determination that sufficient written evidence has been provided on the site plan to demonstrate that the alternative standard would be more appropriate for the type, scale or intensity of the proposed use, or that additional parking above the maximum permitted is necessary to accommodate the use on a typical day of operation.

Section 14.09 Construction and Maintenance.

The applicant shall provide to the Township copies of all construction permits and other outside agency written approvals for the facility. In the event that required paving cannot be completed because of cold or inclement weather, the Township may require a performance guarantee to ensure completion per Section 2.07C (Performance Guarantees).

All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements shall be kept in good repair. Alterations to an approved parking or loading facility not in accordance with an approved site plan shall be considered a violation of this Ordinance.

ILLUSTRATIONS



Parking Layout

ARTICLE 15.0 PLANNING COMMISSION

Section 15.01 Township Planning Commission.

As authorized by the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended), and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), the purpose of this Section is to establish a Planning Commission for the Township with the authority, powers, and duties provided by those Acts and subject to the terms and conditions of this Ordinance.

1. The Planning Commission established by this Ordinance is hereby confirmed to be the successor to the Commission established by Township Board resolution under the former Township Planning Act (Public Act 168 of 1959, as amended).
2. The Township Board hereby confirms the transfer of all authority, powers, and duties provided for "zoning commissions" under the Michigan Zoning Enabling Act to the Township Planning Commission. The Planning Commission shall be responsible for formulation of the Zoning Ordinance and amendments thereto, and reporting its findings and recommendations concerning the Zoning Ordinance or proposed amendments to Township Board. The Planning Commission shall also be responsible for holding hearings, reviewing, and making determinations regarding applications for approval as required by the Zoning Ordinance.

Section 15.02 Membership.

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.

1. The Planning Commission shall consist of seven (7) members. Other than ex-officio members appointed as provided in subsection two below, members shall be appointed for three (3) year terms. A number of members of the Planning Commission first appointed, other than ex-officio members, shall be appointed to one (1) year or two (2) year terms such that, as nearly as possible, the terms of one-third (1/3) of all the Planning Commission members will expire each year.
2. One (1) member of the Township Board shall be appointed to the Planning Commission as an ex-officio member with full voting rights. 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.
3. 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.
4. 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.

5. Members of the Planning Commission shall be qualified electors of the Township, except that one (1) member may be an individual with established business or property interests in the Township who is a resident and qualified elector of another local unit of government in Michigan.
6. 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. Not less than 15 days before the date of the hearing, notice of the date, time, and place of the hearing shall be posted at the Township Hall and mailed to the member subject to the hearing and to all other Planning Commissioners.
7. 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.
 - a. For the purposes of this subsection, the Planning Commission shall define "conflict of interest" in the Planning Commission Bylaws. The Township Board may also adopt additional conflict of interest policies for the Township by resolution.
 - b. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission.
 - c. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.
8. 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.
9. 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.
10. 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 Planning Commission Chair and Secretary, 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 15.03 Bylaws, Records, and an Annual Report.

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 15.04 Township Planner and Professional Advice.

The Township Board, upon recommendation of the Planning Commission, may employ a Township Planner 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.

Section 15.05 Officers and Meetings.

The Planning Commission shall elect a Chair, Vice-Chair 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 Chair. The term of each officer shall be one year, with opportunity for re-election as defined in the Planning Commission Bylaws.

The Planning Commission shall hold not less than four (4) regular meetings each year, and by resolution shall determine the time and place of the meetings. Special meetings may be called by the Chair or by written request of at least two (2) other members to the Secretary. The Secretary shall send written notice of a special meeting to 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 (P.A. 267 of 1976, as amended).

Section 15.06 Committees.

There shall be no standing committees of the Planning Commission. The Planning Commission Chair may appoint special or ad-hoc advisory committees, as the Planning Commission shall deem necessary to carry on the work of the Commission. Advisory committee members may or may not be members of the Planning Commission. The Chair shall be an ex-officio member of all committees of the Commission.

Section 15.07 Responsibility for the Master Plan.

The Planning Commission shall be responsible for making and maintaining a Master Plan to promote public health, safety and general welfare; encourage the use of resources in accordance with their character and adaptability; preserve the rural and agricultural character of the Township; provide for planned and orderly land use and development; avoid the overcrowding of land by buildings or people; lessen congestion on public roads and streets; ensure that land uses will be situated in appropriate locations and relationships; and meet the

needs of residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land within the Township's planning jurisdiction.

This Master Plan is intended to be the plan as provided for in the Michigan Planning Enabling Act, and incorporated within this Plan is the zoning plan referred to in the Michigan Zoning Enabling Act as the basis for the Township's Zoning Ordinance.

Section 15.08 Capital Improvements Program.

In accordance with Section 65 of the Michigan Planning Enabling Act, the Township Board hereby exempts the Planning Commission from responsibility for preparation, approval, and updating of the Township's capital improvements program of public structures and improvements, and delegates this responsibility to the Township Supervisor, subject to final approval by the Township Board.

Each Township department with authority for public structures or improvements shall furnish, annually or upon request by the Township Supervisor, updated lists, plans, and estimates of time and cost for recommended public structures and improvements to the Supervisor. The Planning Commission may advise the Board on the consistency of the Township's capital improvements program with the adopted Master Plan's goals, objectives, and policies.

Section 15.09 Approval of Public Improvements.

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 the Township's master plan unless the location, character and extent thereof shall have been submitted for approval 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.

The Planning Commission shall submit its reasons for approval or disapproval to the Township Board or other 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.

Section 15.10 Land Division Responsibilities.

The Planning Commission may recommend to the Township Board amendments or revisions to the Township's Subdivision Control Ordinance and rules governing the subdivision of land. Before recommending such an Ordinance or rule, the Planning Commission shall hold a public hearing, giving notice of the date, time, and place of the hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the Township and posting at the Township Hall.

The Planning Commission shall review and make recommendations on any proposed plat before action thereon by the Township Board in accordance with the Township's Subdivision Control Ordinance and the state Land Division Act (Public Act 288 of 1967, as amended).

ARTICLE 16.0

SUPPLEMENTARY DEVELOPMENT REGULATIONS

Section 16.01 Wireless Communication Facilities.

Wireless communications systems, facilities, towers, and antennae in the Township shall be subject to the following:

A. Purpose.

The purpose of this Section is to 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, and facilitating adequate and efficient provisions for wireless communications facility sites. It is the intent of this Section to:

1. Permit location of wireless communication facilities, while limiting adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques to preserve the character of the Township;
2. Require provisions for collocation of antennae on existing towers, and on new and replacement towers, unless it can be reasonably demonstrated that such collocation is not technically feasible;
3. Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use; and
4. Establish review procedures for construction, alteration or enlargement of such facilities consistent with Michigan Zoning Enabling Act requirements, and to permit administrative review and approval of certain types of projects that have a limited scope and impact.

B. Application Information.

The following information shall be provided with any application for approval of a wireless communications facility:

1. **Applicant information.** Name, address, and contact information for the applicant, property owner, tower operator, and installation contractor; and the address or parcel identification number of the proposed facility site.
2. **Facility inventory.** If the application includes a new wireless communication tower, the applicant shall provide the following minimum inventory of existing towers in the Township and within one (1) mile of the Township's boundaries:
 - a. Identification of the owner or operator, location, height, type, and design of each tower.
 - b. A description and assessment of the suitability of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the proposed wireless communication services.
 - c. An assessment and illustration of feasible location(s) of future towers or antennae in the Township under the requirements of this Ordinance,

based on the location of the proposed tower and existing physical, engineering, technological, and geographical limitations.

- d. An environmental impact statement disclosing any anticipated impacts on local wetlands, floodplains, wildlife corridors, natural habitat areas, and other environmental considerations.
3. **Location map.** A location map for the proposed wireless communications facility, showing adjacent public roads, intersections, and other significant landmarks. If a new tower is proposed, the location map shall show the setback distance(s) from the nearest tower(s) included in the facility inventory.
 4. **Service area coverage maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a second map of the same area also showing the proposed service area coverage.
 5. **Site plan.** A scaled site plan that indicates the type of wireless communications facility, as defined in this Ordinance, and includes the following:
 - a. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the subject parcel.
 - b. Zoning district classifications and existing land uses for the subject parcel and all adjacent parcels, including across road rights-of-way.
 - c. A description of the type and design of the proposed wireless communication facility.
 - d. Legal description of the subject parcel and any leased area, if applicable.
 - e. Setback distances between any proposed tower(s) and the nearest boundaries of any residential zoning district or lot occupied by a dwelling.
 - f. Proposed means of access and other proposed site improvements.
 - g. Details of proposed landscaping and screening materials; including species, size, and amounts, and a detailed maintenance plan.
 - h. Details of proposed fencing, lighting, and security elements and materials; including color and type of materials, and method of illumination and fixture specifications for all light sources.
 - i. Any other information deemed necessary by the Planning Commission to assess compliance with this Section.
 6. **Elevation drawings.** Elevation drawings of the proposed wireless communication facility, ground equipment enclosure(s), and associated structures. The drawings shall identify the type, design, materials, and height for the proposed wireless communications facility, enclosure(s), and associated structures; and the name and location of the tower manufacturer, if applicable.
 7. **Compliance with applicable laws and regulations.** The applicant shall provide documentation of proper licensing as a wireless communication services

provider, and compliance with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

8. **Permission to locate.** The applicant shall submit copies of an executed lease or purchase agreement or similar proof of permission to locate a wireless communications facility on the site.
9. **Collocation agreement.** The applicant for a new tower shall submit a signed and notarized agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for collocation. Proposed future antenna and equipment locations shall be indicated on the site plan and elevation drawings.
10. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the Township as the certificate holder and naming the Township, its past, present and future elected officials, representatives, employees, boards, commissions, consultants, and agents as additional named insured.
 - a. 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 30 days written notice to the Township as certificate holder.
 - b. The Township may require the applicant to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
11. **Maintenance agreement.** The applicant shall submit a plan for the long-term, continuous maintenance of the facility. The plan shall identify who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.
12. **Removal agreement and guarantee.** The applicant shall submit a signed and notarized removal agreement and a performance guarantee for the future removal of the facility, subject to the following:
 - a. The agreement shall be in accordance with the requirements of Section 16.01P (Removal of Wireless Communications Facilities).
 - b. The applicant shall submit an estimate of the cost of removal of the facility and restoration of the site, certified by a licensed engineer.
 - c. The performance guarantee shall be in accordance with Section 2.07C (Performance Guarantees), and shall be sufficient to ensure removal of the wireless communication facility, restoration of the site, and reimbursement of associated administrative costs incurred by the Township in the event that the applicant, property owner or their successors fail to remove the facility in a timely manner.
13. **Tax-related information.** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Zoning Administrator that this condition has been satisfied.

14. **Backhaul network information.** Identification of the entities providing the backhaul network for the wireless communication facility described in the application and other sites owned or operated by the applicant in the township.
15. **Franchise information.** Written documentation shall be provided to certify that all franchises required by law for the construction and operation of the wireless communication facility have been obtained. A copy of all such franchises shall be filed with the Township.
16. **Engineering certification.** Written certification shall be provided from a professional engineer licensed by the State of Michigan demonstrating:
 - a. The manner in which the structure will fall in the event of accident, damage or failure, and that the setback area will accommodate the facility and provide an adequate buffer from adjacent parcels;
 - b. That the facility is designed in accordance with applicable dead load and wind pressure standards; and
 - c. That the facility is designed to conform with the State Construction Code and all other applicable building, electrical, and fire codes.
17. **Airport zoning information.** A statement of compliance regarding the requirements of the Airport Zoning Act (Public Act 23 of 1950, as amended), Tall Structures Act (Public Act 259 of 1959, as amended), airport approach plans, and Federal Aviation Administration (FAA) regulations; including identification of any anticipated variances from local airport zoning ordinance standards.

C. Type of Review Required.

Wireless communications facilities shall be reviewed in accordance with the following:

Type of Wireless Communications Facility	Required Review and Approval		
	Planning Commission	Zoning Administrator	Exempt
NEW TOWERS AND ANTENNAE			
Construction, alteration or enlargement of a wireless communication tower.	●		
Antenna(e) installation on an existing principal building or accessory structure that includes use of a ground equipment enclosure area outside of the existing building or structure.	●		
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed within the existing building or structure.		●	
EXISTING TOWERS			
Alteration or enlargement of a wireless communication tower that would conform to maximum height requirements with an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. Also see Section 16.01F.	●		

Type of Wireless Communications Facility	Required Review and Approval		
	Planning Commission	Zoning Administrator	Exempt
Alteration or enlargement of a wireless communication tower that would conform to maximum height requirements without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater.		●	
Expansion of a previously approved ground equipment enclosure to a total area greater than 2,500 square feet. Also see Section 16.01F.	●		
Expansion of a previously approved ground equipment enclosure area to a total area less than or equal to 2,500 square feet.		●	
Construction or expansion of equipment building(s) within an approved ground equipment enclosure.		●	
Collocation of new antennae on an existing tower that would conform to maximum height requirements with an increase in the overall tower height by more than 20 feet or 10% of its original height, whichever is greater. Also see Section 16.01F.	●		
Collocation of new antennae on an existing tower that would conform to maximum height requirements without increasing the overall tower height by more than 20 feet or 10% of its original height, whichever is greater.		●	
Installation of new ground equipment within an approved ground equipment building or enclosure.		●	
SATELLITE DISH ANTENNAE			
Installation of a satellite dish antenna with a diameter of less than 1.5 meters.			●
Installation of a satellite dish antenna with a diameter 1.5 meters or larger.		●	
AMATEUR RADIO ANTENNAE			
Installation of an amateur radio transmission and reception antenna or antenna structure up to a maximum height of 60 feet.		●	
Installation of any amateur radio transmission and reception antenna or antenna structure that exceeds 60 feet in height, or exceeds the maximum permitted height in the zoning district.	●		
Installation of a citizen band radio base station antenna structure, contractor's business antenna structure, television reception antenna or wireless Internet antenna for personal use, or similar facility exceeding 14 feet in height, up to the maximum permitted height in the zoning district.		●	
Installation of short wave facilities, amateur radio reception-only antenna, television reception antenna or wireless Internet antenna, or similar facility up to a maximum height of 14 feet.			●

Type of Wireless Communications Facility	Required Review and Approval		
	Planning Commission	Zoning Administrator	Exempt
OTHER PROJECTS			
Installation of municipal and other facilities subject to federal or state preemption of local authority.			●
Repair, service or maintenance of an existing wireless communications facility, provided that all work conforms to approved plans, permits, and applicable codes.			●

D. Exempt Facilities.

Facilities listed as exempt from review in Section 16.01C (Type of Review Required) shall be permitted by right, subject to the applicable federal and state regulations.

E. Facilities Subject to Zoning Administrator Approval.

Facilities requiring Zoning Administrator approval per Section 16.01C (Type of Review Required) shall be subject to zoning permit review and approval in accordance with the applicable standards of this Section and Section 2.03 (Zoning Permits).

F. Special Provisions for Review of Certain Alterations and Collocations.

In accordance with Section 3514 of the Michigan Zoning Enabling Act, Township review of proposed alterations to existing wireless communication towers or ground equipment enclosures subject to special use approval per Section 16.01C (Type of Review Required) and referencing this subsection shall be modified as follows:

1. **60-day time limit on Planning Commission action.** The Planning Commission shall complete its review and take final action on the application in accordance with Section 16.01H (Planning Commission Action) within 60 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this 60 calendar day period.
2. **Limitation on conditions of approval.** Planning Commission authority, per Section 16.01H.4.d. (Approval Subject to Conditions), to impose conditions on any approval of an application subject to the additional requirements of this subsection shall be limited to conditions intended to:
 - a. Verify compliance with the applicable requirements of this Ordinance; or
 - b. Ensure that the wireless communication facility meets the requirements of federal and state laws and other Township ordinances before the facility begins operation.

G. Special Use Permits for Wireless Communication Facilities.

Wireless communications facilities subject to special use approval per Section 16.01C (Type of Review Required) shall require review and approval of a special use permit by the Planning Commission, subject to the standards of this Section.

1. **Special provisions.** In accordance with Section 3514 of the Michigan Zoning Enabling Act, Township review of any application for a special use permit per Section 16.01C (Type of Review Required) shall be modified as follows:
 - a. **Limitation on review fees.** A fee required to accompany an application for a special use permit under this Section shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
 - b. **14-day time limit to determine eligibility and completeness.** After an application for a special use permit under this Section is filed in accordance with this Section, the Clerk shall immediately transmit a copy of the application materials and plans to the Township Planner to determine whether the application is administratively complete per Section 16.01B (Application Information).
 - (1) The Township Planner shall transmit a written response to the Clerk and the applicant within 14 business days stating either that the application is administratively complete or listing the specific information needed for a complete application.
 - (2) The application shall be deemed administratively complete if no written response is transmitted to the Clerk and applicant within the 14 business day period.
2. **90-day time limit on Planning Commission action.** For any special use permit application not subject to the additional requirements of Section 16.01F (Special Provisions for Review of Certain Alterations and Collocations), the Planning Commission shall complete its review and take final action per Section 16.01H (Planning Commission Action) within 90 calendar days after the date that the application is considered to be administratively complete. The application shall be deemed approved if the Planning Commission takes no final action within this 90 calendar day period.
3. **Modifications to an approved special use permit.** Alteration or enlargement of an existing wireless communication tower or expansion of an approved ground equipment enclosure area shall be subject to review and approval as a modification to a previously approved Special use permit.
4. **New special use permit required.** All other wireless communication facilities subject to special use permit approval shall require review and approval of a new Permit by the Planning Commission.

H. Planning Commission Action.

After a complete and accurate application has been received by the Township in accordance with the requirements of Section 16.01B (Application Information), wireless communications facilities subject to Planning Commission approval per Section 16.01C (Type of Review Required) shall be reviewed in accordance with the following:

1. **Technical review.** Prior to Planning Commission consideration, copies of the application shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment.

- a. The Township may retain, at the applicant's expense, services of wireless communications and engineering experts to review application materials.
- b. The Zoning Administrator or Planning Commission may also request comments from outside agencies with jurisdiction.
2. **Public hearing.** A public hearing shall be held for all wireless communications facilities subject to Planning Commission approval in accordance with Section 2.10 (Public Hearing Procedures).
3. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, local agencies or departments with jurisdiction, and any public comments.
 - a. The Planning Commission shall verify whether all required information has been provided per Section 16.01B (Application Information).
 - b. The Planning Commission shall verify whether the facility is in compliance with all applicable requirements of this Section and Ordinance.
4. **Planning Commission action.** The Planning Commission is authorized to table, approve, approve subject to conditions or deny the proposed wireless communications facility as follows:
 - a. **Postponement.** Upon determination by the Planning Commission that the application is incomplete or inaccurate, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - b. **Denial.** Upon determination that the application is not in compliance with all applicable standards of this Section for the type of wireless communication facility, or would require extensive modifications to comply with such standards, the application shall be denied. If the application is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the application.
 - c. **Approval.** The proposed wireless communications facility may be approved by the Planning Commission upon determination that it is in compliance with all applicable standards of this Section.
 - d. **Approval subject to conditions.** Planning Commission approval of such facilities may be subject to reasonable conditions:
 - (1) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole;
 - (2) Related to valid exercise of police power and impacts of the use; or

- (3) Necessary to meet the intent and purposes of this Section and Ordinance, related to the standards established in this Section, and necessary for compliance with those standards.

Conditions of approval shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any such changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred.

5. **Recording of Planning Commission action.** Planning Commission action on the application shall be recorded in the Planning Commission meeting minutes, stating the description and location of the proposed wireless communications facility, address and tax identification number of the parcel, the findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval. The Secretary or Chair shall file one (1) copy of the written record with the Township Clerk for the permanent Township record, and shall forward one (1) copy to the applicant as evidence of approval.
6. **Effect of action.** Approval of the wireless communications facility by the Planning Commission shall allow the Zoning Administrator to issue a zoning permit for the work associated with the application.
 - a. No work may take place on the site except in accordance with an approved zoning permit and plans approved by the Planning Commission.
 - b. If the Planning Commission denies the wireless communications facility, the applicant may submit a new wireless communications facility application that corrects any deficiencies in the denied application materials, facility design or location.
7. **Expiration of approval.** Approval of a wireless communications facility shall expire 365 days after the date of approval, unless a zoning permit has been issued or construction has commenced. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant an extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Section.

I. Compliance with Airport Zoning.

The height and location of all wireless communication facilities shall conform to the requirements of the Airport Zoning Act (Public Act 23 of 1950, as amended), Tall Structures Act (Public Act 259 of 1959, as amended), adopted airport approach plans, and Federal Aviation Administration (FAA) regulations. Proof of compliance and approval under local airport zoning ordinance requirements shall be provided to the Township prior to the start of construction.

J. Standards for Wireless Communications Towers.

The following shall apply to all wireless communications towers, television, radio, and microwave transmission towers and antenna arrays, and similar tower structures:

1. **Availability of suitable existing towers, other structures or alternative technology.** No new tower shall be permitted unless the applicant demonstrates to the Planning Commission's satisfaction that:
 - a. There exists a need for the facility in the area of the proposed location, based on one (1) or more of the following factors:
 - (1) Proximity to an expressway or state highway, areas of population, or commercial, industrial or other business centers not presently or adequately served by existing facilities;
 - (2) Areas where signal interference has occurred due to tall buildings, topography, masses of trees or other obstructions; or
 - (3) Other identified reason(s) accepted by the Planning Commission.
 - b. No existing towers or structures located within the geographic area meet the applicant's engineering or operating requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna(e) and equipment.
 - d. The applicant's proposed antenna(e) would cause electromagnetic interference with antenna(e) on an existing tower, or vice versa.
 - e. The fees, costs or contractual provisions required by the owner to share an existing tower or structure, or to adapt an existing tower or structure for collocation, exceed the cost of new tower development.
 - f. Other limiting factors render existing towers or structures unsuitable.
 - g. There is no suitable alternative technology available which would not require the use of additional towers or structures. Costs of alternative technology that exceed new facility development shall not be presumed to render the technology unsuitable.
2. **Permitted locations.** Permitted wireless communications tower locations shall be limited to the following:
 - a. Wireless communications towers shall only be permitted on land in the following locations and with sufficient lot area to accommodate the setback requirements of this Section:
 - (1) On a lot in the RF (Rural Small Farm) or C-2 (Community Commercial) zoning district.
 - (2) On the Delta College campus in Section 3 of the Township.
 - (3) On a Township-owned lot in any section of the Township.
 - (4) On a lot in the AG (Agricultural) zoning district directly abutting the I-75 expressway right-of-way.
 - b. No tower shall be located within one (1) mile of another wireless communication tower, irrespective of Township boundaries. The Planning

Commission may waive this restriction upon determination that the facility's technical requirements make necessary an additional tower.

- c. No tower shall be located closer than 800 feet to the boundary of any Residential District or any Planned Unit Development (PUD) incorporating RESIDENTIAL USES.
3. **Maximum height.** Towers shall not exceed 200 feet in height as measured from certified grade to the highest point of the tower, including antennae attached to the tower. The Planning Commission may approve a taller tower upon determination that the additional tower height:
 - a. Will result in improved access to wireless services for Township residents, beyond what could be achieved by a shorter tower;
 - b. Will expand opportunities for collocation of additional antennae beyond the capacity of a shorter tower, which may lessen the number of future towers needed to serve Township residents; and
 - a. Will not adversely impact abutting lots and uses to an extent greater than a tower that conforms to the maximum permitted height standard.
4. **Minimum setbacks.** A tower and any anchoring cables shall be set back from all parcel boundaries a minimum distance equal to one hundred percent (100%) of the height of the tower. Ground equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of 50 feet.
5. **Ground equipment enclosure.** All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by an eight (8) foot high fence with a lockable gate to prevent unauthorized access. The tower shall also be protected by anti-climbing devices, and anchor points for guy wires supporting the tower shall be secured to prevent unauthorized access.
6. **Screening.** A dense evergreen screen shall be provided on all sides of the ground equipment enclosure per Section 16.10D (Methods of Screening). Existing site vegetation and landforms shall be preserved to the maximum extent feasible. The Planning Commission may waive screening requirements upon determining that existing site vegetation or landforms provide a sufficient buffer.
7. **Collocation.** Wireless communications towers shall be designed, constructed, and maintained in a manner that accommodates collocation of multiple antennae on a single tower.
8. **Access.** Unobstructed permanent access to the tower and ground equipment enclosure shall be provided for emergency vehicles. Access may be provided by an easement. Upon Township request, the tower owner shall install and maintain a "Knox Box" or other acceptable means of emergency access.
9. **Design.** All new towers shall conform to the following design standards:
 - a. The tower and associated antennae shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission. Any required

lighting shall be the minimum necessary for the purpose, and shall be shielded from ground level visibility to the maximum extent feasible. Fixtures with red or other highly saturated color filters or light sources shall be utilized to minimize off-site glare.

- b. The tower and associated antennae shall be painted a color or color combination found acceptable by the Planning Commission to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings.
 - c. Advertising, signs, and identification of any kind visible from the ground or abutting parcels or road rights-of-way shall be prohibited, except as required by agencies with jurisdiction for identification purposes.
 - d. All new towers shall be of a monopole design, and constructed of or treated with corrosive resistant materials. The base of the tower shall occupy no more than 500 square feet.
10. **Land division.** The division of property for the purpose of locating a wireless communication tower shall be prohibited unless all requirements of this Ordinance and other Township ordinances have been met.
11. **Employees.** No employees shall be located on-site on a permanent basis. Employee access shall be limit to temporary repair and service activities.
12. **Tower address.** Each wireless communications tower shall be designated with a specific and unique street address.

K. Standards for Antennae Located on Structures.

Antennae located on principal or accessory structures shall be permitted in any zoning district, subject to approval per Section 16.01C (Type of Review Required) and the following standards:

- 1. Such antennae shall be limited to structures in any zoning district that have a minimum height of 50 feet.
- 2. The antenna and support structure shall be permanently secured to the structure, and shall not exceed the structure height by more than 10 feet.
- 3. The antennae shall be designed and arranged to minimize visibility and to blend with the primary building materials and colors.
- 4. The antenna and support structure shall not be illuminated, unless required by the FAA, Michigan Aeronautics Commission or other agency with jurisdiction.

L. Standards for Satellite Dish Antennae:

Satellite dish antennae shall be permitted in any zoning district, subject to approval per Section 16.01C (Type of Review Required) and the following standards:

- 1. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.

2. Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
3. One (1) satellite dish antenna with a diameter 1.5 meters or larger shall be permitted per lot. The antenna shall conform to the minimum yard setbacks of the zoning district where it is located.
4. Construction and placement of satellite dish antennae shall meet manufacturers' specifications, and shall conform to the State Construction Code and all applicable electrical and fire codes.
5. Satellite dish antennae with a diameter of 1.5 meters or larger and located within 100 feet of a road right-of-way or the boundary of a lot occupied by a dwelling shall be screened by a wall, fence, berm, evergreen plantings, or combination of these elements so as not to be visible from the neighboring residence or road. If the antenna is a mesh type, screening need not exceed six (6) feet in height.

M. Standards for Amateur Radio Antennae:

Amateur radio antennae shall be permitted in any zoning district, subject to approval per Section 16.01C (Type of Review Required) and the following standards:

1. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.
2. Amateur radio antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
3. A maximum of one (1) amateur radio antenna shall be permitted per zoning lot, with a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.
4. For retractable, telescoping, or tilt-down antennae, the minimum required setback distance shall be equal to the height of the antenna structure in the "down" or retracted position. Such antennae shall be maintained in the "down" or retracted position when not in use.

N. Existing Wireless Communications Facilities.

Wireless communications facilities existing prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with applicable federal, state, and county laws and regulations, and all approved plans, permits, and conditions of approval.

O. 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, provide information to the Township about the facility as required by this Section or maintain and operate the facility in compliance with the provisions of this Section 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:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with Section 2.10 (Public Hearing Procedures), at which time the owner, operator or leaseholder of the wireless communications facility shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.

P. Removal of Wireless Communications Facilities.

The owner or operator shall remove a wireless communications facility for which approval has been rescinded, that has ceased operation for more than 365 consecutive days, or that has been determined by the Township to be abandoned, as follows:

1. Such facilities shall be removed within 90 calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within 90 calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the facility.
2. Failure by the owner to remove such facilities in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the facility at the owner's expense, and to make use of any performance guarantee or other security provided for that purpose.
3. Removal of the tower shall include removal of any structures in the ground, including concrete footings, support structures, or other appurtenances such as ground radial systems. In-ground structures and appurtenances shall be removed to a depth of 48 inches, and the land re-graded and restored to the original grade prior to the removal.
4. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved facility.
5. If there are two (2) or more antennae on a single tower, this subsection shall not take effect until all users cease using the tower.
6. Any wireless communication facility that is not operated for a continuous period of 365 calendar days shall be deemed abandoned.

Section 16.02 Access Management.

The location and design of driveway access, acceleration or deceleration lanes or tapers, and provision of shared access and service drives for lots and land uses abutting the divided highway portion of state highway M-84 shall be subject to the following requirements:

A. Purpose and Intent.

The purposes of this Section are to increase safe access by emergency vehicles; protect the substantial public investment in the road system by preserving capacity and avoiding the need for unnecessary and costly reconstruction; and ensure reasonable access to properties, though not always by the most direct access. The standards of this Section, including shared access, parking lot connections and service drives, and minimum

driveway spacing, are intended to preserve traffic flow along M-84 and to minimize traffic conflict areas caused by multiple driveways in close proximity, while retaining reasonable access to an owner's property.

B. Scope.

The provisions of this Section shall apply only to segments of M-84 that are divided by a median or boulevard strip and to a depth extending along a line 660 feet in length, perpendicular from the centerline of the M-84 right-of-way. Only those lots and land uses within this corridor that have frontage on M-84 or access to M-84 via easements across property with frontage on M-84 shall be subject to the provisions of this Section. Single-family residential and agricultural driveways shall be exempt. In instances where there is a conflict between a provision of this Section and some other provision of this Ordinance, the provision of this Section shall control.

C. Access.

Driveway access to the M-84 road right-of-way shall be limited, as follows:

1. Each contiguous lot of record under common ownership as of November 26, 2009 with less than 450 feet of M-84 frontage within the corridor described in Section 16.02C (Scope) shall be referred to herein as a "parent parcel" and shall be entitled to a maximum of one (1) driveway or road access into the M-84 road right-of-way.
2. Where a lot of record has access to M-84 via an easement across another lot with less than 450 feet of M-84 frontage, such lot of record shall share use of the same M-84 driveway as the frontage lot.
3. All driveways or access points located on a lot of record with more than 450 feet of M-84 frontage shall be set back a minimum of 450 feet from the nearest access point on the same lot or any adjacent lot on the same side of the road.
4. A second driveway may be permitted upon written request by the applicant and Planning Commission determination that topographic conditions on the site, curvature on the road, lot size or shape, sight distance limitations or the nature of the land use to be served warrant a second driveway within a lesser distance.
5. Where a lot of record is divided by M-84, each portion of the lot on either side of the M-84 road right-of-way shall be entitled to access per this Section.
6. All subsequent land divisions of a parent parcel shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel.
7. The location, design and construction of any driveway directly accessing M-84, and any acceleration or deceleration lanes or tapers within the right-of-way, shall also be subject to Michigan Department of Transportation (MDOT) approval.

D. Shared Access.

Indirect or shared access to the M-84 road right-of-way shall be subject to the following:

1. **Indirect access required.** Indirect or shared access to the M-84 road right-of-way via a side street, a shared driveway, a parking lot connection, service drive

or similar means of access may be required by the Planning Commission as an alternative to direct driveway access to M-84 under the following circumstances:

- a. Where the driveway spacing standards of this Section cannot be met.
 - b. Where the driveway could potentially interfere with traffic operations or turning movements at an existing or planned traffic signal location.
 - c. Where the site is along segments of M-84 experiencing congestion, high traffic volumes or a relatively high number of crashes.
 - d. Where the road frontage has limited sight distance.
 - e. Where the fire or emergency services department recommends a second means of emergency access.
 - f. Where the Planning Commission determines that other circumstances warrant restricting new access points or reducing the number of existing access points to have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access.
2. **Future shared access.** In areas where frontage roads or rear service drives are recommended, but adjacent properties have not yet developed, the site shall be designed to accommodate future shared access or service drive improvements that would conform to the requirements of this Ordinance.
3. **Temporary access.** The Planning Commission may approve temporary means of direct access to M-84 as part of site plan approval for a lot or land development that cannot otherwise meet the access requirements of this Section, upon determination that no alternative means of reasonable access are available to the public road system. Such temporary access shall be subject to the following:
- a. A performance guarantee shall be provided in accordance with Section 2.07C (Performance Guarantees) to ensure removal of the temporary access when a permanent service road or other means of shared access becomes available.
 - b. Conditions may be included in the temporary access approval including but not limited to:
 - (1) A requirement for installation of a planned service drive or other means of permanent shared access within a specified time period.
 - (2) A limitation on development intensity on the site until adjoining lots develop or a service drive or other means of shared access becomes available.
4. **Service drive standards.** To ensure safe and adequate continuity of a service drive between contiguous parcels, a front or rear service drive may be established on a lot of record that abuts only one (1) public road, subject to Planning Commission approval as part of the site plan review process and the following standards:

- a. Service drives shall generally be parallel to the front lot line or road right-of-way, and may be located in front of or behind principal buildings. No service drive shall be established on existing public right-of-way. Such service drives may be placed in required yards, subject to the requirements of Section 5.204 (Yard Standards).
 - b. A service drive shall be within an access easement permitting traffic circulation between lots.
 - c. A minimum of six (6) feet of snow storage area shall be set aside along both sides of any service drive.
 - d. Access to a service drive shall be located so that there is no undue interference with the free movement of service drive and emergency vehicle traffic, where there is safe sight distance, and where there is a safe driveway grade. Design and construction of the service drive shall be subject to applicable Township engineering standards. Pavement markings shall be required to promote pedestrian safety and efficient traffic circulation.
 - e. The elevation of a service drive shall be uniform or gently sloping between adjacent lots or land development sites.
 - f. A greenbelt buffer shall be provided along both sides of the service drive per the requirements of Section 16.10 (Landscaping and Screening).
 - g. Vehicle parking, loading, and unloading shall be prohibited along service drives, with the exception of one-way service drives designed with additional width for on-street parallel parking in a manner that will not significantly affect the capacity, safety or operation of the service drive.
 - h. A maintenance agreement for the service drive and landscaping shall be executed by the adjoining property owners, prior to construction.
 - i. In the case of expansion, alteration to redesign of existing development where preexisting conditions prevent installation of a service drive, the Planning Commission may require an alternate cross access through the interconnection of main circulation aisles serving adjacent parking lots. Signage and design elements shall be included to delineate the route and guide traffic through the site.
5. **Agreements and easements.** The property owner or developer shall record all required agreements and easements with the Bay County Register of Deeds office, and shall furnish paper copies and digital copies (in a format compatible with Township systems) of the recorded documents to the Township Clerk.

Section 16.03 Stormwater Management Facilities.

Facilities for management of stormwater run-off from a developed site shall be designed to protect groundwater resources, maximize on-site infiltration, provide adequate filtering of sediments and impurities, and retain the natural capacity and function of associated wetlands or watercourses. Drainage improvements shall conform to the requirements of the Bay County Drain Commissioner, this Ordinance, and applicable Township engineering standards.

Section 16.04 Natural Resources Protection.

This Section is intended to establish minimum regulations necessary to preserve natural resources on sites subject to development. The preservation of natural resources is essential to maintain the continued character and quality of life for current and future Township residents and visitors. Protection of the natural features of the Township will promote the general public health, safety and welfare, encourage the use of lands in accordance with their character and adaptability, protect the natural environment, and conserve natural resources and energy.

A. Scope.

The standards of this shall apply to all development projects and parcels subject to site plan approval per Article 17.0 (Site Plan Review), condominium site plan approval per Article 19.0 (Condominium Regulations), planned unit development approval per Article 20.0 (Planned Unit Development District), or subdivision plat approval in accordance with the Land Division Act and Township subdivision regulations.

B. Watercourses, Wetlands, and Floodplains.

No person shall alter, obstruct, fill or otherwise vary the shoreline, area, course, water level or flow, vegetation or natural conditions of any lake, river, stream or other watercourse, wetland or drainage way, except in conformance with this Ordinance and the requirements of outside agencies with jurisdiction.

1. The following setbacks from wetlands and watercourses shall apply:
 - a. A minimum 50-foot open space setback shall be maintained from the ordinary high water mark of any lake, river, stream or other watercourse, provided that development shall be prohibited in the 100-year floodplain.
 - b. A minimum 25-foot open space setback shall be maintained from the edge of any wetland, as defined in Section 25.03 (Definitions).
 - c. A minimum 25-foot open space setback shall be maintained from the boundary of any county drain easement, or a minimum of 50 feet from the centerline of any county drain without a dedicated easement.
2. Detention basins and similar stormwater management facilities may be constructed within a required setback, provided that appropriate replacement plantings are provided and maintained.
3. Development shall be prohibited within the 100-year floodplain of any existing watercourse or wetland. It shall be the applicant's responsibility to delineate the 100-year floodplain boundaries, subject to confirmation by the Township.

C. Trees and Woodlands.

The following tree and woodland preservation and mitigation standards shall apply to all developments subject to this Section:

1. **Required plan information.** The following required information shall be incorporated into the applicable development review processes of this Ordinance or other Township ordinances:

Required Development Plan Information for Woodlands and Tree Preservation	Preliminary Plan	Final Plan
All information required by this Section shall be provided by a land surveyor, civil engineer, landscape architect or arborist, who shall verify the contents by seal or signature, whichever applies.	●	●
The most current available aerial photograph of the site, at a scale not less than one (1) inch equals 100 feet.	●	●
General evaluation of the quality of woodland areas and trees on and around the site, including but limited to the following: 1. Diversity of tree species, tree sizes, and density. 2. Health and vigor of the trees, including general documentation of dying and diseased trees by species and condition. 3. Soil conditions and drainage characteristics of the site. 4. Other factors such as the value of the woodland area as a scenic asset, wind block, noise buffer or other environmental benefit.	●	
General assessment of trees in adjacent road-rights-of-way, and trees located beyond the lot boundaries that may be affected by development-related access or utility improvements, grading, or other changes; with trees identified by location, size, and species.	●	●
Tree inventory of all regulated trees as specified in Section 16.04C.5. in a form acceptable to the Planning Commission, including: 1. A topographical map at the same scale as the related site plan, plat or survey drawing for the division of the land. 2. All regulated trees shall be inventoried by field survey and shown on the topographical map by identifying tag number, type, location, and crown spread drawn to scale. 3. Existing trees and woodlands shall be superimposed on the related site plan, plat or survey drawing for division of land. 4. Groups of trees whose individual bases are located at a ground elevation within one (1) foot of each other may be shown as a group with the overall crown spread drawn to scale, with estimated number and size of each predominant species. 5. A detailed inventory of woodlands not impacted by the development shall not be required, provided that the inventory includes the general outline and an evaluation of such areas. 6. The inventory shall include regulated trees within adjoining road rights-of-way or beyond the lot boundaries where the drip line of such trees overlaps a lot boundary or right-of-way line.		●
Proposed locations of any existing trees to be relocated, together with a description of how such trees are to be removed, protected, and transplanted during land clearance, development, and construction; and how they are to be maintained after construction.		●
A statement of compliance setting forth how existing trees to be preserved will be protected during land clearance and construction and on a permanent basis thereafter, including proposed use of tree wells, protective barriers, directional drilling, retaining walls, etc.		●

Required Development Plan Information for Woodlands and Tree Preservation	Preliminary Plan	Final Plan
Invasive species information, including the general locations of invasive plants and woody shrubs found on the site, a description of the extent of growth of such species on the site, and a plan for eradication and control of such invasive plants and woody shrubs as part of the development.	●	●
A general grading plan prepared by a registered engineer or land surveyor showing the anticipated drainage patterns, including the location of any areas where cut and fill operations are likely to occur and their potential impact on the viability of the existing trees.	●	●
Such other information and detail as may be required to demonstrate compliance with the requirements of this Section.	●	●

2. **Tree preservation and replacement.** Any development subject to this Section shall not conduct land clearing or grubbing activities; or remove, replace, transplant, damage, or destroy any woodland or individual tree regulated by this Section, except in accordance with the following:

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees																		
<p>The following trees located within the lot boundaries, along with trees adjacent to the lot boundaries or in adjacent road rights-of-way where the drip line overlaps a lot boundary or right-of-way line, shall be considered to be regulated trees for purposes of this Section, and shall be replaced if removed as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Regulated Trees</th> <th style="text-align: center;">Replacement Ratio (number of replacement trees per removed tree)</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="text-align: center;">Coniferous (height)</td> </tr> <tr> <td style="text-align: center;">6.0 to 15.0 feet</td> <td style="text-align: center;">one to one (1:1)</td> </tr> <tr> <td style="text-align: center;">15.01 to 50.0 feet</td> <td style="text-align: center;">three to one (3:1)</td> </tr> <tr> <td style="text-align: center;">More than 50.0 feet</td> <td style="text-align: center;">five to one (5:1)</td> </tr> <tr> <td colspan="2" style="text-align: center;">Deciduous (D.B.H.)</td> </tr> <tr> <td style="text-align: center;">6.0 to 10.0 inches</td> <td style="text-align: center;">one to one (1:1)</td> </tr> <tr> <td style="text-align: center;">10.01 to 18.0 inches</td> <td style="text-align: center;">three to one (3:1)</td> </tr> <tr> <td style="text-align: center;">More than 18.0 inches</td> <td style="text-align: center;">five to one (5:1)</td> </tr> </tbody> </table>	Regulated Trees	Replacement Ratio (number of replacement trees per removed tree)	Coniferous (height)		6.0 to 15.0 feet	one to one (1:1)	15.01 to 50.0 feet	three to one (3:1)	More than 50.0 feet	five to one (5:1)	Deciduous (D.B.H.)		6.0 to 10.0 inches	one to one (1:1)	10.01 to 18.0 inches	three to one (3:1)	More than 18.0 inches	five to one (5:1)	●	●
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The development shall preserve and leave standing a minimum of twenty-five percent (25%) of the total number of regulated trees within the development site as currently existing or that have existed on the subject site within the last five (5) years.	●	●																		

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees
<p>No replacements shall be required for following trees otherwise regulated by this Section, subject to documentation and verification as part of the required plan information. Such trees shall not count towards the minimum required percentage of preserved trees:</p> <ol style="list-style-type: none"> 1. Dying and diseased trees. 2. Any invasive species subject to a plan for eradication and control in accordance with the requirements of this Section. 3. Any of the following species of trees: Box Elder (<i>acer negundo</i>), Silver Maple (<i>acer saccharinum</i>), Cottonwood (<i>populus deltoids</i>), Ash varieties (<i>fraxinus x</i>), and Red Cedar (<i>juniperus virginiana</i>). 	●	●
<p>If regulated trees were removed within the past five (5) years, the Township Planner or designee shall use historical aerial photos and other available data to determine the number, characteristics, and extent of such trees; and the amount of additional tree mitigation required for such removed trees.</p>	●	●
<p>Removal of regulated trees shall be limited to the following:</p> <ol style="list-style-type: none"> 1. When necessary for location of a structure or site improvement where no alternative location can be identified after consideration of all development options available per this Ordinance. 2. Where necessary, as determined by the Township Engineer, to provide reasonable drainage on the site, and when no reasonable alternative drainage is available without the removal of the trees. 3. Land clearing shall be minimized and limited to designated road rights-of-way, drainage and utility easements, minimum building and driveway envelopes, and other minimum areas necessary for site improvements, considering the development options available under this Ordinance. 	●	
<p>Regulated trees shall be tagged in the field, using non-corrosive metal tags, with by the identifying number designated on the required tree inventory.</p>	●	
<p>All trees to be removal shall be so identified on site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to any activity. Trees selected for transplanting shall be flagged with a separate distinguishing color.</p>	●	
<p>Replacement trees shall be of a species suitable for the habitat and location that is on the list of landmark trees in this Section or otherwise native to Michigan, except those listed in Section 16.10H (Prohibited Plant Materials).</p> <p>Trees of such species otherwise required by this Ordinance for screening purposes may also be used to satisfy up to fifty percent (50%) of the replacement tree requirements of this Section.</p>		●

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees
<p>Replacement trees shall conform to Section 16.10B (General Plant Material Standards) and Section 16.10C (Standards for Size and Variety of Plant Materials). Such trees shall be:</p> <ol style="list-style-type: none"> 1. Nursery grown or comparable relocated from the same lot, with a straight trunk and a well-developed crown. 2. Tree spade transplanted while in the dormant state or, if not in the dormant state, balled and burlapped with a solid, well laced root ball when in the dormant state. 		●
<p>The location of any replacement tree shall be on the same lot as the removed tree wherever feasible, as determined by the Township. If tree replacement on the same lot is not feasible, the Township may:</p> <ol style="list-style-type: none"> 1. Accept an alternative planting location within the Township; or 2. Allow a deposit into a tree-planting fund maintained by the Township in an amount acceptable by the Township, based upon the current retail market value for the tree replacement, to be utilized for planting, maintenance, and preservation of trees and woodland areas in the Township. 		●
<p>Installation and maintenance shall conform to Section 16.10I (Plant Material Installation and Maintenance), and the following:</p> <ol style="list-style-type: none"> 1. Replacement and transplanted trees shall be staked, fertilized, watered, and mulched to ensure their survival in a healthy, growing condition and replaced at the developer's expense if they die within three (3) years. 2. Prior to the issuance of the first building permit, the developer shall post a performance guarantee with the Township [per Section 1.08C (Performance Guarantee)] in an amount estimated by the developer and approved by the Township to ensure preservation or installation of required trees for a period of three (3) years from the date of receiving written notification from the developer that the last required tree has been planted or preserved, and has been inspected in accordance with this Section. 3. The developer shall be responsible for replacing any tree used to satisfy the replacement requirements of this Section that is determined by the developer, Zoning Administrator or Township Planner to be diseased, dead or dying within three (3) years after installation. 4. The developer shall be responsible for replacing any regulated tree preserved within the development area that is that is determined by the developer, Zoning Administrator or Township Planner to have been damaged due to on-site construction activity, or that is determined to be diseased, dead, dying, or otherwise destroyed or removed within three (3) years after final approval of a site plan or subdivision plat. Such identified tree(s) shall be replaced in accordance with the replacement ratio specified in this Section. 	●	●

Standards for Tree Preservation and Replacement	Existing Trees	Replacement Trees
Three (3) years after all trees have been planted within the development, the Township shall release the guarantee, less any funds needed to complete required tree replacement.	●	●
After this initial three (3) period, the developer or any successor entity responsible for common area maintenance shall be responsible for replacing any healthy regulated tree or replacement tree within a general common element or other common area of the development that is that is determined by the Zoning Administrator or Township Planner to have been damaged, destroyed or otherwise removed from the site. Such identified tree(s) shall be replaced in accordance with the replacement ratio specified in this Section. No replacements shall be required for dead or diseased trees.	●	●
Road rights-of-way, utility easements, and large land areas separate from the construction or land-clearing area may be cordoned by placing stakes a minimum of 50 feet apart and tying ribbon, plastic tape, or other brightly visible materials at least 30 inches above the ground from stake to stake along the perimeter.	●	
Protected area around trees preserved under this Section, defined by the drip line of all woodlands and individual trees designated to remain, plus an area outside of the drip line defined by a parallel boundary line placed a minimum of five (5) feet outward from the drip line, shall be protected and maintained during development, land clearing, filling or any alteration or construction activity.	●	
Protective barriers of wood, metal or other suitable materials (such as snow or cyclone fencing) acceptable to the Township Engineer shall be placed parallel to the outer perimeter of protected areas.	●	
No person shall conduct any construction activity; place, park or store solvents, building materials, equipment, soil, gravel, debris, vehicles, trailers, temporary structures or similar items; or attach a device or wire to any remaining tree within such protected areas except to cordon off such areas as required.	●	
Protective barriers shall remain in place and be maintained in proper condition until the Township authorizes their removal or issues a final certificate of occupancy, whichever occurs first.	●	
Removal of brush, invasive species, and other land grubbing activities within the protected area of a landmark tree or sovereign tree shall be done by hand. No tracked or wheeled vehicles or machinery shall be permitted within this area.	●	

3. **Additional tree removals.** Additional removal of regulated trees resulting from review or approval of construction plans or outside agency permits or approvals, or any action by the developer following final development plan approval, shall be subject to the requirements of this Section.
4. **Inspections.** To ensure compliance with this Section, the Township may perform periodic inspections of subject lots or parcels during all phases of construction and development as well as for up to three (3) calendar years after completion of the development project.

Sections 16.05 – 16.06 Reserved.

Sec. 16.07 Wind Energy Conversion Systems.

The location, construction, operation, and maintenance of wind energy conversion systems (WECS) in the Township shall be subject to the following requirements:

A. Intent.

The intent of this Section is to permit the effective and efficient use of wind energy conversion systems (WECS) in a manner that protects the public health, safety, and welfare of neighboring property owners and the residents of the Township. This Section is further intended to reduce dependency on electricity produced fossil fuels by providing a means by which residents, farmers, and businesses in certain zoning districts may use WECS to satisfy a portion of their electricity needs. This Section is further intended to promote a healthy agricultural economy by providing an opportunity for farmers to diversify their income sources and/or reduce energy costs; and to limit potential impacts of WECS units through reasonable restrictions. The standards of this Section have been determined to be the minimum necessary to meet the intent and purposes of this Section and Ordinance.

B. Permitted Locations.

Wind energy conversion systems (WECS) shall only be permitted in the zoning districts as specified in Table 16.07-1, and shall be prohibited in all other zoning districts. WECS shall be subject to review and approval in accordance with the following:

Table 16.07-1 Permitted Locations

Type of Wind Energy Conversion System (WECS) Installation or Alteration on a Single Lot	Zoning District			Applicable WECS Standards in Section 16.07
	AG	RF	PR	
One (1) Agricultural WECS up to 100.0 feet in height	P	P	P	Subsections C - E
One (1) Agricultural WECS between 100.01 and 200.0 feet in height	S	S	S	Subsections C - E
Two (2) or more Agricultural WECS up to 200.0 feet in height	S	S	S	Subsections C - E
One (1) Private WECS up to 100.0 feet in height	P	P	P	Subsections C - D
Two (2) or more Private WECS up to 100.0 feet in height	S	S	S	Subsections C - D
One (1) or more Attached WECS units on a building or accessory structure	S	S	S	Subsections C - D, F

Symbol	Key
P	Administrative Permit Approval
S	Special Use Approval

(Amended by or. 79E, eff. March 7, 2019)

- Administrative approval.** WECS subject to administrative permit approval per Table 16.07-1 shall be subject to zoning permit review and approval in accordance with the standards of this Section and Section 2.03 (Zoning Permits).

2. **Special use approval.** WECS subject to special use approval per Table 16.07-1 shall require Planning Commission review and approval of a special use permit subject to the standards of this Section and Article 18.0 (Special Land Uses).
3. **WECS in a Planned Unit Development (PUD) District.** A WECS may be permitted as part of a Planned Unit Development (PUD) project, subject to the standards of Article 20.0 (Planned Unit Development District) and the following:
 - a. A separate special use approval shall not be required for a WECS approved as part of a PUD.
 - b. The WECS as a planned structure and land use within the development, as shown on the approved PUD Area Plan.
 - c. All other standards of this Section shall apply to a WECS in a PUD.
4. **Other permits and approvals.** WECS units shall conform to all applicable federal, state, and local regulations and permitting requirements, including compliance with the State Construction Code and other applicable building and electrical codes. Copies of all applicable outside agency permits and approvals shall be submitted to the Township, prior to the start of construction.
5. **Commercial WECS prohibited.** The Township has made the following findings and determinations related to Commercial WECS, as defined in Section 25.03 (Definitions):

(Amended by or. 79E, eff. March 7, 2019)

- a. The placement of Commercial WECS units in the Township is contrary to the purposes of this Ordinance, and the goals and objectives of the Township's Master Plan.

(Amended by or. 79E, eff. March 7, 2019)

- b. The height and size of Commercial WECS units and any other WECS unit over 200.0 feet in height are not compatible with the proximity and height restrictions associated with regional airports to the immediate east and west of the Township's boundaries.

(Amended by or. 79E, eff. March 7, 2019)

- c. The placement of Commercial WECS units and any other WECS unit over 200.0 feet in height in the Township would result in visual pollution and adverse off-site noise and shadow flicker impacts for lots and uses well away from the site of the Commercial WECS units.

(Amended by or. 79E, eff. March 7, 2019)

- d. Commercial WECS units and any other WECS unit over 200.0 feet in height are not appropriate in the Township's Rural Districts and undeveloped areas, as they are out-of-scale with permitted structures and would detract from the Township's visual appearance and rural character that is attractive to visitors and residents and a significant benefit to the local agricultural economy.

(Amended by or. 79E, eff. March 7, 2019)

- e. In accordance with the above findings, Commercial WECS units and any other WECS unit over 200.0 feet in height shall be prohibited in the Township.

(Amended by or. 79E, eff. March 7, 2019)

C. Required Application Information.

The following information shall be submitted with any application for WECS approval:

1. Documentation of any potential interference that the proposed WECS may cause with microwave transmissions, residential television reception or radio reception.
2. Documentation of compliance with applicable federal and state regulations for the installation.
3. A plan for the long-term, continuous maintenance of the facility, including who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.
4. Elevation drawings of the proposed WECS and any associated facilities. The drawings shall identify the type, design, materials, and height for the proposed WECS and associated facilities; and the name and location of the WECS manufacturer, if applicable.
5. Written certification shall be provided from an Authorized Factory Representative or Professional Engineer registered in the State of Michigan demonstrating:
 - a. The manner in which the structure will fall in the event of accident, damage or failure, and that the setback area will accommodate the facility and provide an adequate buffer from adjacent parcels;
 - b. That the facility is designed in accordance with applicable dead load, dynamic load, and wind pressure standards; and
 - c. That the facility is designed to conform to the State Construction Code and all other applicable building, electrical, and fire codes.
 - d. For WECS subject to special use approval per Table 16.07-1, this written certification shall only be provided by a Professional Engineer registered in the State of Michigan.
6. The applicant shall submit an agreement for the future removal of the facility upon cessation of operation, signed and notarized by the property owner and WECS owner/operator. This agreement shall be binding on all owners, operators, successors, and assigns.

D. General WECS Standards.

All WECS units shall be designed, constructed, operated, and maintained to be harmonious with the existing or intended character of the area in which it is located, and shall conform to the following standards:

1. **Minimum lot area.** The minimum of two (2) acres of gross lot area shall be required for a WECS in any zoning district.
2. **Schedule of regulations.** All WECS projects shall conform to the following:

Table 16.07-2 Schedule of Regulations

Type of Wind Energy Conversion System (WECS) Installation or Alteration on a Single Lot	Maximum Noise Level [dB(A)]	Minimum Yard Setback (percentage of WECS height)	Maximum WECS Height (feet)
One (1) Agricultural WECS up to 100.0 feet in height	45	200%	100.0
One (1) Agricultural WECS between 100.01 and 200.0 feet in height	45	200%	200.0
Two (2) or more Agricultural WECS up to 200.0 feet in height	45	200%	200.0
One (1) Private WECS up to 100.0 feet in height	40	200%	100.0
Two (2) or more Private WECS up to 100.0 feet in height	40	200%	100.0
One (1) or more Attached WECS units on a building or accessory structure	40	Same as yard setbacks for the district	15.0 feet above the building or structure height

(Amended by or. 79E, eff. March 7, 2019)

- a. Height shall be measured from grade to the top of the tower or blade tip in a vertical position, whichever is higher.
- b. Yard setbacks shall be measured in a straight and level line from the vertical plane of all lot boundaries and road rights-of-way to the base of the tower or blade tip in a horizontal position, whichever is nearer.
- c. Noise levels shall be measured from a point no closer to the WECS than an abutting road right-of-way, or any boundary of the subject lot upon which the WECS is located.
- d. WECS height shall conform to the requirements of the Airport Zoning Act (Public Act 23 of 1950, as amended), Tall Structures Act (Public Act 259 of 1959, as amended), airport approach plan(s) adopted by the Michigan Aeronautics Commission, and applicable Federal Aviation Administration (FAA) regulations.

(Amended by or. 79E, eff. March 7, 2019)

- e. **Ground clearance.** No WECS shall be installed with any moving part less than 15 feet above grade.
3. **Climb prevention.** All WECS towers shall be secured against unauthorized access by perimeter fencing, siting within the interior of large parcels, use of anti-climbing devices, and/or similar security methods.

4. **Nuisances, signage, and lighting prohibited.** A WECS shall not cause interference with microwave transmissions, residential television reception or radio reception. Advertising, signs, and identification of any kind intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes. The WECS shall not be illuminated, unless required by federal or state regulation. Any required lighting shall be the minimum necessary for the purpose, and shall be shielded from ground level visibility to the maximum extent feasible. Fixtures with red or other highly saturated color filters or light sources shall be utilized to minimize off-site glare.

(Amended by or. 79E, eff. March 7, 2019)
5. **Shadow flicker.** The property owner and WECS owner/operator shall be responsible for any off-site impacts from the visible shadow flicker effect when rotating blades cast a repeating pattern of light and shadow on the ground and nearby structures during daylight hours:
 - a. WECS units shall be located within the subject parcel so as to prevent shadow flicker from passing over any off-site road right-of-way, occupied dwelling or other principal building during daylight hours from one (1) hour after sunrise to one (1) hour before sunset.
 - b. A letter from the WECS owner/operator or installation contractor verifying compliance with this subsection shall be included with any application for approval under this Section and Ordinance.
 - c. Three (3) or more documented complaints of shadow flicker passing over any off-site road right-of-way, occupied dwelling or other principal building received and verified by the Zoning Administrator within any 365 calendar day period shall be grounds for the Township to require that the WECS unit be shut down and secured against movement during the hours when such off-site impacts have occurred.
6. **Design safety certification.** An Authorized Factory Representative or Professional Engineer registered in the State of Michigan shall certify the safety of the design of all WECS units. The standard for certification shall be included with the permit application.
7. **Controls and brakes.** All WECS units shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Authorized Factory Representative or Professional Engineer shall certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from the certified design shall be permitted.
8. **Installation certification.** The Authorized Factory Representative or Professional Engineer shall certify that the construction and installation of the WECS project meets or exceeds the manufacturer's construction and installation standards.
9. **Subdivisions and site condominiums.** WECS shall be prohibited within an approved residential subdivision plat or site condominium development, except as part of an approved Planned Unit Development (PUD).

(Amended by or. 79E, eff. March 7, 2019)

10. **Color.** WECS shall be painted a neutral color that minimizes off-site visibility, or as otherwise required by law.

(Amended by or. 79E, eff. March 7, 2019)

11. **Waste.** All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the WECS, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the WECS, including but not limited to lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.

(Amended by or. 79E, eff. March 7, 2019)

12. **Liability insurance.** The property owner or WECS owner/operator shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation of the WECS project. For a Private WECS accessory to a dwelling, proof of homeowner's insurance with specific coverage for the WECS shall satisfy this requirement.

(Amended by or. 79E, eff. March 7, 2019)

13. **Shadow casting study.** A shadow casting study shall be required for any proposed WECS unit over 100.0 feet in height, including maps and/or a computer animation in a format compatible with Township computer systems. A qualified professional shall prepare the study, with all costs to be paid by the applicant. The study shall identify projected shadow arcs and all areas anticipated to be impacted by shadow flicker from the proposed WECS over one (1) calendar year, including:

- a. All land areas anticipated to be impacted during daylight hours from one (1) hour after sunrise to one (1) hour before sunset.
- b. Additional land areas anticipated to be impacted during the first one (1) hour after sunrise and the last one (1) hour before sunset.
- c. Approximate locations of all dwellings and other principal buildings within the shadow flicker impact areas.

(Amended by or. 79E, eff. March 7, 2019)

14. **Migratory bird study.** An avian study shall be required to determine any potential impacts that any proposed WECS unit over 100.0 feet in height may present to migratory birds. A qualified professional shall prepare the study, with all costs to be paid by the applicant. Recommended mitigation measures or other alternatives to eliminate such impacts shall be provided with the study.

(Amended by or. 79E, eff. March 7, 2019)

15. **Decommissioning plan and escrow.** All WECS projects shall include a decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within 180 calendar days of the end of project life or facility abandonment. The decommissioning plan shall also include an agreement between the applicant and the Township with the following:
- a. The decommissioning plan shall state how the facility will be decommissioned and include a Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the identity and contact information for the escrow agent with which the resources shall be deposited.
 - b. The financial resources for decommissioning shall be in the form of a cash bond, irrevocable letter of credit, or other surety deemed acceptable by the Township Board in an amount equal to the Professional Engineer's estimated cost of decommissioning.
 - c. The Township shall have access to these financial resources for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within 180 calendar days of the end of project life or facility abandonment.
 - d. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - e. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the property owner, WECS owner/operator or successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the property owner, WECS owner/operator or successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

(Amended by or. 79E, eff. March 7, 2019)

16. **Warnings.** A high voltage warning sign shall be visibly placed at the base of all WECS units and at all points of ingress and egress to the WECS unit.

(Amended by or. 79E, eff. March 7, 2019)

17. **Annual safety inspection.** All WECS units shall be inspected at least annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. The property owner or WECS owner/operator shall provide a written and signed copy of this certification to the Zoning Administrator by December 31 of each calendar year.

(Amended by or. 79E, eff. March 7, 2019)

18. **Additional conditions.** To minimize off-site impacts from any WECS unit subject to special use approval per Table 16.07-1, the Planning Commission may impose conditions on the approval, including are not limited to:

- a. Limiting hours of WECS operation;
- b. Requiring a dense obscuring screen of closely spaced evergreen trees of sufficient height and density at planting to reduce noise and shadow flicker impacts, to be planted along lot boundaries abutting residential land uses and/or along abutting road rights-of-way; and/or
- c. Other conditions consistent with Section 502(4) of the Michigan Zoning Enabling Act and Article 18.0 (Special Land Uses) of this Ordinance.

(Amended by or. 79E, eff. March 7, 2019)

E. Agricultural WECS Standards.

The following additional standards shall apply to Agricultural WECS in the Township:

1. Agricultural WECS shall be accessory to a permitted farm or agricultural operation in the zoning district.
2. The number of Agricultural WECS units on a single lot shall be limited so that the majority of the total generating capacity of such units serves the needs of the farm or agricultural operation and associated farm dwelling(s).

F. Attached WECS Standards.

The following additional standards shall apply to Attached WECS in the Township:

1. Attached WECS units shall be prohibited on dwellings and residential accessory structures.
2. In the AG (Agricultural), RF (Rural Small Farm), and PR (Public/Recreation) districts, such WECS units may be attached to buildings and structures accessory to a farm or agricultural operation.
3. In the RF (Rural Small Farm) and PR (Public/Recreation) districts, such WECS units may be attached to principal buildings occupied by non-residential uses.

(Amended by or. 79E, eff. March 7, 2019)

4. The number and location of Attached WECS units on a building or structure shall be subject to a Planning Commission determination of compliance with Section 18.05 (Standards for Special Use Approval).

Sections 16.08–16.09 Reserved.

Section 16.10 Landscaping and Screening.

Screening and land use buffers are necessary to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; preserve natural features; protect property values; alleviate the impact of noise, traffic, and more intensive land uses; and minimize visual impacts of parking lots, loading areas and storage areas. The purposes of this Section are to establish minimum standards for the design,

installation, and maintenance of screening elements and plant materials; and to establish reasonable standards for screening of specific areas from road rights-of-way and adjacent lots. It is the intent of this Section that required screening and buffering elements shall be immediately effective in achieving the purpose of this Section, and shall maintain that effectiveness as the plant materials mature.

A. Scope.

The standards of this Section shall apply to all development projects and parcels subject to site plan approval per Article 17.0 (Site Plan Review), condominium site plan approval per Article 19.0 (Condominium Regulations), planned unit development approval per Article 20.0 (Planned Unit Development District), or subdivision plat approval in accordance with the Land Division Act and Township subdivision regulations.

B. General Standards.

The following standards shall apply to all landscaping and screening elements required by provisions of this Ordinance or determined necessary by the Planning Commission as part of site plan approval:

1. **Visibility.** Landscaping and screening materials and layout shall conform to the requirements of Section 5.208 (Corner Clearance Areas), and shall not conflict with visibility for motorists or pedestrian access.
2. **Plantings near utility lines and fire hydrants.** Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utilities.
3. **Protection.** Where pavement and landscape areas interface, curbing or similar measures shall be provided to protect plants from vehicle encroachment.
4. **Plant material standards.** The following shall apply to all plant materials:
 - a. All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc.
 - b. All plant material shall be true to name in conformance to the current edition of "Standardized Plant Names" established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Township.
 - c. All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack. Artificial plant material shall be prohibited within required screening areas.
 - d. The use of plant materials native to the State of Michigan is encouraged.
5. **Groundcovers.** The following shall apply to all groundcover materials:
 - a. Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or otherwise planted

using techniques suitable to the climate, with adequate measures taken to maximize seed germination and minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease.

- b. The creative use of groundcover alternatives is encouraged; such as native prairie grasses, wildflowers, and similar plantings. Groundcover plantings shall be labeled on the site plan, and designed to present a finished appearance after one (1) growing season.
 - c. Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.
6. **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material. Mulch used around trees and shrubs shall be a minimum depth per landscape industry specifications. An effective edge treatment shall be provided to contain and prevent migration of the mulch.
7. **Topsoil.** A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.
8. **Maturity.** The mix of plant material species and sizes at installation shall be designed to provide immediate screening or buffering benefits, and to achieve at least eighty percent (80%) of the mature density of vegetation within five (5) years.

C. Standards for Size and Variety of Plant Materials.

To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than thirty percent (30%) of any single plant species, and shall comply with the following:

Screening Materials	Minimum Size at Installation
Deciduous Shade Trees	2.0 - 3.0 caliper-inches diameter and 8.0 feet in overall height
Evergreen Trees	5.0 - 6.0 feet in overall height
Deciduous Ornamental Trees	2.0 caliper-inches diameter and 6.0 feet overall height
Shrubs	30 inches in height or 24 inches in spread

D. Methods of Screening.

Required landscaping and screening elements shall be provided by one (1) or more of following methods as best suited to the existing conditions, subject to Planning Commission approval:

- 1. **Greenbelt buffer.** The purpose of this method is to establish a buffer between adjacent land uses, or between uses and adjacent road rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a road right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following (see illustration at end of Section):

- a. Greenbelts shall have a minimum width of 20 feet, and may be interrupted only to provide for pedestrian or vehicular access.
 - b. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of two (2) trees and three (3) shrubs per 10 linear feet of greenbelt length. The Planning Commission may require additional plantings to achieve the screening objectives of this Section.
 - c. Such required plant materials may be placed at uniform intervals, at random or in groupings.
 - d. The greenbelt length shall be measured along the centerline of the greenbelt for its entire length, inclusive of all driveways.
2. **Hedgerow.** The purpose of this method is to visually screen parking lots, adjacent uses, and road rights-of-way. This method is intended to create an effective obscuring screen within a limited land area. This method shall consist of shrubs planted and maintained as a continuous visual screen, subject to the following (see illustration at end of Section):
- a. The maximum permitted spacing between individual plants shall not exceed three (3) feet on-center, unless a different separation distance is determined by the Township Planner to be more appropriate for the type of shrub proposed.
 - b. Maintained plant height at maturity shall be adequate for the intended screening function.
 - c. Low height shrubs [two (2) to four (4) feet in height] shall be used to provide necessary ground-level screening to block headlight glare or similar low-level impacts.
 - d. Larger shrubs [exceeding four (4) feet in height] shall be used to establish a landscaped barrier between land uses of differing intensities, or to provide more complete screening.
3. **Fence.** The purpose of this method is to visually screen parking lots, outdoor storage areas, and similar uses where predominant impacts are at or below eye level. This method shall consist of an ornamental, rail or privacy fence constructed along the lot or district boundary, or around the perimeter of the area to be screened, subject to the following (see illustration at end of Section):
- a. Required fences shall have a minimum height of three (3) feet, and shall not exceed six (6) feet in height above grade unless a higher fence height is determined by the Planning Commission to be necessary to provide adequate screening.
 - b. The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots, and shall be subject to Planning Commission approval. Fence maintenance shall conform to Section 3.06D (Fence and Wall Maintenance)

4. **Berm.** The purpose of this method is to effectively screen visual and noise impacts using natural-appearing landforms. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or road rights-of-way, or to create a buffer between developed and undeveloped areas. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards (see illustration at end of Section):
 - a. Berms shall have side slopes no steeper than one (1) foot vertical to three (3) feet horizontal (1:3 ratio).
 - b. The berm and combination of plantings shall be of sufficient height to meet screening requirements.
 - c. The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace or similar means acceptable to the Planning Commission.
 - d. The berm shall be designed to blend with existing topography, and sodded, hydro-seeded or planted with appropriate groundcovers.
 - e. The Planning Commission may require greenbelt buffer plantings on the berm in accordance with the requirements of this Section.
 - f. For the purpose of determining any required plant materials, the length of any required berm shall be measured from one toe of the berm (the farthest point at one end of the berm's long dimension where the berm height equals the surrounding grade level) along the berm's centerline to the toe at the opposite end of the berm.
5. **Evergreen screen.** The purpose of this method is to create a dense obscuring screen that meets the objectives of this Section. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.

This method shall consist of closely spaced evergreen trees with year-round screening characteristics. A mix of coniferous tree species consistent with Section 1610C (Standards for Size and Variety of Plant Materials) shall be planted a maximum of 15 feet apart in at least two (2) staggered rows (see illustration at end of Section).
6. **Masonry wall.** The purpose of this method is to create a solid, year-round barrier and obscuring screen to effectively block noise, light, and other impacts between land uses of differing intensities. Such walls shall be subject to the following (see illustration at end of Section):
 - a. Masonry walls shall have a minimum height of two (2) feet, and shall not exceed six (6) feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening.
 - b. Walls shall be solid in character and capped with stone or concrete.

- c. Wall materials shall be coordinated with the principal building materials on the site. The Planning Commission may require that decorative masonry (brick, stone, or decorative block) materials be incorporated into the wall design and construction.

E. Parking Lot Landscaping and Perimeter Screening.

Parking lot landscaping and perimeter screening shall be designed and arranged to enhance the appearance of the parking area, improve the level of safety for pedestrians and motorists, guide traffic movement, and define ingress/egress points. Parking lot landscaping and perimeter screening shall be subject to the following:

1. **Perimeter screening.** Parking lots shall be screened from all abutting RURAL USES, RESIDENTIAL USES, residential zoning districts, and road rights-of-way per Section 16.10D (Methods of Screening).
2. **Snow storage area.** Adequate snow storage area shall be provided within the site. Plant materials in snow storage areas shall be hardy, salt-tolerant species characterized by low maintenance requirements.
3. **Landscaping within parking lots.** Landscaped islands shall be provided at the ends of parking rows, and as otherwise required by this Ordinance or the Planning Commission to break up large expanses of pavement and guide traffic flow. Landscaped islands shall be subject to the following (see illustration):
 - a. Planting islands shall have a minimum width of ten (10) feet, and a minimum area of 180 square feet.
 - b. A minimum of two (2) deciduous shade or ornamental trees shall be provided for each planting island. Shrubs and live groundcover plantings may be used to cover the remaining areas of the island.
 - c. All landscaping and perimeter screening, except designated snow storage areas, shall be protected from vehicle encroachment with concrete curbing or similar permanent means.
 - d. Rain gardens, bioswales, and similar naturalized stormwater management systems with appropriate plantings may be incorporated into required parking lot landscaping.

F. Loading, Storage, and Service Area Screening.

Loading, storage, and service areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers, generators, and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from road rights-of-way and adjacent uses in accordance with Section 16.10D (Methods of Screening).

G. Detention and Retention Basin Screening.

Where a detention or retention basin, or similar stormwater management facility is required, such facilities shall comply with the following:

1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a

naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.

2. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to Planning Commission approval.
3. Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.
4. A perimeter greenbelt buffer shall be provided in accordance with this Section and the following:
 - a. Plantings shall be clustered around the basin to achieve a variety of plant materials, and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
 - b. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

H. Prohibited Plant Materials.

The following trees have been determined by the Township to be undesirable for the landscaping and screening purposes of this Ordinance, and shall not be used to satisfy the requirements of this Section except in the following limited circumstances:

Species	Common Name
<i>Acer negundo</i>	Box Elder
<i>Ulmus x</i>	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
<i>Aesculus x</i>	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Populus x</i>	Poplar varieties
<i>Elaeagnus x</i>	Olive varieties
<i>Salix x</i>	Willow varieties; except ornamental willows and use in appropriate wetland ecosystems
<i>Catalpa x</i>	Catalpa varieties; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Ginkgo biloba</i>	Ginkgo (female); male trees are acceptable
<i>Robinia pseudoacacia</i>	Black locust, except select sterile varieties
<i>Morus alba</i>	Mulberry (white)
<i>Acer saccharinum</i>	Silver Maple
<i>Juglans nigra</i>	Black Walnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Fraxinus x</i>	Ash varieties

I. Installation and Maintenance.

Screening elements and plant materials shall be installed in a manner consistent with American Association of Nurserymen standards, approved site plans, and the following:

1. **Deadline for installation.** Installation of required screening elements and plant materials shall be completed within 365 calendar days from the date of site plan approval for the project.
2. **Extension.** The Township Planner or Zoning Administrator may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
3. **Performance guarantee.** The Township Planner or Zoning Administrator may require submittal of a performance guarantee, per Section 2.07C (Performance Guarantees), to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Township Planner or Zoning Administrator shall conduct an inspection of the plant materials before the guarantee may be released.
4. **Maintenance.** All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:
 - a. Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements and plant materials on the site will be ensured.
 - b. Adequate provisions shall be made to regularly supply water to required plant materials as necessary to ensure proper growth and development.
 - c. Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris and refuse. Tree stakes, guy wires and tree wrap shall be removed after one (1) year.
 - d. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.
 - e. Required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.
 - f. The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.

K. Modifications.

The Planning Commission shall have the authority to approve alternative designs or plant materials as part of final site plan approval upon determination that the alternative landscape designs or plant materials would meet the purpose and objectives of this

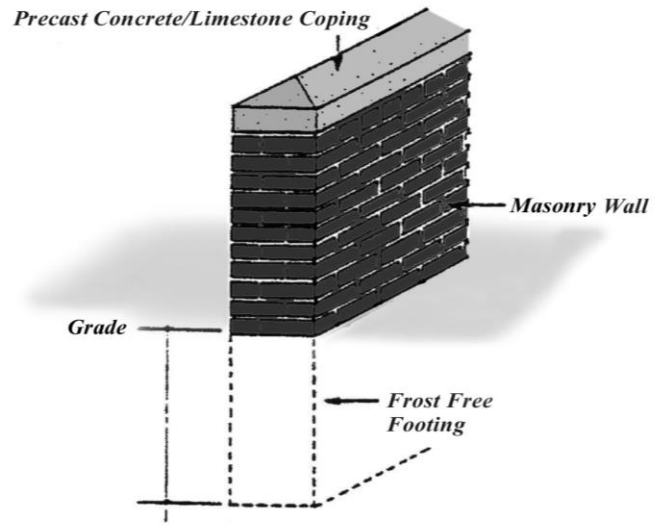
Section; or the requirements of this Section have been satisfied by existing topography, vegetation or other acceptable means.

Where an existing building is undergoing renovation, expansion, or change in use, required landscaping and screening improvements shall be in reasonable proportion to the size and configuration of the site and the scale of proposed improvements, as determined by the Planning Commission in accordance with the purpose and objectives of this Section.

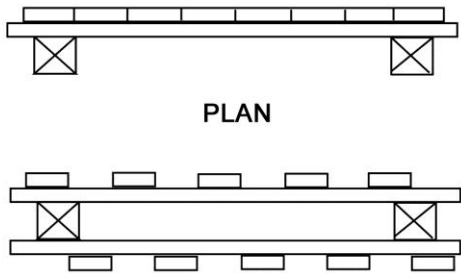
ILLUSTRATIONS



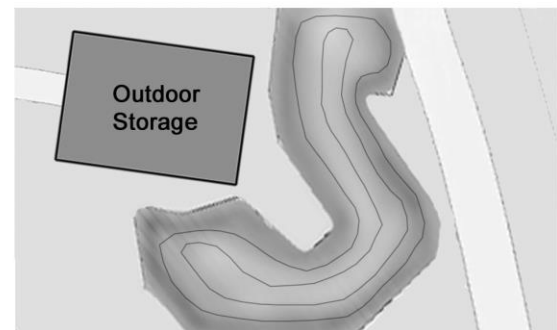
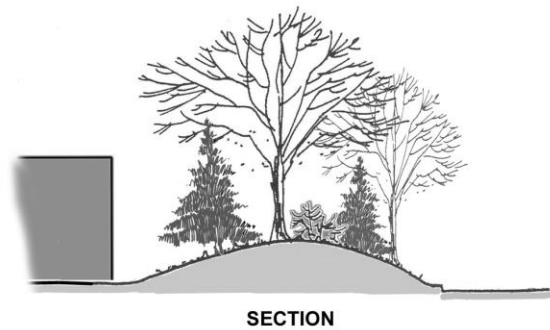
Hedgerow



Screen Wall

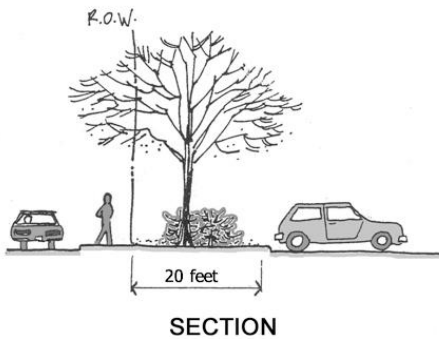
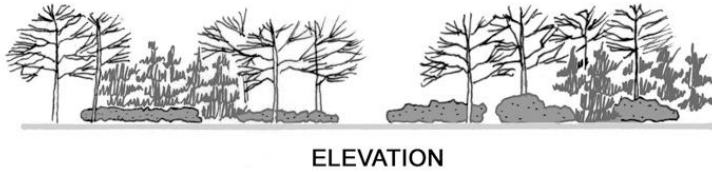
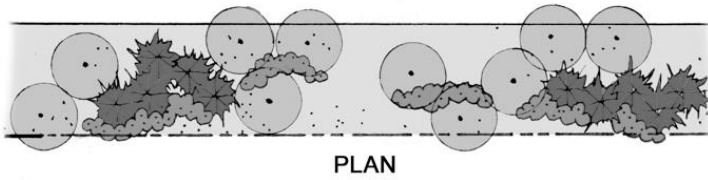


Fence

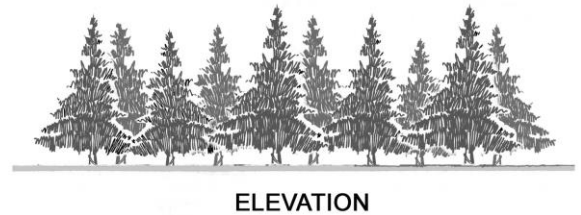
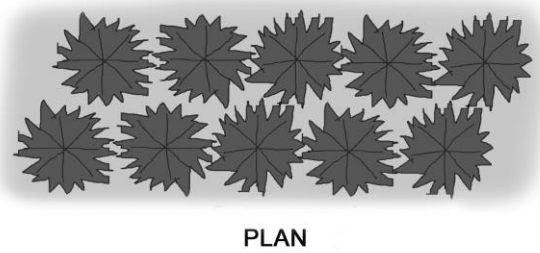


Berm

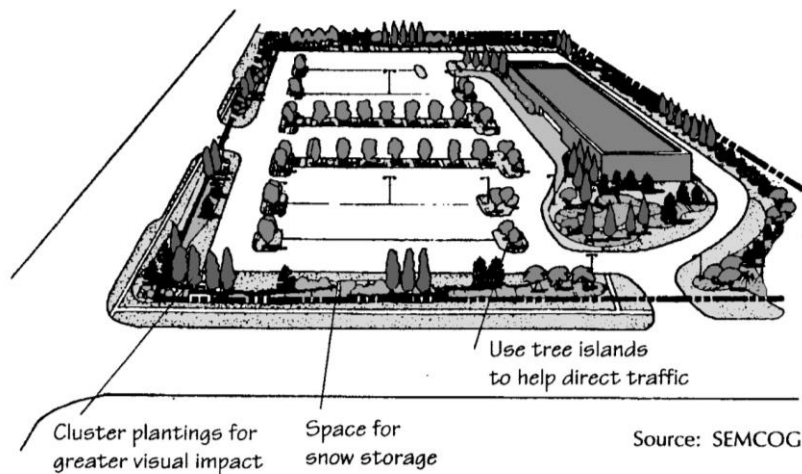
ILLUSTRATIONS



Greenbelt Buffer



Evergreen Screen



Landscaping Within Parking Lots

Section 16.11 Development Agreement.

A Development Agreement shall be entered into between the Township and the owner(s)/developer(s) of any property upon which a residential, commercial, industrial, or other land use is to take place following final site plan approval and prior to the commencement of any site work or construction. The cost to prepare and record this Agreement shall be borne by the owner(s)/developer(s). Preparation and approval of a Development Agreement shall be subject to the following:

A. Contents of a Development Agreement.

At a minimum, a Development Agreement shall:

1. Set forth any conditions of development approval to be met by an applicant or developer with respect to an approved project;
2. Provide for any dedication of easements, rights-of-way, and other dedications incorporated into the approved project;
3. Provide for maintenance of any common facilities and open space areas;
4. Identify any covenants, deed restrictions, and other limitations to be imposed upon the uses of the land and structures;
5. Describe the phasing and timing of development activities;
6. Detail the cost of installing all required infrastructure improvements and utilities, and manner for enforcement of any assessments and costs;
7. Describe any required escrow accounts or performance guarantees;
8. Include the approved development plans and any associated development documents as exhibits; and
9. Address other issues that the Township and owner(s)/developer(s) deem appropriate.

B. Approval of a Development Agreement.

The proposed Development Agreement shall be subject to review by the Township Planner and Township Attorney, and approval by the Township Board. The owner(s)/developer(s) of the subject property shall record the approved Development Agreement with the Bay County Register of Deeds office, and shall furnish paper copies and digital copies (in a format compatible with Township systems) of the recorded documents to the Township Clerk.

Section 16.12 Building Form and Composition.

The composition, orientation, and form of new construction and new buildings occupied or intended to be occupied by Office, Service, and Community Uses and Commercial Uses in the Township shall be subject to the following:

A. Purpose.

The quality of building design, placement, and composition is essential to provide a comfortable, human-scale environment in the Township, and maintain the Township's attractiveness and economic vitality. Accordingly, it is the purpose of this Article to maintain the visual environment, protect the general welfare, and ensure that the Township's property values, appearance, character, and economic well being are preserved through minimum composition and placement standards. This Section is further intended to encourage creativity, imagination, innovation, and variety in architectural design and building composition through complementary and appropriate use of scale, massing, and architectural details.

B. Scope.

This Section is not intended to supersede or supplant established building and fire code regulations, nor to regulate the quality, durability, maintenance, performance, load capacity, fire resistance characteristics or workmanship of building materials. The provisions of this Section shall apply to new construction and new buildings occupied or intended to be occupied by OFFICE, SERVICE, AND COMMUNITY USES and COMMERCIAL USES subject to Article 17.0 (Site Plan Review).

C. Requirements.

Building construction and other work subject to the provisions of this Section shall comply with the following general requirements:

1. **Façade variation.** Building façade walls exceeding 100 feet in length shall be subdivided into bays through the location and arrangement of architectural features and design variations; including but are not limited to projections, bays, recesses, enhanced façade materials and architectural detailing, and variations in building height, roof forms, and window patterns (see illustration).
2. **Composition.** All sides of a building shall be complementary in design, details, and materials. Side and rear facades shall include building materials and architectural features similar to those present on the front facade of the building.
3. **Public entrances.** Buildings shall have at least one (1) public entrance facing a road right-of-way. Additional public entrances shall be permitted on the rear or side facade, including primary access to other uses in a multi-tenant building.
4. **Roof-top equipment screening.** Roof-top mechanical equipment, HVAC systems, exhaust stacks, elevator housings, and other equipment shall be screened from public rights-of-way and adjacent uses by a parapet wall or similar device that exceeds the height of the roof-top equipment and extends around all sides of the building (see illustration).
5. **Security and safety equipment.** Exterior security gates or roll-down security doors shall be prohibited. Link or grill type security devices shall be permitted

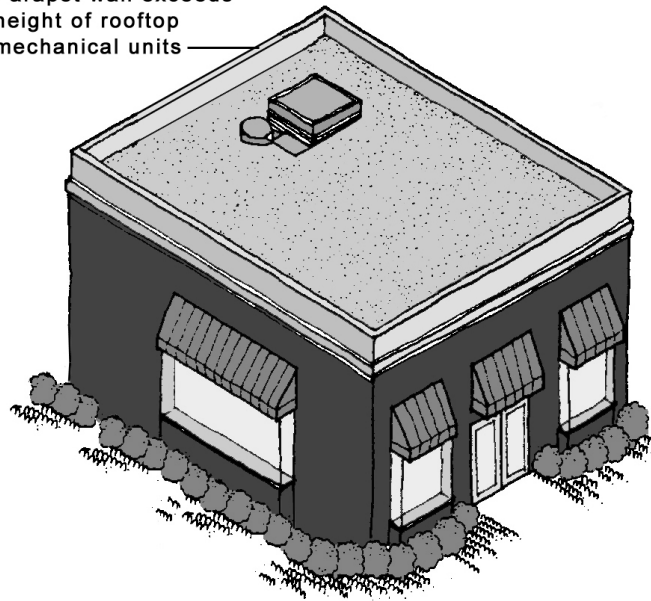
only if installed on the interior of the building, within the window or doorframes. Such security equipment shall be recessed and completely concealed during regular business hours, and shall be predominantly transparent to allow maximum visibility of the interior.

ILLUSTRATIONS



Facade Variation

Parapet wall exceeds height of rooftop mechanical units



Roof Design

Section 16.13 Private Roads.

New private roads, extensions of an existing road as a private road, and other private road improvements shall be subject to the following design standards and review procedures:

A. Scope.

Prior to the creation of new lots or any increase in the number of lots to be served for ingress and egress purposes by an existing private road lawfully established prior to the effective date of this Ordinance, the private road shall conform to the requirements of this Section. This Section shall also apply to all new private roads and any extension of an existing road as a private road.

B. Development Review.

Private road review and approval shall take place concurrently with review of any associated development plan, as follows:

1. **Plat or condominium review.** A private road subject to this Section may be reviewed as part of review and approval of a subdivision plat under the provisions of the Land Division Act and Township subdivision regulations, or a condominium development under Article 19.0 (Condominium Regulations) and the Condominium Act.
2. **Site plan review.** Where a private road is proposed to serve lots created by metes and bounds lot splits permitted by the Land Division Act and Township land division regulations or is otherwise required to be improved to conform to the requirements of this Section, the private road shall be subject to site plan review and approval in accordance with Article 17.0 (Site Plan Review).

C. Public Hearing.

A public hearing shall be required for all private road applications. The public hearing shall be scheduled and held before the Planning Commission, in accordance with Section 2.10 (Public Hearing Procedures).

D. Required Information.

Applications for private road approval under this Section shall be made by filing at least eleven (11) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application with the Township Clerk or designee, along with the required review fee and escrow deposit. Any application that does not satisfy the information requirements of this Section and Ordinance shall be considered incomplete, and shall be returned to the applicant without further review. At a minimum, such applications shall include the following:

1. **Development plan.** The development plan shall include all information required for subdivision plat, condominium development or site plan approval, as applicable, and the following:
 - a. An existing conditions survey of the development site, showing lot lines, zoning districts, topography at two (2) foot contour intervals, water courses, drainage patterns, existing and proposed roads and road rights-of-way, easements, regulated wetlands, floodplains, woodlands, and any

additional features uniquely affecting the site. For alterations or extensions of existing private roads, the survey shall also include:

- (1) The location, extent, and dimensions of the existing road right-of-way, driving surface, drainage improvements, and utilities;
 - (2) All existing lot boundaries, easements, private driveways, and structures within 100 feet of the road right-of-way; and
 - (3) A cross-section detail of the existing road.
- b. Documentation of compliance with the private road development standards of this Ordinance, including proposed roadway cross-sections.
 - c. Documentation from the Bay County Environmental Health Division or other agency with jurisdiction that all lots and dwellings located outside of the service area for publicly-owned and operated water supply and sanitary sewerage systems can be adequately served by private well and septic or other approved wastewater treatment and disposal systems.

E. Minimum Design Standards.

Private roads in the Township shall conform to the following minimum design standards:

1. **Right-of-way.** New private roads and extensions of existing roads as a private road shall be located within a dedicated road right-of-way with a minimum width of 66 feet or the applicable BCRC standard, whichever is greater. Where additional lots of record are created on land abutting an existing private road with a right-of-way of less than 66 feet, no additional right-of-way dedication shall be required.
2. **Road design and surfacing.** At a minimum, any new private road or extension of an existing, unpaved road as a private road shall meet or exceed the BCRC road and drainage design specifications, subject to the following:
 - a. A bituminous asphalt or concrete road surface shall not be required for private roads, unless the private road is an extension of an existing road paved with concrete, bituminous asphalt or similar hard surfacing.
 - b. Where the road right-of-way or easement of an existing private road lawfully established prior to the effective date of this Ordinance is less than 66 feet, minimum required driving surface, base course, and drainage improvements shall be proportional to the available width and otherwise consistent with the BCRC specifications.
 - c. A cul-de-sac meeting minimum BCRC radius and design standards shall be required at the end of any dead-end private road.
3. **Signage.** Private road name assignment and installation of road signs shall be in accordance with BCRC standards.
4. **Future connections.** To establish an integrated road network in the Township, new private roads and extensions of existing private roads shall be connected to

adjacent public and private roads. To facilitate road connections, stub road ends and road rights-of-way shall be provided to the lot boundaries of adjacent land planned for future development, subject to Planning Commission approval. Road ends shall be marked and barricaded per Bay County Road Commission standards, with details shown on the development plan.

F. Maintenance Agreement.

For any new private road subject to the requirements of this Section, or the new extension portion of an existing road, there shall be a recorded private maintenance agreement or restrictive covenant agreement that runs with the land and ensures that the road will be regularly maintained in accordance with the requirements of this Section, applicable BCRC specifications, and any conditions of Township approval.

1. All owners of land abutting the new private road subject to the requirements of this Section, or the new extension portion of an existing road, shall be signatory parties to the agreement, which shall be a continuing obligation on the land and any future landowners.
2. At a minimum, the agreement shall specify who will be responsible for road maintenance and improvements, reference the applicable standards, approved plans, and any conditions of private road approval, and describe how the funds for such work will be collected and administered.
3. Owners of land abutting a new private road subject to the requirements of this Section, or an extension portion of an existing road, shall agree to indemnify and hold harmless the Township and its representatives from any and all claims for personal injury and property damage arising out of the use of the private road.
4. A disclosure statement shall be placed in the maintenance agreement informing the purchaser that the road abutting or servicing the parcel is private and is not required to be maintained by any government agency.
5. The property owner or developer shall record all private road easements and maintenance agreements with the Bay County Register of Deeds office, and shall furnish paper copies and digital copies (in a format compatible with Township systems) of the recorded documents to the Township Clerk.

G. Special Assessment District.

The owner(s) of land to be served by any new private road subject to the requirements of this Section, or the new extension portion of an existing road, shall be required to file petition(s) verified both as to signature and ownership, with the Township Clerk to request establishment by the Township Board of a special assessment district for maintenance of the private road in accordance with applicable state statutes.

Owners of land served by existing private roads are encouraged to petition the Township Board to establish a special assessment district for maintenance of the private road. Not less than 51% of the record owners of land within the proposed special assessment district must have signed such petitions.

ARTICLE 17.0 SITE PLAN REVIEW

Section 17.01 Purpose.

The purpose of this Article is to establish procedures and standards that provide a consistent method for review of site plans; and to ensure that development in the Township conforms to all applicable standards of this Ordinance and is consistent with the adopted policies of the Township's Master Plan. Flexible review standards have been established to ensure that the type of review and amount of required information is proportional to the project's scale and use intensity. It is the further purpose of this Article to encourage cooperation and consultation between the Township and the applicant; to protect natural resources; and to minimize adverse impacts from development activity on adjacent properties and the Township as a whole.

The Planning Commission shall have the authority to review and take action on minor site plan, preliminary site plan, and final site plan applications in accordance with the standards of this Article and Ordinance.

1. **Minor site plan.** The requirements for a minor site plan submittal, as specified in Section 17.07 (Required Site Plan Information), have been reduced from that required for preliminary and final site plans to allow for efficient and economical review of a limited range of low intensity projects that do not require significant changes to topography, drainage, or other engineering details.
2. **Preliminary site plan.** The requirements for a preliminary site plan submittal, as specified in Section 17.07 (Required Site Plan Information), are less than that required for final site plans and are intended to allow for review of the general character of the proposed use(s), general site layout, and location of structures and other site improvements; and to confirm that the overall development will conform to all Ordinance requirements.
3. **Final site plan.** A final site plan is a detailed construction document based upon an approved preliminary site plan, prepared by a registered design professional, with approval from all applicable review agencies, and meeting all requirements of this Article and Ordinance.

Section 17.02 Site Plan Approval Required.

No permits shall be issued, no construction of or addition to any structure shall take place, and no land use for which site plan approval is required shall be established or expanded until all required site plans have been approved in accordance with this Article. Except as permitted in accordance with this Article, no grading, grubbing, cutting of trees or other vegetation, excavation, land-filling, or construction of improvements shall commence for any development for which site plan approval is required until all required site plans have been approved.

A. Preliminary/Final Site Plan Approval.

The following development projects and uses shall require review and approval of detailed preliminary and final site plans by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:

1. Special land uses, as specified in Article 6.0 (Land Use Table), except for those eligible for minor site plan approval per Section 17.02B (Minor Site Plan Approval).
2. All RURAL USES, as specified in Article 6.0 (Land Use Table), for which site plan approval is required per Article 7.0 (Use Standards – Rural Uses). All RURAL USES subject to the Right to Farm Act shall be exempt from site plan approval.
3. All RESIDENTIAL USES, as specified in Article 6.0 (Land Use Table), for which site plan approval is required per Article 8.0 (Use Standards – Residential Uses). The following RESIDENTIAL USES shall be exempt from site plan approval:
 - a. One (1) single-family detached dwelling and customary accessory structures on an existing residential lot of record.
 - b. One (1) two-family or duplex dwelling and customary accessory structures on an existing residential lot of record.
 - c. Family day care homes; adult foster care family homes and small group homes; and child foster family homes and family group homes, as licensed by the State of Michigan.
 - d. Home occupations as listed in Section 8.07 (Home Occupations).
4. All OFFICE, SERVICE, AND COMMUNITY USES and COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES, as specified in Article 6.0 (Land Use Table).
5. All OTHER USES, as specified in Article 6.0 (Land Use Table), except accessory structures and uses, temporary construction buildings and uses, and essential service and public utility facilities.
6. Any parking lot or addition thereto of more than five (5) parking spaces.
7. Construction, expansion or alteration of a manufactured housing park shall be subject to preliminary plan approval in accordance with the procedures and standards of Section 8.08 (Manufactured Housing Parks).
8. Construction, expansion or alteration of a condominium development shall be subject to condominium site plan approval in accordance with the procedures and standards of Article 19.0 (Condominium Regulations).
9. Construction, expansion or alteration of a planned unit development project shall be subject to development plan approval in accordance with the procedures and standards of Article 20.0 (Planned Unit Development District).
10. Private roads; new construction, extensions or alterations.
11. The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility lines or easement.
12. Any other projects for which site plan approval is required under this Ordinance or other Township ordinances.

B. Minor Site Plan Approval.

The following projects and uses shall be eligible for review and approval of a minor site plan by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:

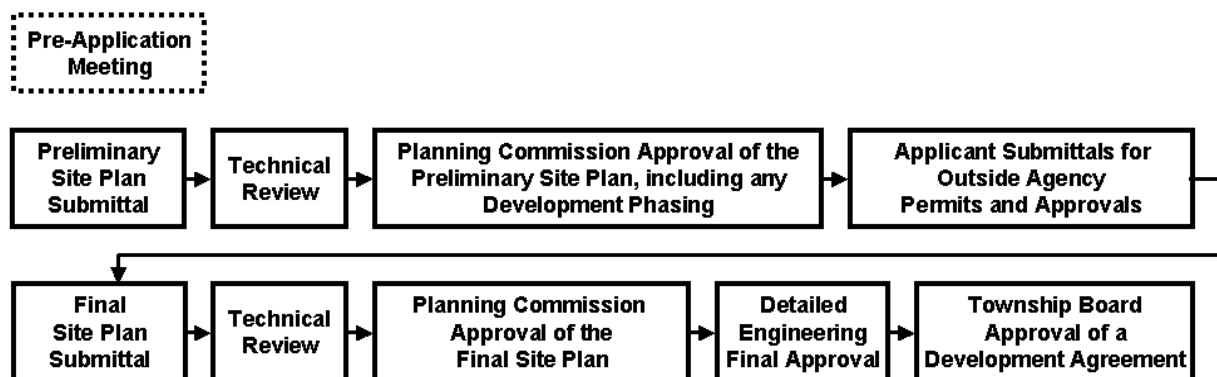
1. Farm-based tourism or entertainment activities.
2. Public or commercial riding stables.
3. Accessory dwelling.
4. Adult foster care large group home.
5. Bed and breakfast inn.
6. Child day care home, group.
7. Home occupations not listed in Section 8.07 (Home Occupations).
8. Landscaping businesses or seasonal maintenance operations in a Rural District.
9. A change of use for an existing building, construction of an addition to an existing building, or expansion of lawful land use, subject to the following:
 - a. The site has previously received site plan approval.
 - b. The proposed use will not require access changes, additional parking beyond that available on-site, or other substantial modifications to an existing building or site.
 - c. No variances to the requirements of this Ordinance are required.
 - d. The proposed addition or expansion would not increase the total square footage of the building or area occupied by the use by more than twenty percent (20%) or 2,000 square feet, whichever is less.
10. Any parking lot or addition thereto of five (5) or fewer parking spaces.
11. Land balancing, dumping or filling per Section 3.03 (Dumping or Filling of Land).
12. Similar projects and uses, as accepted by the Zoning Administrator.

The Planning Commission shall have the authority to require submittal of a preliminary and a final site plan for projects and uses otherwise eligible for minor site plan approval where, in its opinion, the complexity or size of the proposed project or use warrants a more intensive review and additional required information.

C. Administrative Approval.

The following activities are eligible for administrative review and approval by the Township Planner and Zoning Administrator. The Zoning Administrator or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative approval:

1. Incidental changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved final site plan.
2. Incidental building modifications that do not significantly alter the facade, height or floor area of a multiple-family or non-residential building.
3. Changes to a site required to comply with State Construction Code requirements.
4. Sidewalk or pedestrian pathway construction, or barrier-free improvements.
5. Construction of fences, exterior lighting improvements, or installation of screening around a waste receptacle, mechanical unit or similar equipment for a multiple-family or non-residential use.
6. Construction of one (1) accessory structure with a floor area of 500 square feet or less associated with a principal land use subject to site plan approval.
7. Re-occupancy of an existing building that has been vacant for more than 30 calendar days, provided that no variances to the requirements of this Ordinance are required and the proposed use will be conducted within a completely enclosed building, and will not require access changes or other substantial modifications to the existing site.



Preliminary and Final Site Plan Approval Process

Section 17.03 Pre-Application Meeting.



Minor Site Plan Approval Process

An applicant may request a pre-application meeting with the Zoning Administrator, Planning Commission Chair or designee, and/or Township Planner to discuss conceptual plans, submittal requirements, review procedures, and approval standards. Any required fee for this meeting shall be paid to the Township at the time of the meeting.

Conceptual plans shall include sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, layout of proposed structures and site improvements, and adequacy of access, parking, and other facilities. Comments or suggestions regarding a conceptual site plan shall constitute neither approval nor a disapproval of the plan, nor shall the Township be bound by such comments or suggestions during any subsequent site plan review.

Section 17.04 Applications for Site Plan Approval.

All site plan approval applications shall be submitted and reviewed as follows:

A. Eligibility.

The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which site plan approval is sought, or by the owner's designated agent. If the applicant is not the owner of the property, the applicant shall submit a notarized statement signed by the owner(s) consenting to the application for site plan approval. Applications that are found by the Township Planner or Planning Commission to be incomplete or inaccurate shall be returned to the applicant without further consideration.

B. Required Fees and Escrow Deposits.

The Township Board shall establish, by resolution, fees and escrow deposits for review of site plan approval applications. Required fees and escrow deposits shall be paid to the Township at the time of the filing of the application. No fee or escrow deposit shall be required for a site plan approval application submitted by the Township.

C. Filing of Application.

A site plan approval request shall be made by filing at least eleven (11) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application with the Township Clerk or designee, along with the required review fee and escrow deposit. Each application for site plan approval shall include all required information for the type of site plan under review, as specified in Section 17.07 (Required Site Plan Information). Any application or site plan that does not satisfy the information requirements of this Article shall be considered incomplete, and shall be returned to the applicant without further review.

D. Technical Review.

Prior to Planning Commission consideration, copies of the site plan and application materials shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment. The Zoning Administrator or Planning Commission Chair may also request preliminary comments from other officials or outside agencies with jurisdiction.

Section 17.05 Planning Commission Action.

The Planning Commission shall review the minor, preliminary, or final site plan and application materials at a public meeting, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any other officials or outside agencies with jurisdiction.

A. Standards for Site Plan Approval.

In reviewing a site plan, the Planning Commission shall determine whether the applicable standards for the type of site plan under review, as specified in Section 17.10 (Standards of Site Plan Approval), have been met by the applicant.

B. Actions.

The Planning Commission is authorized to approve, approve subject to conditions, postpone action, or deny the minor, preliminary or final site plan as follows:

1. **Approval.** Upon determination that the site plan is in compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes, the site plan shall be approved.
2. **Approval subject to conditions.** The Planning Commission may approve the site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.
3. **Postponement.** Upon determination by the Planning Commission that the site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone until a date certain further consideration of the site plan.
4. **Denial.** Upon determination that the site plan does not comply with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, or other applicable Township ordinances or state statutes, or would require extensive revisions to comply with such requirements, the site plan shall be denied. Failure of the applicant or agent to attend two (2) or more meetings shall also be grounds for the Planning Commission to deny site plan approval. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial.

C. Recording of Site Plan Action.

Planning Commission action on the minor, preliminary, or final site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval.

1. The Planning Commission shall advise the applicant in writing of its actions on the site plan. Sending a copy of the meeting minutes at which action was taken by first class mail, electronic mail, or facsimile may constitute written notification.

2. After the Commission has taken action on the site plan, the Planning Commission Secretary shall mark copies of the site plan APPROVED or DENIED as appropriate, with the date that action was taken and any conditions of approval. The Secretary, applicant, and owner(s) of record or the legal representative thereof shall also sign copies of the site plan.
3. If a site plan is denied, the Secretary shall provide a written record to the applicant within ten (10) days following the action listing the findings of fact and conclusions or reasons for such denial.
4. Signed copies of the approved final site plan shall be transmitted to the Zoning Administrator, Township Clerk, and the applicant. The Secretary shall also attach a certificate of approval to the applicant's copy. At least one (1) paper copy and/or one (1) digital copy of the site plan shall be placed on file at the Township offices per State of Michigan retention guidelines.

D. Effect of Minor Site Plan Approval.

Approval of a minor site plan by the Planning Commission authorizes issuance of zoning permits to begin site work or construction, provided all construction and engineering requirements have been met. In the case of uses without structures, approval of a minor site plan authorizes issuance of a zoning permit and a certificate of occupancy, provided all other requirements for such certificate of occupancy have been met.

E. Effect of Preliminary Site Plan Approval.

Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards for preliminary site plan approval specified in Section 17.10 (Standards for Site Plan Approval).

The Planning Commission may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Township for preliminary site work to begin for soils exploration and incidental site clearing. The conditions that may be attached to such permits shall include, but shall not be limited to measures to control erosion; exemption of the Township from any liability if a final site plan is not approved; and provision of a performance guarantee per Section 2.07C (Performance Guarantees) for site restoration if work does not proceed to completion.

F. Engineering and Outside Agency Approvals.

The following shall be submitted to and approved by the Township Engineer and all outside agencies with jurisdiction, prior to final site plan approval:

1. Layout, size of lines, inverts, hydrants, drainage flow patterns, and location of manholes and catch basins for proposed sanitary sewer, water and storm drainage utilities; location and size of retention ponds and degrees of slope of sides of ponds; and calculations for size of storm drainage facilities; and
2. Location of electricity and telephone poles and wires; location and size of surface-mounted equipment for electricity and telephone services; location and size of underground tanks, where applicable; location and size of outdoor incinerators; and location and size of wells, septic tanks, and drain fields.

If on-site water and private septic facilities are to be used, a county Health Department letter of approval or copies of required permits shall be submitted to the Planning Commission Secretary prior to final site plan approval. Approvals from all other applicable review agencies, including the county Road Commission and Water Resources (Drain) Commissioner, shall be received prior to approval of a final site plan.

G. Effect of Final Site Plan Approval.

Approval of a final site plan by the Planning Commission authorizes issuance of zoning permits associated with the project, and authorizes the execution of a Development Agreement between the Township and the property owner(s)/developer(s) per Section 16.11 (Development Agreement). Execution of the Development Agreement authorizes issuance of permits to begin site work or construction, provided all other construction and engineering requirements have been met.

In the case of uses without structures, approval of a final site plan authorizes issuance of a zoning permit and a certificate of occupancy, provided all other requirements for such certificate of occupancy have been met.

Section 17.06 Combining Preliminary and Final Site Plans.

An applicant may, at the applicant's discretion and risk and with approval of the Planning Commission, combine a preliminary and final site plan in an application for approval. The applicant shall pay the usual fees for both preliminary and final site plan review.

The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or size of the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.

Section 17.07 Required Site Plan Information.

The following minimum information shall be included with any application for site plan approval, except where the Planning Commission determines that an item of information is not applicable or necessary for review of the site plan:

Minimum Site Plan Information	Minor Site Plan	PUD Area Plan	Preliminary Site Plan	Final Site Plan
SITE PLAN DESCRIPTIVE INFORMATION				
Name, address, and other contact information for the applicant and property owners of record, along with proof of ownership and signed consent if applicant is not the property owner.	●	●	●	●
Name, address, and other contact information of the firm or individual preparing the site plan. Site plans prepared by an architect, community planner, engineer, landscape architect or land surveyor shall bear the individual's professional seal.	●	●	●	●
A final site plan shall be prepared and sealed by an architect, engineer, landscape architect or land surveyor registered in the State of Michigan.				●
Location, address(es), and tax identification number(s) of subject parcel(s).	●	●	●	●

Minimum Site Plan Information	Minor Site Plan	PUD Area Plan	Preliminary Site Plan	Final Site Plan
Dimensions of the site, and the gross and net land area.	●	●	●	●
Legal description(s) of the subject parcel(s).		●	●	●
Legal description of the proposed development site and any non-contiguous open space area(s), if different from the subject parcel(s), with lot line angles or bearings indicated on the plan. Dimensions, angles, and bearings shall be based upon a boundary survey prepared by a registered surveyor.			●	●
Details of existing and proposed covenants or other restrictions imposed upon land or buildings, including bylaws, deed restrictions, and articles of incorporation for a cooperative, condominium, or homeowners' association.				●
Description of applicant's intentions regarding selling or leasing of all or portions of land and dwelling units or other structures.		●	●	●
Gross and net dwelling unit density for residential projects.		●	●	●
General description of the number, size ranges, and types of proposed dwelling units; and proposed facade materials.		●		
A schedule of the number, sizes (bedrooms, floor areas), and types of dwelling units, and lot area per dwelling unit.			●	●
A detailed use statement describing proposed use(s); including land or building areas for each use, number of units, number of anticipated employees, or other applicable information to verify Ordinance compliance.	●	●	●	●
SITE PLAN DATA AND NOTES				
Minor site plans shall be drawn to a scale appropriate for a sheet size between 8.5 inches by 14 inches (minimum) and 24 inches by 36 inches (maximum); and of such accuracy that the Planning Commission can readily interpret the plan.	●			
Preliminary and final site plans shall be drawn to an engineer's scale not greater than 1:50 and appropriate for the required sheet size of 24 inches by 36 inches. For a large development shown in sections on multiple sheets, one overall composite sheet shall be provided for clarity.		●	●	●
Vicinity map showing the general location of the site.	●	●	●	●
Scale, north arrow, initial plan date, and any revision date(s).	●	●	●	●
Existing zoning classification(s) for the subject parcel(s) and surrounding parcels (including across road rights-of-way).		●	●	●
Owners' names, existing uses, and location of structures, drives, and improvements on surrounding parcels (including across rights-of-way).			●	●
Identification of all adjacent property in which the applicant(s), developer(s), or owner(s) have an ownership interest.		●	●	●
Dimensions of all property boundaries and interior lot lines.	●	●	●	●
Percentage of lot coverage, total ground floor area, and floor area ratio.			●	●
Calculations for parking and other applicable Ordinance requirements.	●		●	●
EXISTING CONDITIONS				
Location of existing structures, fences, and driveways on the subject property, with notes regarding their preservation or alteration.	●	●	●	●

Minimum Site Plan Information	Minor Site Plan	PUD Area Plan	Preliminary Site Plan	Final Site Plan
Location of existing walls, signs, utility poles and towers, pipelines, excavations, bridges, culverts, and other site features on the subject property, with notes regarding their preservation or alteration.			●	●
SITE PLAN DETAILS				
Delineation of required yards, setback areas, and transition strips.	●		●	●
Identification of general location(s) and area(s) of each development phase.			●	●
Planned construction program and schedule for each development phase.			●	●
Location, width, purpose, and description of all existing and proposed easements and rights-of-way on or adjacent to the site.	●		●	●
Location, type, area, height, and lighting specifications of proposed signs.	●			●
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.				●
Location, area, and dimensions of any outdoor sales, display or storage areas.	●		●	●
Location of proposed outdoor waste receptacle enclosures; with size, elevation, and vertical cross-section showing materials and dimensions.			●	●
BUILDING DESIGN AND ORIENTATION				
Location, outline, ground floor area, and height of proposed structures; and of existing structures to remain on-site.	●	●	●	●
Dimensions, number of floors, and gross and net floor area of proposed principal buildings; and of existing principal buildings to remain on-site.			●	●
Separation distances between adjacent buildings, and between buildings and adjacent lot boundaries.			●	●
Conceptual drawings of exterior building façades for principal buildings and building additions, drawn to an appropriate scale.		●		
Detailed exterior building façade elevation drawings for all proposed dwellings, principal buildings, and additions, drawn to an appropriate scale and indicating types, colors, and dimensions of finished wall materials.			●	●
Finished floor elevations and contact grade elevations for proposed principal buildings and existing principal buildings to remain on-site, referenced to a common datum acceptable to the Township Engineer.				●
ACCESS AND CIRCULATION				
Locations, layout, surface type, centerlines, road pavement and right-of-way widths, and indication of public or private road status for all existing and proposed roads and access drives serving the site.		●	●	●
Conceptual locations, layout, and surface type for all parking lots, sidewalks, and pedestrian pathways within and accessing the site.	●	●	●	●
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and road intersections.	●		●	●
Details of the location, width, and paving of proposed sidewalks and pedestrian ways, including alignment, cross section, connections to existing or planned off-site facilities, and easement or right-of-way dedications.				●

Minimum Site Plan Information	Minor Site Plan	PUD Area Plan	Preliminary Site Plan	Final Site Plan
Parking space dimensions, pavement markings, and traffic control signage.	●		●	●
Parking space angles; maneuvering aisle, island, and median dimensions; surface type; fire lanes; drainage patterns; location of loading areas; and typical cross-section showing surface, base, and sub-base materials.			●	●
Identification of proposed names for new public or private roads serving the site.			●	●
Spot elevations for existing roads on and adjacent to the subject parcel(s), including surface elevations at intersections with the internal roads and drives serving the proposed development; curve-radii and road grades; location and details of curbs, and turning lanes; and typical road cross sections showing surface, base, and sub-base materials and dimensions.				●
NATURAL FEATURES AND OPEN SPACE AREAS				
A general description and preliminary delineation of existing natural features on and abutting the site, per Section 16.04 (Natural Resources Protection).		●	●	●
Details of all existing natural features on the site; indications of features to be preserved, removed, or altered; and proposed mitigation measures per Section 16.16.04 (Natural Resources Protection).				●
Outdoor open space and recreation areas; location, area, and dimensions.		●	●	●
Description of the organization that will own and maintain open space and recreation areas, and a long-term maintenance plan for such areas.				●
SCREENING AND LANDSCAPING				
Location and size of all required transition buffers and landscape strips.		●	●	●
General layout of proposed landscaping and screening improvements; including plantings, topographic changes, and similar features.	●		●	●
A detailed landscape plan, including location, size, quantity and type of proposed plant materials and any existing plant materials to be preserved.				●
Planting list for all landscape materials, with the method of installation, botanical and common name, quantity, size, and height at planting.				●
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.				●
Proposed fences, walls, and other screening devices, including typical cross section, materials, and height above grade.	●		●	●
Screening methods for any waste receptacle areas, ground-mounted generators, transformers, mechanical (HVAC) units, and similar devices.	●		●	●
UTILITIES, STORMWATER MANAGEMENT, AND GRADING				
General layout of existing and proposed water supply systems, sanitary sewerage or septic systems, and stormwater management facilities.		●	●	●
Location and size or capacity of the existing and proposed potable water supply and sewage treatment and disposal facilities serving the site.			●	●
Location, size, and slope of proposed detention or retention ponds; and location and size of underground tanks and drain lines where applicable.			●	●
Layout, line sizes, inverts, hydrants, flow patterns, and location of manholes and catch basins for proposed sanitary sewer and water supply systems.				●

Minimum Site Plan Information	Minor Site Plan	PUD Area Plan	Preliminary Site Plan	Final Site Plan
Calculations for capacity of stormwater management and drainage facilities.				●
Location and size of existing and proposed telephone, gas, electric, and similar utility lines and surface-mounted equipment.				●
General areas of intended filling or cutting.		●	●	●
Directional arrows showing existing and proposed drainage patterns on the lot.	●			●
A detailed grading plan, with details of proposed filling or cutting, existing and proposed topography at a minimum of two (2) foot contour levels, stormwater runoff drainage patterns, and a general description of grades within 100 feet of the site. All finished contour lines are to be connected to existing contour lines within the site or at the parcel boundaries.				●
Locations, dimensions, and materials of proposed retaining walls, with fill materials and typical vertical sections.			●	●
Description of measures to control soil erosion and sedimentation during construction operations, and until permanent groundcover is established.				●
ADDITIONAL REQUIRED INFORMATION				
Other information as requested by the Township Planner or Planning Commission to verify compliance with the standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes.	●	●	●	●

Section 17.08 Expiration of Site Plan Approval.

Planning Commission approval of a site plan shall expire in accordance with the following:

A. Expiration of Minor Site Plan Approval.

A minor site plan shall expire and be of no effect unless, within 365 calendar days of the Planning Commission’s approval, appropriate permits have been approved, construction has begun on the property, and such work is diligently pursued in conformance with the approved minor site plan.

B. Expiration of Preliminary Site Plan Approval.

Approval of a preliminary site plan shall be valid for a period of 365 calendar days from the date of approval and shall expire and be of no effect unless a application for final site plan approval for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period.

If a final site plan is submitted for only part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than two (2) years from the date of approval of the previously-approved final site plan. If such period is exceeded, the Planning Commission may declare the approved preliminary site plan invalid with respect to the remaining parts of the site. In such case, the Planning Commission may require a new preliminary site plan be submitted, unless good cause can be shown for the delay.

C. Expiration of Final Site Plan Approval.

A final site plan shall expire and be of no effect unless:

1. Within 365 calendar days of the Planning Commission's approval, a fully executed Development Agreement has been recorded and the construction drawings have received detailed engineering final approval; and
2. Within 545 calendar days following the date of approval, construction has begun on the property and is diligently pursued in conformance with the approved final site plan.

D. Extension of Site Plan Approval.

The Planning Commission may, at its discretion and upon written request and showing of good cause by the applicant, grant an extension of a minor, preliminary, or final site plan approval for up to 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with applicable provisions of this Ordinance.

Section 17.09 Phasing of Development.

The applicant may divide the development into two (2) or more phases. Phasing shall be subject to the following requirements:

1. In the case of a phased development, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase.
2. In the case of a phased development, a final site plan shall be submitted for review and approval for each phase.
3. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
4. The Planning Commission may require the applicant to post a performance guarantee per Section 2.07C (Performance Guarantees) to ensure that vehicular and pedestrian ways, utility services, open space and recreation facilities, and other amenities and infrastructure planned for later phases of the development are completed in a timely fashion.

Section 17.10 Standards for Site Plan Approval.

In reviewing a minor, preliminary, or final site plan, the Planning Commission shall determine that the following standards are met, as applicable to the type of site plan:

Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Pan
The applicant is legally authorized to apply for site plan approval, and all required information has been provided.	●	●	●
The proposed development conforms to the applicable standards and conditions imposed by this Ordinance, the policies of the Township Master Plan, and other applicable Township ordinances or state statutes.	●	●	●
The final site plan is consistent with the approved preliminary site plan.			●
The proposed development will be harmonious with and not harmful, injurious, or objectionable to the environment or land uses in surrounding area.	●	●	●
The proposed development respects natural topography, floodways, and floodplains; and minimizes the amount and extent of cutting and filling.		●	●
Organic, wet, or other soils that are not suitable for development will be undisturbed, or modified in such fashion as to make development feasible.		●	●
The movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.	●	●	●
The proposed development is adequately coordinated with improvements serving the area, and with other existing or planned development in the vicinity.		●	●
Satisfactory and harmonious relationships will exist between the proposed development and the existing and planned development of contiguous lands and the surrounding area, including provisions for proper extensions of public roads and sidewalks through the development in accordance with the policies of the Township Master Plan.		●	●
Development phases are in logical sequence so that any phase will not depend upon a subsequent phase for access, utilities, drainage or erosion control.		●	●
The plan, including all engineering drawings, meets Township standards for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.			●
The drainage plan conforms to applicable drainage and stormwater management standards, and any proposed improvements are adequate to handle anticipated stormwater runoff and accommodate upstream drainage without causing undue runoff on to neighboring property or overloading of area watercourses.			●
Proposed screening, buffering, and landscaping improvements are adequate for the location and intended purpose, and conform to the standards of this Ordinance.	●		●
Exterior lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent roads.	●		●
The parking layout and vehicular circulation patterns and access points to the site are adequate to serve the proposed uses and will not adversely affect the flow of traffic on adjacent roads or create pedestrian-vehicle conflicts.	●		●
Grading or filling will not destroy or adversely affect the character of the property, adjacent properties or the surrounding area.			●
Erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities or services.			●
The plan meets applicable standards of governmental agencies with jurisdiction, and necessary outside agency approvals have been obtained or are assured.	●		●

Section 17.11 Compliance with an Approved Site Plan.

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation. To ensure compliance with this Ordinance, the approved site plan, and any conditions of site plan approval, the Township may require that a performance guarantee be deposited with the Township in accordance with Section 2.07C (Performance Guarantees).

Section 17.12 Amendment and Revision.

Changes to an approved minor, preliminary, or final site plan shall be prohibited, except in accordance with this Article. Requests for approval of a major or minor change to an approved site plan shall be made by the petitioner in writing to the Planning Commission. The burden shall be on the petitioner to show good cause for any requested change.

1. **Application.** The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of the Township and petitioner; such as technical causes, site conditions, state or federal projects, or changes in state laws.
 - a. The request shall be filed with the Township Clerk. The Clerk shall transmit the request to the Planning Commission for review and action.
 - b. All required review fees and escrow deposits shall be paid to the Township Treasurer at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the petitioner.
2. **Review.** The Planning Commission shall have the authority to determine if a proposed change is minor or major and if such change requires an amendment to an approved site plan. The Commission shall record its determinations and reasons therefore in the minutes of the meeting at which the action is taken. For minor changes to an approved site plan, the Planning Commission may require that a revised site plan or individual plan sheet be submitted showing such minor changes, for purposes of record.
3. **Amendment.** If the Planning Commission determines that a major change requires submittal of an amended site plan for approval, the applicant shall follow the same procedure outlined in this Article for a new site plan submittal.

Section 17.13 Rescinding Site Plan Approval.

A minor or final site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 2.10 (Public Hearing Procedures), at which time the property owner and the owner or operator of the use(s) for which site plan approval has been granted shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner(s).

Section 17.14 Conforming to Construction Drawings.

The applicant shall provide drawings showing all improvements as actually constructed and installed on a site for which a final site plan was approved. One (1) paper copy and one (1) digital copy (in a format compatible with Township systems) of the drawings shall be submitted to the Zoning Administrator, which shall be subject to field verification prior to the release of any performance guarantee or part thereof for the completion of such improvements.

Conforming to construction drawings shall show, at a minimum, 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. The drawings shall be identified as "Conforming to Construction 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 a professional engineer.

Section 17.15 Inspection.

The Zoning Administrator and Township Planner shall be responsible for inspecting all improvements for conformance with an approved site plan, along with the Township Engineer where necessary. The applicant shall be responsible for requesting such inspections. Sub-grade improvements, such as utilities, sub-base for drives and parking lots, and similar improvements shall be subject to Township inspection prior to covering.

The Zoning Administrator and Township Planner shall notify the Township Supervisor and Planning Commission Chair in writing when an approved development has passed inspection with respect to the approved final site plan. When an approved development does not pass inspection with respect to the approved final site plan, the Zoning Administrator and Township Planner shall provide periodic reports to these same officials on the steps taken to achieve compliance, and on progress toward compliance with the approved final site plan.

Section 17.16 Violations.

A site plan approved under this Article shall have the full force of this Ordinance. Any violation of such approved plan shall be grounds for the Township Board or Zoning Administrator to order that all work be stopped, and to order that permits and Certificates of Occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Township Board. Any violation of any provision of this Article or approved site plan, including any agreements and conditions attached to any approved plan, shall be deemed a violation of this Ordinance, as provided in Section 2.09 (Violations and Penalties).

ARTICLE 18.0 SPECIAL LAND USES

Section 18.01 Purpose.

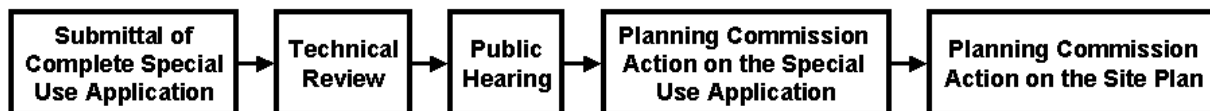
The purpose of this Article is to establish procedures and standards for review and approval of special land uses that, because of their unique characteristics, require additional consideration in relation to the welfare of adjacent land, uses, residents, and the Township as a whole. This Article is intended to provide a consistent and uniform method for review of special use applications; ensure full compliance with the standards contained in this Ordinance; achieve efficient use of land; prevent adverse impacts on neighboring properties and districts; and facilitate development in accordance with the objectives of the Master Plan. Special use permit approval shall be required for all land use listed in Article 6.0 (Land Use Table) as a special land use.

Section 18.02 Pre-Application Meeting.

An applicant may request a pre-application meeting with the Zoning Administrator, Planning Commission Chair or designee, and/or Township Planner to discuss the proposal, submittal requirements, review procedures, and approval standards. Any required fee for this meeting shall be paid to the Township at the time of the meeting.

Section 18.03 Special Use Review Procedure.

All special use permit applications shall be submitted and reviewed as follows:



Special Use Review Process

A. Eligibility.

The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which special use permit approval is sought, or by the owner's designated agent. If the applicant is not the owner of the property, the applicant shall submit a notarized statement signed by the owner(s) consenting to the application for special use approval. Applications that are found by the Township Planner or Planning Commission to be incomplete or inaccurate shall be returned to the applicant without further consideration.

B. Required Fees and Escrow Deposits.

The Township Board shall establish, by resolution, fees and escrow deposits for review of special use permit applications. Required fees and escrow deposits shall be paid to the Township at the time of the filing of the application. No fee or escrow deposit shall be required for a special use permit application submitted by the Township.

C. Filing of Application.

A special use permit request shall be made by filing at least eleven (11) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application with the Township Clerk, along with the required review fee and escrow deposit. The application shall include the following information:

1. Name, address, and other contact information for the applicant and owners of record, along with proof of ownership.
2. The applicant's interest in the property, and if the applicant is not the property owner of record, a signed authorization of the owner(s) for the application.
3. Legal description, address, and tax parcel number of the property.
4. A scaled and accurate survey drawing, correlated with the legal description and showing all existing buildings, drives and other improvements.
5. A detailed description of the proposed use.
6. A site plan meeting the requirements of Article 17.0 (Site Plan Review).

D. Review Procedure.

Special use permit applications shall be shall be reviewed in accordance with following:

1. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to designated Township officials and the Township Planner for review and comment. The Zoning Administrator or Planning Commission Chair may also request comments from other designated Township consultants, local agencies or departments with jurisdiction.
2. **Coordination with site plan review.** A site plan associated with a special land use shall not be approved unless the special use permit has first been approved. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.
3. **Public hearing.** A public hearing shall be held for all special uses in accordance with Section 2.10 (Public Hearing Procedures).
4. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special use permit approval, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any local agencies or departments with jurisdiction, along with any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards contained in Section 18.05 (Standards for Special Use Approval).
5. **Planning Commission action.** The Planning Commission is authorized to approve, approve subject to conditions, postpone action, or deny the special use as follows:

- a. **Approval.** The special use shall be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Ordinance, including Section 18.05 (Standards for Special Use Approval). Upon approval, the special use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval and any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.
- b. **Approval subject to conditions.** The Planning Commission may approve a special use subject to reasonable conditions established in accordance with Section 18.04 (Conditions of Approval).
- c. **Postponement.** Upon determination by the Planning Commission that a special use application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
- d. **Denial.** Upon determination that a special use application is not in compliance with the provisions of this Ordinance, including Section 18.05 (Standards for Special Use Approval), or would require extensive modifications to comply with said standards and regulations, the special use shall be denied. If a special use is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the special use permit.

E. Recording of Planning Commission Action.

Planning Commission action on the special land use shall be recorded in the Planning Commission meeting minutes, stating the name, description, and location of the proposed use; address and parcel tax identification number; the findings of fact and conclusions or grounds for the Commission's action, and any conditions of approval. One (1) copy of the written record shall be placed on file at the Township offices per State of Michigan retention guidelines, and one (1) copy shall be forwarded to the applicant as evidence of the Commission's action on the special use permit application.

Section 18.04 Conditions of Approval.

In granting a special land use permit, the Planning Commission shall impose any conditions it deems necessary to achieve the objectives and standards of this Ordinance, the Township's Master Plan, and the public health, safety, and welfare.

1. These may include conditions necessary to ensure that:
 - a. Public services and facilities affected by a proposed special land use will be capable of accommodating increased service and facility loads caused by the proposed special land use;

- b. The natural environment will be protected and natural resources and energy conserved;
 - c. The proposed use is compatible with adjacent land uses; and
 - d. The proposed use promotes the use of land in a socially and economically desirable manner.
2. Conditions imposed shall meet the following requirements:
- a. The conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the proposed land use or activity, residents and landowners immediately adjacent to the proposed special land use, and the community as a whole.
 - b. The conditions shall be related to the valid exercise of the police power of the Township, and purposes that are affected by the proposed special land use.
 - c. The conditions imposed shall be necessary to meet the intent and purpose of the Ordinance, shall be related to the standards established in the Ordinance for special land uses, and shall be necessary to ensure compliance with those standards.
3. Conditions imposed with respect to the approval of a special use permit shall remain unchanged except upon the mutual consent of the Township and the landowner as approved in accordance with this Article. Such conditions shall be continuing obligations and are binding on any heirs and assigns, and upon any persons taking title to the subject property.

Section 18.05 Standards for Special Use Approval.

Approval of a special use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:

1. **Compatibility with adjacent uses.** The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. The use will not be detrimental, hazardous or disturbing to existing or future neighboring uses, persons, property or the public welfare.
2. **Compatibility with the Master Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted Master Plan.
3. **Compliance with applicable regulations.** The proposed special use is in compliance with all applicable Ordinance provisions.
4. **Impact upon public and utility services.** The impact of the special use upon public services will not exceed the existing or planned capacity of such services;

including utilities, roads, police and fire protection services, area drinking water wells, and drainage structures. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

5. **Environmental and public health, safety, welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, pollution or other adverse impacts.
6. **A documented need exists for the proposed use.** A documented need exists for the proposed use within the community.
7. **Isolation of existing uses.** Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

Section 18.06 Compliance with Special Land Use Approval.

It shall be the responsibility of the property owner and operator of the use for which special use permit approval has been granted to develop, operate, and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of approval until the use is discontinued. Failure to comply with Ordinance requirements or conditions of approval shall be considered a violation of this Ordinance and may be punished in accordance with the provisions of Section 2.09 (Violations and Penalties); and shall constitute grounds for rescinding special land use permit approval in accordance with Section 18.09 (Rescinding Special Land Use Approval).

The Zoning Administrator, Township Planner or other Township designee may make periodic investigations of developments for which a special land use permit has been approved.

Section 18.07 Alteration and Expansion.

An approved special use permit, including all attached conditions, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any alteration or expansion of an existing special land use shall require approval of a special land use permit in accordance with this Article.

Any use lawfully existing on the date of adoption of this Ordinance or an amendment thereof that is considered or permitted as a special land use under this Ordinance or amendment may continue as a nonconforming use subject to Article 21.0 (Nonconformities) without approvals required by this Article. This nonconforming status shall be deemed removed upon approval of a special use permit in accordance with this Article.

Section 18.08 Re-Application.

No re-application, re-consideration, or re-hearing of a special land use request that has been denied by the Planning Commission shall be considered until the expiration of 365 calendar days from the date of denial, unless based upon proof of materially changed conditions or new

information sufficient to warrant consideration by the Planning Commission. All re-applications shall be considered a new application and shall be reviewed in accordance with the provisions of this Article.

Section 18.09 Rescinding Special Land Use Approval.

Approval of a special use permit may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans or conditions of site plan or special use permit approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 2.10 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which special use permit approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

ARTICLE 19.0 CONDOMINIUM REGULATIONS

Section 19.01 Purpose.

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance, all other applicable Township regulations, and the Condominium Act. Each condominium project shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Pursuant to the authority conferred by the Condominium Act, condominium subdivision plans shall be regulated by this Ordinance as site condominiums, and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township's site development standards. It is the intent of this Article to ensure that:

1. Single-family detached residential subdivision developments implemented under the provision of the Condominium Act shall be consistent with subdivision plats established in accordance with the Land Division Act and any Township subdivision regulations.
2. Review of condominium subdivision plans shall be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed as a conventional subdivision plat.
3. Condominium subdivisions are developed in compliance with all applicable standards of this Ordinance and design standards equivalent to those found in the Township's subdivision regulations.

Section 19.02 Scope.

The standards set forth in this Article shall be considered minimum requirements. Where the adopted Master Plan or other provisions of this Ordinance or other applicable state laws or Township ordinances require higher standards, such higher standards shall apply.

Section 19.03 Types of Permitted Condominium Units.

The following types of condominium units shall be permitted under this Article, subject to conformance with all applicable standards of this Ordinance:

1. **Single-family detached units.** In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), the condominium unit shall be considered a lot under this Ordinance.
2. **Attached residential or multiple-family residential units.** Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units or an existing building into residential

condominium units shall conform with all requirements of this Ordinance for multiple-family dwellings.

3. **Non-residential condominium units.** A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform to all requirements of this Ordinance for the zoning district and type of land use.

Section 19.04 Condominium Site Plan Requirements.

Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of preliminary and final condominium site plans by the Planning Commission. Pursuant to authority granted by Section 141 of the Condominium Act, review and approval of site plans for all condominium developments shall be subject to the procedures and standards of Article 17.0 (Site Plan Review), and the following:

A. Preliminary Condominium Site Plan Requirements.

A preliminary condominium site plan shall be filed for approval at the time the notice of proposed action is filed with the Township per Section 71 of the Condominium Act. The preliminary site plan shall include all information required for preliminary site plans per Section 17.07 (Required Site Plan Information).

B. Final Condominium Site Plan Requirements.

The final condominium site plan shall include all information required for final site plans per Section 17.07 (Required Site Plan Information), and all information required by the Condominium Act.

C. Site Condominium Developments.

In the case of a site condominium development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of the condominium lots, building envelopes, and required yards shall be shown on the preliminary and final site plans. Principal buildings or detached dwellings on proposed condominium lots may be shown on the site plans, but shall not be required for site condominium development approval.

Section 19.05 Changes to an Approved Condominium.

Amendments or revisions to any condominium document or the approved final condominium site plan (Exhibit B, as required by the Condominium Act) shall be subject to review and approval in accordance with Section 17.12 (Amendment and Revision). In the event that the condominium development is located in a Planned Unit Development (PUD) District, such changes shall be subject to Article 20.0 (Planned Unit Development District).

Section 19.06 Effect of Condominium Site Plan Approval.

Approval of a final site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance; authorizes the property owner(s)/developer(s) to submit plans for detailed engineering review; and authorizes the execution of a Development Agreement between the

Township and the property owner(s)/developer(s). Execution of the Development Agreement and engineering approval authorizes issuance of building permits, provided all other requirements have been met.

1. No site work or construction shall begin prior to engineering approval, required preconstruction meeting(s), and the execution and recording of the Development Agreement.
2. If a building, structure or use to be placed on a condominium lot requires site plan approval per Section 17.02 (Site Plan Approval Required), a site plan for that structure or use shall be approved per Article 17.0 (Site Plan Review) before a building permit or certificate of zoning compliance may be issued.

Section 19.07 Condominium Site Plan Expiration.

Expiration of preliminary and final condominium site plans shall be subject to the provisions of Section 17.08 (Expiration of Site Plan Approval). In the event that the condominium development is located in a Planned Unit Development (PUD) District, such changes shall be subject to the requirements of Article 20.0 (Planned Unit Development District).

Section 19.08 Rescinding Approval of a Condominium Site Plan.

Condominium site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval. Such action shall be taken in accordance with the procedural requirements of Section 17.13 (Rescinding Site Plan Approval). In the event that the condominium development is located in a Planned Unit Development (PUD) District, such changes shall be subject to the procedural requirements of Article 20.0 (Planned Unit Development District).

Section 19.09 Density Regulations.

For the purposes of this Ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located, as specified in Article 5.0 (Schedule of Regulations). The dwelling unit density of the project shall be no greater than would be permitted if the parcel were subdivided and developed in accordance with the regulations of the zoning district in which it is located.

1. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except as permitted in a Planned Unit Development (PUD).
2. Required setbacks for individual condominium units or buildings shall be measured from the perimeter of the condominium lot or road right-of-way to the nearest part of the structure or building envelope.
3. Where detached units are not located on individual lots ("zero lot line condominium dwellings"), the following standards shall apply:

- a. The maximum residential dwelling unit density for a site condominium development consisting all or part of zero lot line condominium dwellings shall conform to the standards of Article 5.0 (Schedule of Regulations) for the zoning district.
 - b. Required yards shall be measured from:
 - (1) The building envelope boundaries to abutting road rights-of-way;
 - (2) Required perimeter setback lines from parcel boundaries;
 - (3) Required setback lines from wetlands and watercourses; and
 - (4) The near edge of drainage easements, general common elements, dedicated open space areas, and similar site elements.

In no case shall required yard setback areas for such dwellings overlap or encroach into areas reserved for such site elements.
4. Residential condominium developments and individual condominium lots shall conform to the lot area, lot coverage, and dwelling unit density standards for the zoning district, per Article 5.0 (Schedule of Regulations).

Section 19.10 Design and Development Standards.

The following shall apply to all condominium units and developments in the Township:

A. Use Standards.

Uses within a condominium project shall be regulated by standards of the zoning district where the project is located.

B. Condominium Unit or Site Condominium Lot.

For purposes of this Article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as defined in the Township's subdivision regulations. Such units or lots shall be located within a zoning district that permits the proposed use. Such units or lots shall conform to the requirements of this Ordinance for the zoning district, except for permitted outlots provided for an indicated and approved purpose.

1. Condominium units situated on corners or abutting a cross access pedestrian way easement in residential subdivisions shall be at least 15 feet wider than the minimum lot width required in the zoning district.
2. Residential lots shall not open or face directly onto lots occupied or intended to be occupied by OFFICE, SERVICE, AND COMMUNITY USES; COMMERCIAL USES; and INDUSTRIAL, RESEARCH, AND LABORATORY USES. Residential lots shall not open or face directly onto primary roads as defined by the master transportation plans of the Township, or county or state road authorities. In such situations, residential lots shall be laid out in one of the following ways:
 - a. Lots may back onto the above features, and corner lots may abut such features. Such lots shall be separated therefrom by a minimum 50 foot

- wide transition buffer with screen plantings along the abutting property line(s). The transition buffer shall not be part of the residential lot, but shall be part of the common area for the condominium development. The required transition buffer shall be part located outside of any road rights-of-way and utility easements.
- b. Lots may face onto a marginal access road.
 - c. Lots may face onto intersecting local roads with driveways opening onto the intersecting local roads.
 - d. Lots may be grouped around a cul-de-sac or loop road that opens onto a primary road or collector road.
3. All lots shall abut, by their full frontage, on a public or private road. Double frontage lots are prohibited, except where the lot backs directly onto a primary road as defined by the master transportation plans of the Township, or county or state road authorities.
 4. Side condominium unit lines shall be at right angles or radial to the road right-of-way lines.
 5. The lot arrangement shall be such that in constructing a building in compliance with this Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Each lot shall have the following characteristics:
 - a. A suitable site for placing a dwelling and usable area for outdoor living and other outdoor activities, without excessive grading.
 - b. Reasonable driveway grades and adequate surface drainage away from the dwelling site and outdoor living areas.
 - c. Minimal general site grading with retention of significant trees.
 - d. Minimal use of acute angles and non-geometric shapes as part of the lot.
 6. Lots intended for non-residential uses shall be identified on the plan.

C. Roads and Road Rights-of-Way.

Road and block layout and design shall be further subject to the following standards:

1. Public and private roads in a condominium development shall be developed to the standards of the Bay County Road Commission (BCRC). Limited deviations from specific standards may be authorized for private roads only as part of a Planned Unit Development (PUD) District condominium development.
2. Dedicated road rights-of-way shall be provided by the developer where necessary for new roads within the development, for changes to existing road rights-of-way mandated by the Township, or county or state road authorities with jurisdiction, and for the purposes of locating, installing, maintaining, and replacing of public utilities. Road rights-of-way shall be described separately

from individual condominium lots, and shall be accurately delineated by bearings and distances on the final condominium site plan.

3. The road layout shall provide for continuation of adjoining roads, or of the proper projection of future roads when adjoining parcels are developed in accordance with the Township Master Plan. The Planning Commission may require:
 - a. Additional road connections to adjacent parcels, upon determination that such connections will improve the function or design of the development or reduce traffic impacts on the Township's primary road system.
 - b. New collector roads or road extensions within or through a condominium development in accordance with the policies of the master transportation plans of the Township or Bay County Road Commission; or upon determination that such roads will reduce traffic impacts or improve the compatibility of the development with the surrounding area.
4. The road layout shall conform to the topography so as to result in usable lots; safe roads and sidewalks; and reasonable road, driveway, and sidewalk grades. Access to roads across ditches shall be provided in accordance with the Bay County Road Commission's specifications for driveway installation.
5. Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, interstate highway or limited access state highway right-of-way, the Commission may require marginal access roads, reverse frontage or such other treatment necessary for reduction of traffic hazards and adequate protection of residences.
6. Half roads shall not be permitted. Wherever there exists adjacent to the tract to be subdivided, a dedicated or platted and recorded half road, the other half shall be platted or otherwise included in the condominium subdivision.
7. Should a proposed condominium development border upon or contain an existing or proposed stream or other waterway, the Commission may require the location of a bridge facility suitable to maintain water flow and the passage of boats.
8. All roads shall be provided with facilities for adequate surface drainage. Curbs and gutters shall be constructed as required by the standards of the Bay County Road Commission.
9. Residential condominium developments blocks shall not exceed 1,320 feet in length as measured from the road centerlines, subject to the following:
 - a. The minimum length for residential cul-de-sac roads shall be 140 feet, with a maximum length of 600 feet.
 - b. No block width shall be less than twice the normal lot depth except where lots back onto a major road, natural feature, or development boundary.
 - c. For blocks exceeding 660 feet in length, a cross access pedestrian way easement shall be provided through the block for the crossing of underground utilities and pedestrian traffic. A paved pedestrian path or sidewalk shall be provided within the easement.

- d. Where lot sizes average over 20,000 square feet, an additional 480 feet of block length shall be permitted.

D. Access.

Pedestrian and vehicular access to residential lots in a condominium development shall conform to the following standards:

1. Driveways and curb cuts shall conform to BCRC standards and applicable Township ordinances. The curb section of driveways and aprons shall be designed to avoid any excessive breakover angle or vehicle dragging.
2. Private reserve strips to control road access shall be prohibited.
3. Sidewalks, pedestrian pathways, and other non-motorized transportation facilities shall be developed and placed in accordance with the master transportation plans of the Township, or county or state road authorities with jurisdiction; applicable engineering standards; and Section 3.21 (Sidewalks).

E. Natural Features.

All condominium developments shall conform to the natural features preservation requirements of this Ordinance and other applicable Township ordinances, including Section 16.11 (Natural Features Protection).

F. Street Trees and Landscaping.

Trees shall be provided in the margins of both sides of all condominium development roads, and shall be placed at the minimum rate of one (1) per single-family residential lot or at a maximum distance apart of 60 feet. The Planning Commission may also require the installation of trees according to the same distances in pedestrian ways.

1. These requirements may be relaxed by the Planning Commission if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement, satisfy the intent of this Ordinance.
2. Trees to be installed in the road margins or pedestrian ways shall be of a large deciduous type, and shall conform to the standards of Section 16.10 (Landscaping and Screening). The Planning Commission may permit substitution of deciduous ornamental trees for some or all of the required road trees.
3. Landscape strips shall be provided along all road rights-of-way adjacent to attached, multiple-family residential, and non-residential condominium units per Section 5.203E (Landscape Strip). All other unimproved surface area of the site shall be planted with grass, groundcover, shrubbery or other suitable landscape materials per Section 16.10 (Landscaping and Screening).

G. Reservation of Public Use Areas.

Where a proposed park, playground, open space, public school, library or other public use area shown in the Master Plan is located in whole or in part in a proposed development, such area(s) shall be shown on the final site plan for the development.

1. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication.
2. Such areas, if not dedicated, shall be reserved by the owner(s)/developer(s) for future purchase by the Township or other appropriate public agency.
 - a. The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission.
 - b. The reservation shall be valid for a period of 545 calendar days from the date of Planning Commission approval of the final condominium site plan; or such longer period as might be agreed to in writing by the owner(s)/developer(s) as part of a Development Agreement.
 - (1) Unless during such period the Township or other public agency shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to develop the reserved area shall revert to the owner(s)/developer(s) at the end of the period.
 - (2) The reservation shall freeze the price per acre of the reserved area for such period at the average value per acre on the date when the plan was first filed with the Clerk.
 - (3) The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the owner(s)/developer(s).
3. The Township Board may require, as part of a Development Agreement, that the owner(s)/developer(s) demonstrate that future maintenance and upkeep of such areas have been adequately provided for through a dedicated funding source, endowment, or other means acceptable to the Township.

H. Exterior Lighting.

Exterior lighting within a condominium development shall conform to the applicable standards of Section 16.09 (Exterior Lighting) and the following:

1. Exterior lighting shall be arranged and downshielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind with adjacent roads or adjacent properties and uses.
2. Streetlighting, where provided for as part of a condominium development, shall utilize underground wiring, and shall be downshielded and designed to minimize glare. Fixture standards shall meet the minimum specifications of the electric utility company serving that area of the proposed development.

I. Utilities and Improvements.

The developer shall dedicate all necessary utility easements to the Township or other agency or entity with jurisdiction for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and removing pipelines, mains, conduits, and

other installations of a similar character; for the purpose of providing public utilities, including the conveyance of sewage and water, across, through, and under the property subject to said easement; and for excavating and refilling ditches and trenches necessary for the location of said structures.

The improvements set forth under this subsection are to be considered as the minimum acceptable standard. Those improvements for which standards are not specifically set forth shall be established by the Township Board with assistance from the Township Engineer.

1. **Street pavement.** Road improvements shall be provided by the developer in accordance with standards of the Bay County Road Commission.
2. **Storm drainage.** Developments shall provide for management of stormwater run-off from the developed site. New or expanded facilities shall be located to best conform to the layout of existing facilities, and shall conform to the requirements of the Bay County Drain Commissioner and other agencies with jurisdiction. All roads shall have storm drainage in accordance with standards of the Bay County Road Commission.
3. **Sanitary sewerage system.** In those districts in which the Zoning Ordinance requires a public sanitary sewer system, the sewer size, type grade and other appurtenances of the systems shall be constructed in conformance with the standards and specifications prescribed by the Bay County Environmental Health Division (BCEHD) and other agencies with jurisdiction.
 - a. Each lot in a development served by publicly owned and operated sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.
 - b. If sanitary sewage facilities are not available, minimum lot sizes shall conform to requirements of the BCEHD, and individual, on-site septic systems shall be subject to BCEHD approval. In no case shall the minimum lot size be less than that required by the zoning district.
 - c. The use of private community wastewater systems (PCWS), as defined in Section 25.03 (Definitions), shall be prohibited in condominium developments, except where approved by the Township as part of a Planned Unit Development (PUD) District.
4. **Potable water supply system.** In those districts in which the Zoning Ordinance requires a public water supply system, the water mains, fire hydrants and necessary water system appurtenances shall be constructed in such a manner as to adequately serve all lots shown on the plat both for domestic use and fire protection, subject to applicable engineering requirements.
5. **Cable and conduits.** The developer shall make arrangements for all telephone, electric, Internet and other services distributed by wire or cable to be placed underground within dedicated public rights-of-way or private easements, throughout the development area.
 - a. Overhead lines shall only be permitted upon written recommendation of the Township Engineer and approval of the Planning Commission at the

time of site plan approval, where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design and character of the development.

- b. All such facilities shall be constructed in accordance with applicable standards of outside agencies with jurisdiction.

Section 19.11 Manufactured Housing Park Condominium.

Where a manufactured housing park development falls within the definition of manufactured housing park condominium project in the Condominium Act, said development shall be developed in accordance with the Condominium Act and this Ordinance. All provisions of this Ordinance shall apply except for, or in addition to, the following:

1. All roads and driveways in the development shall conform to the standards set forth in Section 19.10C (Roads and Road Rights-of-Way). Direct vehicular access shall be prohibited from a residential lot to a collector road. Such access shall be provided by local residential roads within the development.
2. Collector roads shall conform to County Road Commission specifications.
3. Each lot shall abut and have direct access to a public or private road.
4. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.
5. Sidewalks and pedestrian ways shall be provided in accordance with Section 19.10D (Access), except that sidewalks along roads may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.
6. All lots shall be connected to sanitary sewer and water systems approved by the Township. Such facilities shall meet the requirements of this Ordinance and all other applicable Township ordinances and regulations.
7. Fuel oil and gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of shrubbery. All fuel lines leading to the development and to dwelling sites shall be underground and so designed as to conform to the State Construction Code and any other applicable codes and ordinances.
8. When a master satellite, wireless Internet or similar centralized antenna is provided, all lines extended to individual lots shall be underground. Such master antennae shall be so placed as not to be a nuisance to development, residents or surrounding areas, and shall comply with the provisions of Section 16.08 (Wireless Communication Facilities).

Section 19.12 Non-Residential Condominium.

Condominium developments consisting of OFFICE, SERVICE, AND COMMUNITY USES; COMMERCIAL USES; or INDUSTRIAL, RESEARCH, AND LABORATORY USES shall conform to the provisions of this Ordinance, except for the following modifications provided in this subsection:

1. **Roads.** Roads in a non-residential condominium development shall be paved, and designed and constructed to adequately handle truck traffic. Roads and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks, and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.
2. **Driveways.** Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public roads serving the development. Driveways from parking and loading areas shall intersect roads at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.
3. **Blocks.** The block size standards of this Section shall not apply to non-residential condominium developments. Blocks shall be designed to meet the requirements of fire protection, snow removal, other service and emergency vehicles, and the specific needs of the uses that will occupy the development.
4. **Lots.** Lots shall have access from internal roads within the development, or from marginal access roads. Such lots shall not open directly onto primary roads or collector roads.
5. **Sidewalks.** Sidewalks and pedestrian ways shall conform to the requirements of Section 3.21 (Sidewalks).
6. **Transition buffers.** Transition buffers shall be provided along the perimeter of a condominium development as required by Section 5.203D (Transition Buffer) of this Ordinance.
7. **Expansion.** Any intended or contemplated future expansion of the development should be shown on the preliminary and final site plans.

Section 19.13 Planned Unit Development (PUD) District Condominium Developments.

Developments in a Planned Unit Development (PUD) District may be granted certain approved deviations from this Article in accordance with the requirements of Article 20.0 (Planned Unit Development District). Such deviations are intended to accommodate the site planning, engineering, and other requirements of large, comprehensive developments with associated uses, where it can be clearly demonstrated that good cause for such deviation(s) exists.

Such deviations may include, but are not limited to, time extensions, flexible schedules for installation of improvements, security requirements for improvements, reductions in minimum lot areas and dimensions, mixtures of residential densities and building types, mixtures of residential and nonresidential structures, and modifications in the design and development standards of this Article.

Section 19.14 Relocation and Subdivision of Lot Boundaries.

The relocation of boundaries, subdivision of a condominium lot, and any other change in the dimensions of a condominium unit or site condominium lot, if permitted in the condominium

documents, shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act, shall comply with the requirements of Article 5.0 (Schedule of Regulations), and shall be subject to review as an amended condominium site plan per Article 17.0 (Site Plan Review).

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act, shall comply with the requirements of Article 5.0 (Schedule of Regulations) or shall be placed into common areas within the project. These requirements shall be made a part of the condominium bylaws and shall be recorded as part of the master deed.

Section 19.15 Monuments.

All condominium developments that consist in whole or in part of detached condominium units or site condominium lots shall be marked with monuments or lot markers, subject to the following:

1. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and 36 inches long and completely encased in concrete at least four (4) inches in diameter.
2. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; the intersection lines of roads and at the intersection of the lines of roads with the boundaries of the condominium development; the intersection of alleys with the boundaries of the condominium development; all points of curvature, tangency, compound curvature, and reverse curvature; angle points in the side lines of roads and alleys; and at all angles of an intermediate traverse line.
3. It is not intended or required that monuments be placed within the traveled portion of a road to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the roads.
4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof is clearly indicated on the plans and referenced to the true point.
5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
6. All required monuments shall be placed flush with the ground where practicable.
7. All unit corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipe at least 18 inches long and one-half (1/2) inch in diameter, or other approved markers.

8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed 365 calendar days, on the condition that the proprietor deposits with the Township Clerk a performance guarantee, per Section 2.07C (Performance Guarantees), for the installation of required monuments and markers within the time specified.

Section 19.16 Construction in a General Common Element.

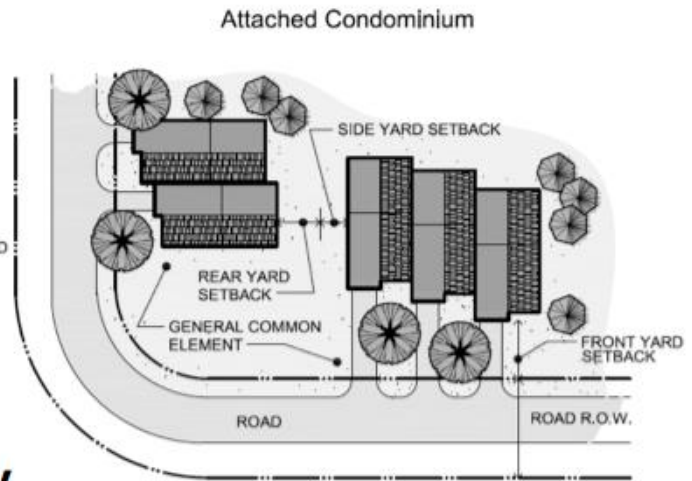
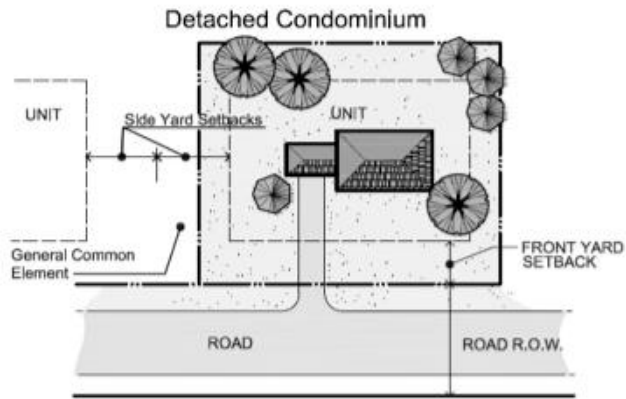
Any application for a building permit for construction to be located in a general common element shall include written authorization for the application by the Condominium Association.

Section 19.17 Recording of Condominium Documents.

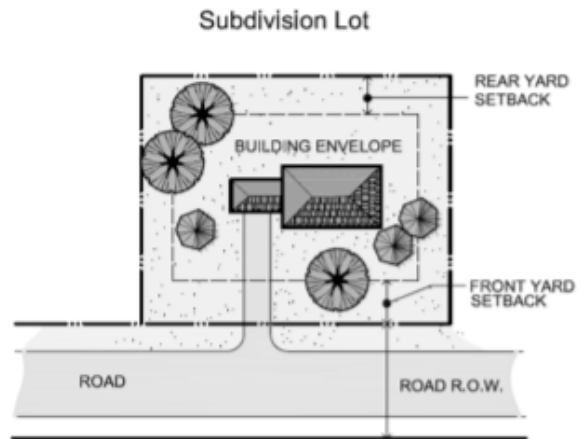
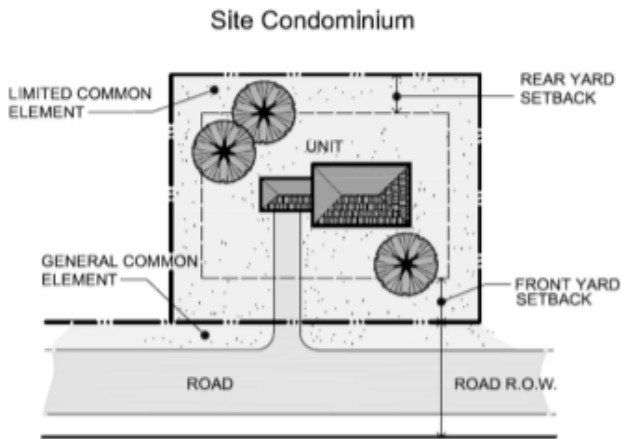
The owner(s)/developer(s) shall record all condominium documents and exhibits with the Bay County Register of Deeds office in a manner and format acceptable to the County.

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish paper copies and digital copies (in a format compatible with Township systems) of the following items to the Township Clerk:
 - a. The recorded Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act; and
 - b. Required drawings per Section 17.14 (Conforming to Construction Drawings).
2. The Zoning Administrator may withhold certificate of zoning compliance approval for any structure within the condominium project, if such documents have not been submitted within ten (10) days after written request from the Zoning Administrator to do so.
3. A final certificate of occupancy for any building in an approved condominium development shall not be issued until the Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act, have been recorded with the Bay County Register of Deeds and the recorded document filed with the Township Clerk.

ILLUSTRATIONS



Condominium Terminology



Site Condominium Unit Equivalent to Subdivision Lot

ARTICLE 20.0

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 20.01 Intent.

It is the intent of this Article to allow the use of the planned unit development (PUD) process authorized by Section 503 of the Michigan Zoning Enabling Act as an optional method of development review and approval to achieve the following objectives:

1. To allow for development that is consistent with the Township's Master Plan; and encourages the long-term preservation of open space, agricultural land, unique rural character, and natural features.
2. To promote flexibility and creativity in land development and land use consistent with the Master Plan and the site's location, character, and adaptability.
3. To establish planning, review, and approval procedures that will properly relate the type, design, and layout of development to the site and neighborhood.

The provisions of this Article are intended to result in land development substantially consistent with Ordinance standards generally applied to the proposed uses, while allowing for the option of Township approval for limited modifications from the applicable use or development standards of this Ordinance as applied to a particular site and development project.

Section 20.02 Scope.

The provisions of this Article may be applied to any parcel of land under single ownership in any zoning district, subject to a determination that the proposed project and site satisfy Section 20.03 (Eligibility Criteria). Approval of a PUD application shall require an amendment to the Official Zoning Map. These regulations are not intended as a device for ignoring specific Township standards or the planning upon which such standards are based. The PUD process shall not be used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.

Section 20.03 Eligibility Criteria.

To be eligible for planned unit development (PUD) approval, the applicant shall demonstrate to the Planning Commission's satisfaction that the following criteria will be met:

1. **Single ownership or control.** The development shall be under the ownership or control of a single person or entity having responsibility for completing and maintaining the project in conformity with this Article and Ordinance.
2. **Location.** The proposed development is located in an area of the Township suitable and desirable for such development, and consistent with Master Plan policies regarding land uses and residential density.
3. **Sufficient land area for proposed uses.** The PUD site shall include sufficient contiguous land area to comply with all applicable regulations of this Ordinance, to adequately serve the needs of all permitted uses in the PUD project, and to ensure compatibility between uses and the surrounding area. Additional non-

contiguous land areas within the Township may be included as part of the proposed open space dedications for a PUD project.

4. **Economic impact.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted under this Ordinance or planned for in the Township's Master Plan.
5. **Compatibility with the planned development intent.** The proposed development shall be consistent with the intent and scope of this Article.
6. **Compatibility with the Master Plan.** The proposed development shall be compatible with the Township's Master Plan.
7. **Availability and capacity of public services.** The proposed type and intensity of use shall not exceed the existing or planned capacity of existing public services and facilities, including police and fire protection, traffic capacity of the Township's public roads, drainage and stormwater management facilities, availability of water, and capacity of existing or planned utility facilities.
8. **Additional eligibility criteria.** The petition and Area Plan shall be compatible with one (1) or more of the following additional criteria:
 - a. **Conservation of agricultural land.** Long-term conservation of agricultural land in the Township will be achieved, where such land could otherwise be subdivided or converted to non-agricultural uses through development permitted by this Ordinance.
 - b. **Preservation of site features.** Long-term conservation of natural, historical, architectural or other significant site features or open space will be achieved, where such features would otherwise be destroyed or degraded by development otherwise permitted by this Ordinance.
 - c. **Public benefit.** Recognizable and material benefit(s) will be realized by the future users of the development and the Township as a whole, where such benefit would otherwise be unachievable under this Ordinance.
 - d. **Remediation and redevelopment.** The development includes remediation and redevelopment of a site classified as a brownfield under state or federal law, containing one (1) or more functionally obsolete buildings, or otherwise determined to be subject to unusual physical constraints or hardships that would prevent reasonable use or development in accordance with the strict application of this Ordinance.

Section 20.04 Regulatory Flexibility.

Unless otherwise waived or modified as part of an approval in accordance with this Section and Article, the standards of this Ordinance shall be applicable to uses in a planned unit development. To encourage flexibility and creativity consistent with the intent of this Article, limited deviations from specific Ordinance standards may be approved as part of Area Plan approval by the Township Board after recommendation by the Planning Commission, subject to the following:

1. Proposed deviations shall be identified on the PUD Area Plan, and shall be subject to review and recommendation by the Planning Commission and approval by the Township Board.
2. Such deviations may include modifications to yard and bulk standards; height requirements; use standards; or parking, loading, lighting, landscaping or other Ordinance requirements.
3. Such deviations shall be consistent with the intent and scope of this Article, and shall result in a higher quality of development than would be possible without the granting of the deviation.
4. Permitted deviations shall be accompanied by adequate safeguards, features or planning mechanisms designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a deviation is sought.

Section 20.05 Use Standards.

Proposed uses within a PUD project shall be compatible with the goals, objectives, and policies of the Township's Master Plan, as determined by the Planning Commission, and shall conform to the following standards:

1. **Permitted uses.** Permitted principal and accessory uses in a PUD District shall be limited to the land uses listed in Article 6.0 (Land Use Table), subject to the standards of Articles 7.0 - 12.0 (Use Standards...) and the following use limitations:
 - a. Uses in a PUD District shall be limited to those that are compatible with the Township's adopted Master Plan, and that are harmonious and compatible with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area.
 - b. Uses in a PUD District shall be limited to those specific uses included in the listing of uses shown on the approved Area Plan, along with customary accessory uses and structures. All other uses shall be prohibited, unless otherwise permitted by this Ordinance.
 - c. A residential area as designated on the approved Area Plan may contain one (1) or more types of dwelling units, provided that such combination of dwelling unit types and location and arrangement of the residential development will not interfere with orderly and reasonable planning, development, and use of an area.
 - d. Home occupations shall be permitted in single-family dwellings.
 - e. To support the inclusion of a specified use in a PUD project, the applicant may be required to provide documentation, such as a professional market study, that a demand exists for the proposed use within the market area.

- f. INDUSTRIAL, RESEARCH AND LABORATORY USES, as defined in Article 6.0 (Land Use Table), shall only be permitted in a non-residential PUD project.
2. **Use standards.** The specific standards of Articles 7.0 - 12.0 (Use Standards...) shall apply to all uses permitted within a PUD project, subject to any approved deviations per Section 20.04 (Regulatory Flexibility).
3. **Variety of housing types.** The Planning Commission may require that a variety of housing types be provided as part of a residential PUD project.
4. **Non-residential uses in a residential PUD.** Where the Township's Master Plan designation is residential, the Township Board may permit a limited range of non-residential uses within a PUD project after recommendation by the Planning Commission, subject to the following:
 - a. Permitted non-residential uses shall be limited to a maximum of five percent (5%) of the gross area of residential land and ten percent (10%) of the gross floor area of any building occupied by RESIDENTIAL USES.
 - b. Permitted non-residential uses shall be primarily designed and operated for the use and benefit of the residents of the development.

Section 20.06 Residential Development Standards.

The purpose of this Section is to address the unique characteristics and development requirements of residential planned developments in the Township. The intensity and layout of residential uses in a planned unit development (PUD) project shall be subject to the following:

A. Permitted Residential Density.

The maximum permitted density of a residential PUD shall be determined as follows:

1. The maximum net dwelling unit density regulations that apply within a PUD District shall be based upon the density standards of the zoning district(s) that the Planning Commission determines most nearly reflect(s) the policies of the Master Plan. If the Master Plan does not show a residential density for land included in a PUD rezoning application, the residential density and character of the surrounding area and maximum net residential density permitted in the standard zoning district most nearly reflecting the Master Plan policies for the area in question shall be used as the density limit.
2. The applicant shall prepare and present to the Planning Commission as part of the PUD application a parallel design for the project consistent with state and Township requirements.
 - a. This design shall identify all lots and buildable lands as would be allowed by the existing zoning district(s) of the parcel, the suitability of the soils, and the policies of the Master Plan.
 - b. The Planning Commission shall review the design and shall determine the number of lots that could feasibly be developed following the parallel design. This number, as determined by the Planning Commission, shall

be considered by the Planning Commission, in addition to the other requirements of this subsection, in calculating the maximum net residential density of the PUD District.

3. The standards of Article 5.0 (Schedule of Regulations) shall apply to the parallel plan design and dwelling unit calculation.
4. The Planning Commission shall review the design and determine the number of dwelling units that may feasibly be constructed following the parallel design. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable in the PUD project, except where additional dwelling units are permitted by the Planning Commission per Section 20.06B (Density Bonus).

B. Density Bonus.

At its discretion and after recommendation from the Planning Commission, the Township Board may authorize a residential PUD project to include additional dwelling unit density above that otherwise permitted by Section 20.06A (Permitted Residential Density), in accordance with one (1) or more of the following options:

1. **Open space preservation.** A density bonus of up to ten percent (10%) more dwelling units may be authorized upon a demonstration by the applicant that not less than fifty percent (50%) of the gross area of the PUD shall be permanently preserved for open space, including outdoor recreational use. The purpose of this development technique is to encourage further preservation of natural features such as mature trees, water and wetland areas, floodplains, and agricultural areas, and to create permanent open spaces or recreation facilities. To be eligible for the density increase under this option, the proposal must comply with the following:
 - a. These preserved open space areas shall include land areas abutting a primary road as defined in the master transportation plans of the Township or state or county road authorities, which shall be designed to preserve the rural appearance of the site from the road right-of-way with a minimum depth of 150 feet.
 - b. The area(s) of the parcel to be preserved as open space shall contain one or more of the following:
 - (1) Streams, lakes, ponds or other watercourses, and associated upland areas.
 - (2) Designated wetlands or floodplains.
 - (3) Agricultural lands.
 - (4) Tree stands or woodlands.
 - (5) Other areas as determined appropriate for open space preservation by the Planning Commission.

- c. Open space areas intended for recreational use shall be accessible to all lots in the development, either directly, from a pathway system, or from the internal road network.
 - d. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes.
 - e. All open space shall be conserved and maintained in perpetuity by any of the following methods, or other method accepted by the Township Board:
 - (1) Deed restrictions or condominium master deed restrictions with the Township named as a controlling party regarding preservation and maintenance of dedicated open space areas.
 - (2) Dedication of open space to a public body or private land conservancy or trust.
 - (3) Conservation easement granted to a public body or private land conservancy or trust.
 - f. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel prior to approval by the Planning Commission.
 - g. All open space agreements which involve donations of land to the Township or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development proposal by the Planning Commission.
2. **Exemplary project design.** A density bonus of up to ten percent (10%) more dwelling units may be authorized upon determination by the Township Board after recommendation by the Planning Commission that the PUD project design significantly exceeds the minimum requirements of this Ordinance and includes a minimum of three (3) of the following elements:
- a. On-site or off-site pedestrian access improvements substantially above the minimum required by this Ordinance.
 - b. Improvements to public facilities, access or utilities above the minimum required by Township ordinances or other agencies with jurisdiction.
 - c. Provisions for new or improved recreation facilities substantially above the minimum required by this Ordinance.
 - d. An integrated mixture of housing types or lot sizes.
 - e. Rehabilitation and re-use of a blighted site, contamination removal or demolition of obsolete structures.
 - f. Innovations in motorist or pedestrian safety, energy efficient design, or other project design elements that would result in a material benefit to all

or a significant portion of the ultimate users or residents of the project not otherwise achievable under the minimum standards of this Ordinance.

Section 20.07 Development Standards.

All planned unit development (PUD) projects shall conform to the following general development standards:

A. Unified Control.

The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity having responsibility for completing the entire project. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given in advance to the Zoning Administrator and a unified ownership remains.

B. Dimensional Standards.

The standards of Article 5.0 (Schedule of Regulations) for the zoning district most nearly reflecting the Master Plan policies for the area in question shall apply to uses permitted within a PUD project.

1. **Lot area and setbacks for individual lots.** Minimum lot area and required yard setbacks for individual lots shall be specified on the approved PUD Area Plan. Such standards shall conform to the requirements of the zoning district most nearly reflecting the Master Plan policies for the area in question, subject to any approved deviations per Section 20.04 (Regulatory Flexibility).
2. **Building height and location.** The proposed height of each building shall be indicated on the Area Plan. Building location(s) and separation distances shall be sufficient to meet fire protection requirements; and to provide for natural light, air circulation, and solar access. Unless approved as a deviation per Section 20.04 (Regulatory Flexibility), no building shall exceed a height of three (3) stories or 40 feet. Larger lot areas or deeper setbacks may be required to make a taller building more compatible with surrounding land uses.

C. Roads.

The proposed development shall provide logical extensions of existing or planned roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. The PUD shall demonstrate that the design minimizes traffic impact on the Township road network, and shall include all on-site and off-site improvements necessary to mitigate the impact of the PUD in accordance with a traffic impact study accepted by the Township.

Where planned future road rights-of-way for existing roads within and along the perimeter of the PUD District are larger than the existing right-of-way, all dimensional standard measurements shall be taken from the planned right-of-way, which shall be reserved for such use.

D. Infrastructure.

Drainage, and utility design shall meet or exceed the applicable requirements of the regulatory agencies with jurisdiction. All utilities shall be installed underground, where feasible. Drainage structures (detention/retention basins, swales) shall be designed to blend with the site's topography and minimize the need for perimeter fencing.

In the event publicly owned and operated sanitary sewer or water service is not available at the time of development, a PUD may temporarily utilize a private water system or private community wastewater systems (PCWS), as defined in Section 25.03 (Definitions), subject to the following:

1. Each private water system or PCWS shall be approved by the Township Engineer, the Township Board, and all outside agencies with jurisdiction.
2. At such time as publicly-owned and operated sanitary sewer or water service is available, the developer shall connect to the sewer or water system, shall close and remove all elements of the private system that are no longer needed, and shall restore the site. The Township may require a performance guarantee per Section 2.07C (Performance Guarantees) for the removal and restoration work.

Section 20.08 Project Phasing.

Where a planned unit development (PUD) project is proposed to be constructed in phases, the project shall be so designed that each phase shall be complete in terms of the presence of services, construction, facilities, and open space, and shall contain the necessary components to ensure the health, safety and welfare of the users of the planned development, and the residents of the Township. If a project will be constructed in phases, the following shall apply:

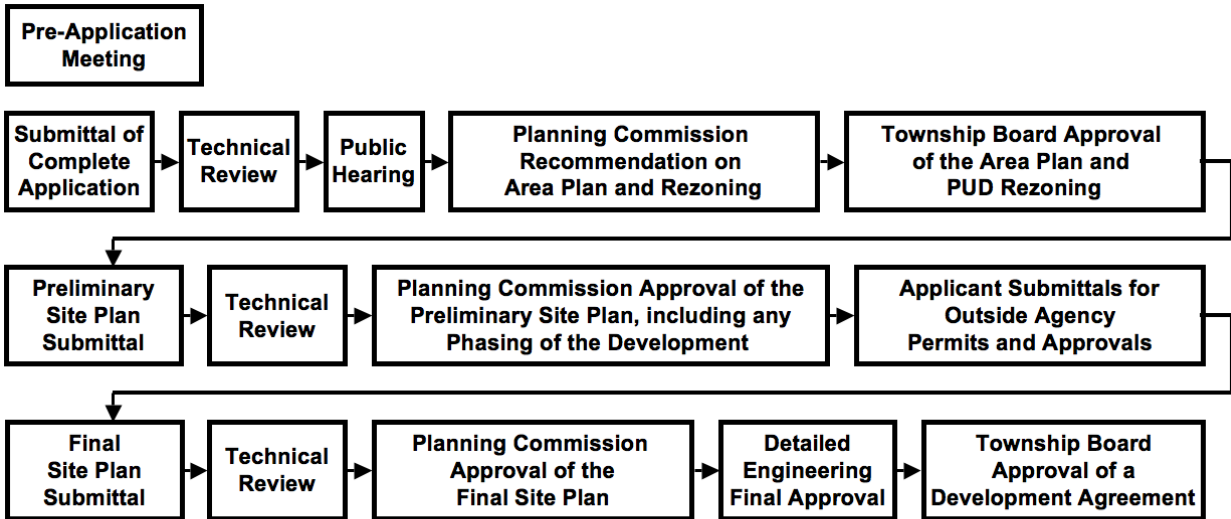
1. A narrative description of the phased process that describes all work to be done in each phase shall be depicted in conceptual form on the PUD Area Plan, and shown in the intended final form on the PUD preliminary site plan.
2. A phase shall not be dependant upon subsequent phases for safe and convenient vehicular and pedestrian access, utilities, open spaces or recreation facilities. Each phase shall be designed to provide a proportional share of the common open space required for the entire project.

Section 20.09 Fees and Performance Guarantees.

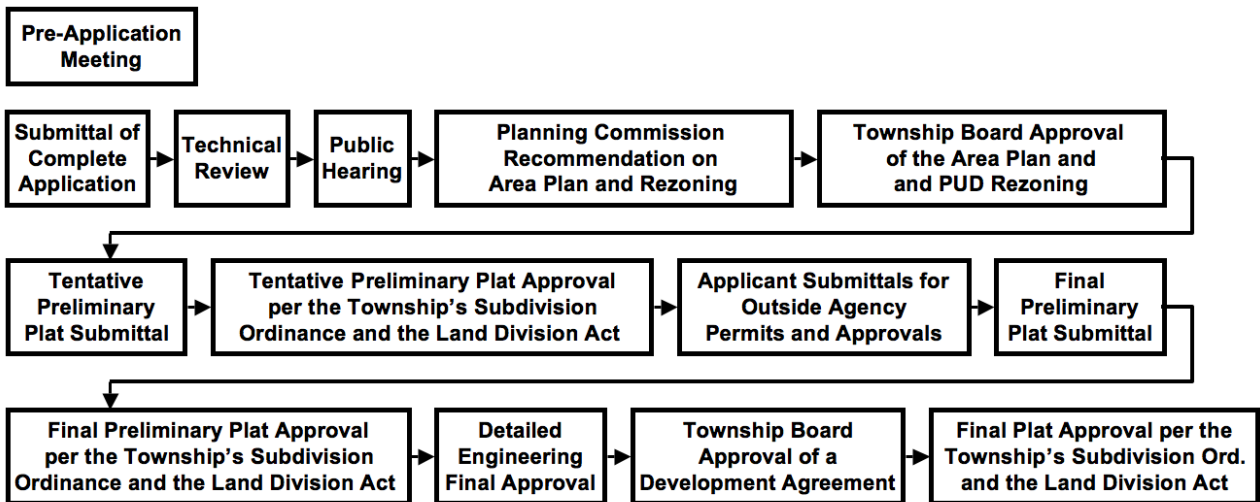
Fees or escrow deposits for the review of planned unit development (PUD) applications shall be in accordance with the schedule of fees adopted by Township Board resolution per Section 2.07 (Fees and Performance Guarantees). Performance guarantees may be required for all public and common improvements in single- and multi-phased developments, in accordance with Section 2.07C (Performance Guarantees). Estimates for such improvements shall be made or verified by the Township Engineer.

Section 20.10 Summary of the PUD Approval Process.

Final approval of a PUD application shall include approval of a rezoning of the subject property, approval of a PUD final site plan, and approval of a development agreement for the project. The PUD review and approval process shall be as follows:



PUD Approval Process - Site Plans



Special District Approval Process - Subdivision Plats

Section 20.11 Pre-Application Meeting.

An applicant may request a pre-application meeting with the Zoning Administrator, Planning Commission Chair or designee, and/or Township Planner to discuss conceptual plans, submittal requirements, review procedures, and approval standards. Any required fee for this meeting shall be paid to the Township at the time of the meeting.

Conceptual plans shall include sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, layout of proposed structures and site improvements, and

adequacy of access, parking, and other facilities. Comments or suggestions regarding a conceptual site plan shall constitute neither approval nor a disapproval of the plan, nor shall the Township be bound by such comments or suggestions during any subsequent Area Plan review.

Section 20.12 PUD Area Plan and Rezoning Review.

PUD applications shall be subject to review and approval in accordance with the following:

A. PUD Area Plan and Rezoning Application Requirements.

Application for PUD approval shall be as an amendment to the Official Zoning Map, subject to the following review procedures:

1. **Initiating application.** Application for PUD approval shall be made by filing at least eleven (11) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application and Area Plan with the Township Clerk or designee, along with the required review fee and escrow deposit. An application submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the applicant.
 - a. The application shall be submitted by the owner(s) of record of such parcel, or by one or more persons acting on behalf of the owner(s) of record of such parcel. The applicant shall provide evidence of ownership of all land in a proposed PUD District, such as legal title or execution of a binding sales agreement, prior to Township Board action.
 - b. An Area Plan shall be required as part of an application for PUD approval, with the minimum required information for such plans as specified in Section 17.07 (Required Site Plan Information).
2. **Technical review.** Prior to Planning Commission consideration, copies of the application shall be distributed to designated Township officials, the Township Planner, and other Township consultants for review and comment.
3. **Planning Commission study and public hearing.** Upon receipt of a complete and accurate application, the Planning Commission shall undertake a study of the Area Plan and application materials, and shall hold a public hearing on the application in accordance with Section 2.10 (Public Hearing Procedures). At the public hearing, the applicant shall present evidence regarding the following characteristics of the proposed development:
 - a. Objectives and purposes to be served, including how the development is compatible with the Township's Master Plan.
 - b. Scale and scope of the proposed development, including the general character and substance of proposed land uses and improvements and anticipated phasing of the development.
 - c. Compliance with all applicable Township ordinances and standards, as well as those of all outside agencies with jurisdiction, and an explanation of the scope, intent, and need for any requested deviations from Zoning Ordinance requirements.

Evidence and expert opinion describing the nature and extent of the proposal shall be submitted by the applicant, including maps, charts, reports, other materials, and expert testimony. Materials shall be submitted in sufficient quantity for public display and review by the Planning Commission, Township officials, and consultants.

4. **Optional development impact assessment.** Following the public hearing and before making a report and recommendation to the Township Board, the Planning Commission may also require that the applicant prepare and present a more detailed assessment of the economic feasibility of the proposed uses; potential environmental impacts from the development; demand for public and private utility services; and anticipated impacts to public roads and traffic, schools, recreation facilities, police, fire, and costs/revenues for the Township.
5. **Planning Commission report and recommendation.** Following the public hearing and review of all application materials, the Planning Commission shall take action to report its findings and recommendations to the Township Board. This report shall state the Planning Commission's findings of fact and conclusions on the application for PUD Area Plan and rezoning approval; including:
 - a. Confirmation that the proposed PUD meets the requirements of Section 20.02 (Eligibility Criteria);
 - b. An analysis of proposed deviations from applicable Zoning Ordinance standards per Section 20.04 (Regulatory Flexibility);
 - c. Confirmation that the proposed PUD Area Plan conforms to all other applicable standards of this Article and Ordinance; and
 - d. Recommendation(s) for action, and any recommended conditions relating to an affirmative decision.
6. **Township Board action.** The Township Board shall review the Planning Commission's report and recommendation(s), public hearing record, and application materials. The Board shall then take action to adopt an amendatory ordinance to approve or approve with conditions the PUD Area Plan and rezoning; or to deny the application or postpone action to a date certain for future consideration.
 - a. As part of its action, the Township Board shall state the basis for its decision and any conditions imposed on an affirmative decision.
 - b. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed application, the Board may refer the request back to the Planning Commission for further review and recommendation within a time period specified by the Township Board.
 - c. Reasonable conditions may be required with the approval of a PUD Area Plan. Conditions imposed shall be related to the valid exercise of the Township's police power; consistent with the intent and purposes of this Ordinance; and necessary to ensure Ordinance compliance.

Such conditions may include requirements necessary to ensure adequacy of public services and facilities affected by a proposed use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land; or protect the health, safety and welfare of adjacent residents and landowners and the community as a whole.

7. **Changes to the Official Zoning Map.** Following Township Board adoption of the amendatory ordinance and approval of the PUD Area Plan, a notice of adoption shall be published in accordance with Section 24.06 (Notice of Adoption). Once the amendatory ordinance is effective, the PUD designation shall be noted on the Official Zoning Map in accordance with the procedures specified in Section 4.205B (Changes to Official Zoning Map).

B. Effect of Application and Area Plan Approval.

Approval of the PUD Area Plan and rezoning by the Township Board shall indicate its acceptance of the overall development concept and any requested deviations from Zoning Ordinance requirements. This shall include acceptance of the general site layout, conceptual building design and location(s), preliminary street network, permitted land uses, and the types, range(s) of dwelling and lot sizes, and maximum number of permitted dwelling units for residential projects.

1. Area Plan approval does not grant site plan approval, but does authorize the applicant to file a preliminary site plan per Section 20.13 (Site Plan Approval), or a preliminary plat for tentative approval in accordance with Section 20.14 (Subdivision Plat Approval).
2. Where new or additional information required for site plan or subdivision plat approval is determined by the applicant or Planning Commission to necessitate changes to the site layout, building locations, street network, maximum number of permitted dwelling units or permitted land uses on the site, such changes shall be subject to approval per Section 20.18 (Amendments).

Section 20.13 Site Plan Approval.

Review and approval of preliminary and final site plans shall be required for all PUD projects in accordance with the requirements of Article 17.0 (Site Plan Review). Preliminary and final site plans shall conform to the approved Area Plan, as determined by the Planning Commission, and to all applicable requirements of this Ordinance and other Township ordinances. Nonconformance to the approved Area Plan shall be considered grounds for denial of site plan approval. The preliminary site plan shall include the entire PUD District, and shall include details of any phasing per Section 20.08 (Project Phasing).

Section 20.14 Subdivision Plat Approval.

Following approval of the Area Plan by the Township Board, a preliminary plat for all or part of a PUD District may be submitted for review and approval in accordance with the Township's Subdivision Control Ordinance. The Township Board shall have the authority to deny or postpone an application for tentative approval of a preliminary plat if, in its opinion and after recommendation from the Planning Commission, such plat will result in premature development

of the area involved or will result in improper rescheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

Section 20.15 Development Agreement.

Upon Township approval of a PUD final site plan or preliminary plat and prior to the start of construction of the PUD project, a written development agreement shall be prepared setting forth all conditions of approval of the PUD Area Plan and PUD final site plan or preliminary plat to ensure that the PUD project will conform with the standards of this Article and Ordinance. The development agreement shall be subject to Township Board approval.

A. Technical Review.

Prior to consideration by the Township Board, the Township Attorney and Township Planner shall review the proposed agreement, and may recommend revisions to the proposed agreement to ensure conformance with the standards of this Article and Ordinance.

B. Minimum Contents.

The agreement shall at a minimum:

1. Incorporate by reference the approved PUD Area Plan, PUD final site plan, and any associated development documents.
2. List all conditions of PUD approval.
3. List the proposed use(s) of the PUD project, including the dwelling unit density of proposed residential uses, size and location of proposed open spaces, and gross floor area and land area of any non-residential uses.
4. Provide the legal description of the entire project, and specify the gross and net land area of the PUD project and gross land area of all dedicated open space conservation areas.
5. Identify and describe all conservation easements, maintenance agreements, and dedications for common recreation areas, rights-of-way, utilities, and other infrastructure associated with the PUD.
6. Detail a program and related financing mechanisms for maintaining common areas and other site improvements.
7. Detail a program and related financing mechanisms for maintenance of any private roads and infrastructure improvements required to serve the PUD project.
8. Verify that the site will be developed in strict conformance with the approved PUD and any conditions of approval, and that existing site features will be preserved as shown on the approved plans.
9. Provide a detailed timeline for completion of all components of the PUD project, as shown on the approved PUD Area Plan and final site plans.

C. Recording of Approved Development Agreement.

The applicant shall record the approved PUD agreement with the County Register of Deeds Office, and shall provide proof of recording and a copy of the recorded documents to the Township Clerk.

Section 20.17 Appeals.

The Zoning Board of Appeals shall have no authority to consider any appeal of a decision by Township Board or Planning Commission concerning a planned unit development application.

Section 20.18 Amendments.

Changes to an approved PUD Area Plan shall be prohibited, except in accordance with this Section. The Planning Commission shall have authority to determine whether a requested change is major or minor in accordance with this Section. The Planning Commission shall record its determination and reasons therefore in the meeting minutes.

A. Request for Major/Minor Change.

Requests for approval of a major or minor change to an approved Area Plan shall be made by the applicant in writing to the Planning Commission. The request shall be filed with the Township Clerk or designee, who shall transmit the request to the Planning Commission for review and action. The burden shall be on the applicant to show good cause for any requested change, subject to the standards of this Section.

1. The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of the Township and applicant; such as technical causes, site conditions, state or federal projects, or changes in state laws.
2. All required review fees and escrow deposits shall be paid to the Township at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the applicant.

B. Major Changes.

The Planning Commission shall determine whether the requested amendment is a major or minor change. Major changes shall require an amendment to the approved Area Plan following the procedures and standards of this Article for a new application. Changes to be considered major shall include, but shall not be limited to the following:

1. Change in concept of the development.
2. Change in use or character of the development.
3. Change in type of dwelling unit as identified on the approved Area Plan.
4. Change in the number of dwelling units.
5. Increase in non-residential floor area of over five percent (5%).
6. Increase in development area lot coverage of more than one percent (1%).

7. Rearrangement of lots, blocks or building tracts.
8. Change in the character or function of any road or street.
9. Reduction in land area set aside for common area open space or the relocation of such area(s).
10. Increase in building height.
11. A change in residential floor area of plus or minus ten percent (10%).
12. Any change that will have an adverse impact on neighboring properties or uses.

C. Minor Changes.

Where not determined to be major changes by the Planning Commission, the proposed amendment shall be considered a minor change subject only to Planning Commission approval. The Planning Commission may require that a revised site plan or individual plan sheet be submitted showing such minor change(s) for purposes of record. The Planning Commission shall notify the Township Board and other applicable agencies if it approves a minor change.

D. Changes Following Completion of the Development.

After the completion of any development within an approved PUD, alterations to existing uses or structures shall be consistent with the intent and character of the approved Area Plan and final site plan(s).

Section 20.19 Conforming to Construction Drawings.

Conforming to construction drawings depicting all site improvements as constructed shall be submitted to the Zoning Administrator, subject to the requirements of Section 17.14 (Conforming to Construction Drawings).

Section 20.20 Expiration of PUD Approval.

Approval of a PUD Area Plan, preliminary site plan, and final site plan shall remain effective for specific periods of time as defined in this Section and Ordinance:

A. Expiration of Area Plans.

An approved PUD Area Plan shall only expire under the following circumstances:

1. A final site plan has not been submitted to the Planning Commission for review and approval of the first phase of the project, or of the entire property in the PUD if the development is not to occur in separate phases within three (3) years of the date of Area Plan approval; or
2. If the development is to occur in separate phases, a final site plan for each subsequent phase has not been submitted to the Planning Commission for review and approval within three (3) years of the date of approval of the immediately preceding final site plan.

The Township Board may take action to revoke the PUD Area Plan and rezoning approval per Section 20.21 (Rescinding PUD Approval), and initiate a zoning amendment

to place the subject property into one or more zoning districts per Article 24.0 (Amendments). If no action is taken by the Township Board, the Area Plan shall remain in effect, but new preliminary and final site plan approvals shall be required in accordance with the then current standards of this Article and Ordinance.

B. Effects of Expiration.

If an approved Area Plan or final site plan expires as set forth in this Section, no further permits for any development or use shall be issued until applicable requirements of this Article and Ordinance have been met.

C. Extension of Area Plan Approval.

Upon written request received prior to the expiration date and a showing of good cause by the applicant, the Township Board may grant an extension of Area Plan approval for up to 365 calendar days, provided that the approved Area Plan remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site. The Township Board may refer the request to the Planning Commission for a recommendation within a time specified by the Board, prior to acting on the request.

D. Expiration and Extension of PUD Site Plan Approval.

Extension of preliminary or final site plan approval shall be subject to the provisions of Section 17.08 (Expiration of Site Plan Approval).

Section 20.21 Rescinding PUD Approval.

Approval of a PUD Area Plan and rezoning may be rescinded by the Township Board upon determination that the Area Plan or any applicable Zoning Ordinance or Development Agreement provisions have been violated; that the Area Plan has expired per Section 20.20 (Expiration of PUD Approval); or that the site has not been improved, constructed or maintained in compliance with approved plans. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 2.10 (Public Hearing Procedures), at which time the developer of the project, the owner of an interest in land for which PUD approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** After the hearing, the decision of the Township Board with regard to the rescission shall be made, and written notification provided to the developer, owner or designated agent.

Section 20.22 Violations.

Violation of any plan approved under this Article, or failure to comply with any provision of this Article, any Development Agreement or conditions attached to any approved plan shall be deemed a violation of this Ordinance; and shall be grounds for the Township Board or Zoning Administrator to order that all construction be stopped and all permits and certificates of occupancy be withheld until the violation is removed, or adequate guarantee of such removal is provided to the Board.

ARTICLE 21.0 NONCONFORMITIES

Section 21.01 Intent.

It is recognized that there exists within the zoning districts established by this Ordinance single-family dwellings, lots of record, land uses, structures, and sites that were lawful before this Ordinance was adopted or amended and which would be prohibited under the terms of this Ordinance. Such nonconformities are hereby declared to be incompatible with permitted uses in the districts involved. This Article establishes specific standards and procedures for determining whether a land use is nonconforming or unlawful, and for determining whether a nonconforming use has ceased to occupy a particular lot or parcel.

It is the intent of this Article to permit legally nonconforming single-family dwellings, lots of record, land uses, structures, and sites to continue until they are removed but not to encourage their survival. Such nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconformities shall not be enlarged upon, expanded or extended, except under limited conditions as established by this Article.

A. Classification of Nonconformities.

Nonconformities shall be classified in one of the following categories:

1. Nonconforming single-family detached dwellings (Section 21.04);
2. Nonconforming lots of record (Section 21.05);
3. Nonconforming uses (Section 21.06);
4. Nonconforming structures (Section 21.07); and
5. Nonconforming sites (Section 21.08).

B. Establishment of Nonconformities.

To be considered a nonconformity under this Ordinance, the lot, use, site or structure must have been in compliance with the zoning requirements which were lawful when it was established, but must be, except for the provisions of this Article, prohibited, regulated, or restricted by the enactment of this Ordinance or subsequent amendments thereto. Nonconformities shall be established by one (1) of the following methods:

1. The nonconformity shall have been a legal nonconformity under the former zoning ordinance and continue to be designated as nonconforming under the provisions of this Ordinance or subsequent amendments thereto;
2. The nonconformity shall have been a legal conformity under the former zoning ordinance and made nonconforming by the provisions of this Ordinance or subsequent amendments thereto; or
3. The nonconformity shall have been created by a lawful public taking or actions pursuant to a court order having the same effect as a violation of this Ordinance.

Section 21.02 Nonconforming Use Determinations.

This Section is intended to provide reasonable standards for determining whether a use is nonconforming, and whether a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question. The Zoning Administrator shall be responsible for determining whether a use is conforming, nonconforming or unlawful in the zoning district where it is located, after consultation with the Township Planner. When there is a question or dispute about the status of a particular use, such determinations shall be made by the Zoning Board of Appeals, subject to the following:

A. Standards for Determining that a Use is Nonconforming.

When there is a question or dispute about the status of a particular use, the Zoning Board of Appeals shall determine that a use is nonconforming upon finding that the following three (3) statements are true:

1. **The use does not conform to the purpose and use regulations of the district where it is located.**
2. **The use is in compliance with all other applicable federal, state, and local laws, ordinances, regulations and codes.**
3. **Evidence from a minimum of three (3) of the following sources demonstrates that the use was lawfully established prior to the effective date of adoption or amendment of this Ordinance:**
 - a. Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
 - b. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
 - c. Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.
 - d. Dated advertising or other information published in a newspaper or magazine including but not limited to advertisements, articles, features or photographs that address the use of the land in question.
 - e. Dated aerial photos from the State of Michigan, Bay County or other sources accepted by the Zoning Board of Appeals.
 - f. Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

B. Standards for Determining that a Nonconforming Use has Ceased.

See Section 21.06A (Cessation).

Section 21.03 Unlawful Uses.

Any use that is not a conforming use in the district where it is located, or determined to be a nonconforming use, shall be considered an unlawful use established in violation of this Ordinance.

Section 21.04 Nonconforming Single-Family Detached Dwellings.

It is the intent of this Section to regulate the alteration and reconstruction of nonconforming single-family detached dwellings and customary accessory structures consistent with the intent and purposes of this Article and Ordinance, and in a manner that avoids unnecessary hardship for homeowners seeking mortgage financing or homeowner's insurance coverage for a nonconforming dwelling. Accordingly, the provisions of Section 21.06 (Nonconforming Uses) and Section 21.07 (Nonconforming Structures) shall not apply to such nonconforming dwellings and accessory structures as regulated under this Section.

Nonconforming single-family detached dwellings and customary accessory structures may be used, repaired, expanded, altered, or replaced if destroyed, subject to the following:

A. Dwelling as a Nonconforming Use.

An existing, lawfully established single-family dwelling and customary residential accessory structures located in a non-residential zoning district may be repaired, altered, or replaced if destroyed, provided that:

1. Such work shall conform to all applicable standards of this Ordinance as if the lot and use were located in the residential zoning district most similar in terms of the minimum lot width and area requirements to the size of the subject lot.
2. The use, dwelling, and accessory structures shall be maintained in conformance with all other applicable federal, state, and local laws, ordinances, regulations and rules.

B. Dwelling as a Nonconforming Structure.

Where an existing, lawfully established single-family dwelling is a nonconforming structure with respect to the requirements of this Ordinance, the following standards shall apply:

1. Structural alterations to a nonconforming single-family dwelling that decrease or do not affect the degree of nonconformity shall be permitted. The dwelling may be expanded, provided that:
 - a. The addition shall conform to the dimensional standards and other requirements of the zoning district in which it is located.
 - b. With the alteration, all structures on the lot shall not exceed the maximum lot coverage for the district in which the lot is located.
2. All repairs and maintenance shall conform to the State Construction Code and all other applicable code requirements. A damaged structure shall be adequately secured, and shall be protected against further damage from the elements.

3. A nonconforming single-family dwelling may be reconstructed or replaced if destroyed, provided that:
 - a. Any replacement dwelling shall conform to the dimensional standards of the zoning district where it is located, except where, in the determination of the Zoning Administrator, existing site conditions would prevent reasonable conformance. In such cases, the dwelling may be reconstructed at a location within the lot that maximizes compliance with the dimensional standards of this Ordinance in accordance with the following priorities:
 - (1) Minimum front yard setback (highest priority).
 - (2) Minimum side yard setback (second highest priority).
 - (3) Minimum rear yard setback (third highest priority).
 - (4) All other standards of Article 5.0 (Schedule of Regulations).
 - b. Application for a building permit for reconstruction or replacement of a destroyed dwelling shall be made within 365 calendar days of the date of such damage, and all work shall be completed within the building permit approval period. Where pending insurance claims require an extension of time, the Zoning Administrator may grant one (1) extension of up to 365 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.
 - c. A nonconforming dwelling moved within a lot or to another lot shall thereafter conform to the regulations of the zoning district in which it is located.
4. If a nonconforming dwelling becomes physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements, or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements.

Section 21.05 Nonconforming Lots.

Existing lots of record that are not in compliance with the dimensional requirements of this Ordinance shall only be used, developed, or improved in accordance with the following:

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customarily accessory building may be erected on any single, legally established lot of record at the effective date of adoption or amendment of this Ordinance, provided the building site width is not less than 40 feet and the area is not less than 4,800 square feet. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are 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 regulations for the district in which such lot is located.

2. If two or more lots, or combinations of lots and portions of lots with continuous frontage are in single ownership and are of record at the time of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the parcels involved shall be considered an undivided parcel for purposes of this Ordinance. No portion of said parcel shall be used or sold in any manner that diminishes compliance with lot width and area requirements established by this Ordinance. No division of any parcel or lot shall be made which creates a lot with a width or area below the minimum requirements of this Ordinance.

Section 21.06 Nonconforming Uses.

Single-family detached dwellings that are a nonconforming use in the zoning district shall be subject to the standards of Section 21.04 (Nonconforming Single-Family Detached Dwellings). All other nonconforming uses shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following:

A. Cessation.

A nonconforming use that ceases for a period of more than 365 calendar days or is superseded by a conforming use shall not be resumed. If a structure associated with a nonconforming use is removed, or damaged by any means to an extent that the repair cost exceeds the state equalized value of the property, the nonconformity shall be deemed removed. All subsequent uses shall conform to all Ordinance requirements.

When determining the intent of the property owner to abandon a nonconforming use, or when there is a question or dispute about the status of a particular use, the Zoning Board of Appeals shall determine that a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question upon finding that a minimum of three (3) of the following six (6) statements are true:

1. **Local, county or state government files or records show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
2. **Dated telephone directories or similar dated records that provide information about the occupants or uses located on a street by address or lot number show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to entries showing the address associated with the use as vacant or occupied by another use, or showing the telephone number associated with the use as disconnected or in use at another location.
3. **Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.

4. **Dated advertising or other information published in a newspaper or magazine show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.
5. **Dated aerial photos from State of Michigan, Bay County or other sources as accepted by the Zoning Board of Appeals show that the nonconforming use has ceased.**
6. **Other relevant evidence shows that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements showing that the property, buildings or grounds have fallen into disrepair; that inventory, equipment or fixtures necessary for operation of the nonconforming use have been removed; or that otherwise indicate the nonconforming use has ceased.

B. Compliance with Other Applicable Standards.

Nonconforming uses shall be maintained in compliance with all applicable federal, state, and local laws, ordinances, regulations and codes, other than the specific use regulations for the zoning district where the use is located.

1. The owner, operator or person having beneficial use of land or structures occupied by a nonconforming use shall be responsible for demonstrating compliance with this requirement.
2. Failure to do so, or failure to bring the use into compliance with current laws, ordinances, regulations and codes within 180 days of their effective date, shall constitute grounds for the Township to seek court approval to terminate or remove the use at the owner's expense.

C. Expansion or Substitution of a Nonconforming Use.

See Section 21.09 (Expansion and Substitution).

Section 21.07 Nonconforming Structures.

Single-family detached dwellings that are a nonconforming structure in the zoning district shall be subject to the standards of Section 21.04 (Nonconforming Single-Family Detached Dwellings). All other nonconforming structures shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:

A. Expansion Restricted.

A nonconforming structure may be altered in a manner that does not increase or intensify its nonconformity. Alterations to a nonconforming structure that would increase or intensify a nonconformity shall be subject to the requirements of Section 21.09 (Expansion and Substitution).

B. Normal Repairs and Maintenance.

Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing or heating and cooling systems in nonconforming structures may be permitted in accordance with applicable code requirements, provided that:

1. Such improvements shall not result in an enlargement of the floor area or cubic area (volume) of the nonconforming structure; and
2. The cost of such improvements shall not exceed fifty percent (50%) of the state equalized value of the structure at the time such work is proposed. This provision shall not prevent work required for compliance with provisions of the State Construction Code.

C. Buildings under Construction.

Nothing in this Article shall require a change in the plans, construction or designated use of any structure for which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that such work shall be completed within 365 calendar days of the effective date.

D. Damaged or Unsafe Structures.

Reconstruction or restoration of a nonconforming structure damaged by any means to an extent that the expense of such reconstruction or restoration shall not exceed the state equalized value of the property shall be permitted, subject to the following:

1. Application for a building permit for such reconstruction shall be made within 365 calendar days of the date of such damage, and all work shall be completed within the building permit approval period.
2. The lot and damaged structure shall be adequately secured from unauthorized access to the Zoning Administrator's satisfaction. The damaged structure shall be protected against further damage from the elements.
3. Where pending insurance claims require an extension of time, the Zoning Administrator may grant one (1) extension of up to 365 calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.
4. If a nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs or unsecured exposure to the elements, or is declared to be unsafe or unlawful by reason of physical condition under the State Construction Code or applicable fire or property maintenance codes, it shall not thereafter be restored, repaired or rebuilt except in conformity with all Ordinance requirements.

A nonconforming structure or a portion thereof, if destroyed or damaged by any means to the extent such that the expense of such reconstruction would exceed the state equalized value of the property, shall not be reconstructed except in conformity with the regulations of the zoning district in which it is located.

Section 21.08 Nonconforming Sites.

The purpose of this Section is to encourage improvements to existing sites in the Township that were developed before the site design standards of this Ordinance were established or amended. This Section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current Ordinance standards. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

1. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
2. The proposed site improvements shall address public health, safety, and welfare by resolving public safety deficiencies and pedestrian/vehicle conflicts, and improving emergency access.
3. The proposed site improvements shall include at least three (3) of the following, as accepted by the Planning Commission:
 - a. Preservation of natural resources or historical site features.
 - b. Pedestrian access improvements.
 - c. Vehicular access and circulation improvements.
 - d. Building design or exterior facade improvements.
 - e. Off-street parking or loading improvements.
 - f. Landscaping improvements.
 - g. Screening and buffering improvements.
 - h. Exterior lighting improvements.
 - i. Drainage and stormwater management improvements.
 - j. Clean up or restoration of a blighted site, removal of contaminated soil, or similar environmental improvements.
4. The scope of any additional site improvements requested by the Planning Commission shall be in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other improvements.
5. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

Section 21.09 Expansion and Substitution.

Expansion of a nonconforming single-family detached dwellings shall be subject to the standards of Section 21.04 (Nonconforming Single-Family Detached Dwellings). Expansion or substitution of all other nonconforming uses and structures shall be subject to the following:

A. Eligibility.

Applications for approval under this Section shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which approval is sought, or by the owner's designated agent. Applications that are found by the Township Planner or the approving body to be incomplete or inaccurate shall be returned to the applicant without further consideration.

B. Expansion or Substitution of a Nonconforming Use (Planning Commission).

A nonconforming use may be expanded, or a nonconforming use may be substituted for another nonconforming use, subject to Planning Commission approval in accordance with the following:

1. **Filing of application.** Application for approval of a nonconforming use substitution or expansion shall be made by filing eleven (11) paper copies and at least two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application form, required information, and required review fee and escrow deposit with the Township Clerk or designee, who shall transmit a copy of the application materials to designated Township officials and consultants and the Planning Commission.
2. **Information required.** An application for approval of a nonconforming use substitution or expansion shall contain the following information:
 - a. Name, address, telephone and facsimile numbers, and other contact information for the applicant and owners of record, along with proof of ownership.
 - b. The applicant's interest in the property, and if the applicant is not the property owner of record, a signed authorization of the owner(s) for the application.
 - c. Legal description, address, and tax parcel number of the property.
 - d. A scaled and accurate survey drawing, correlated with the legal description and showing all existing structures, drives, and other improvements.
 - e. A detailed description of the existing use and proposed expansion or substitution. The Planning Commission may require documentation that the existing use is legally nonconforming per the standards of Section 21.02 (Nonconforming Use Determinations).
 - f. Where required by the Planning Commission or by Section 17.02 (Site Plan Approval Required), a site plan shall also be submitted for review.
3. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to designated Township officials and consultants for review and comment.
4. **Planning Commission review and public hearing.** Upon receipt of a complete and accurate application for approval from the Clerk, the Planning Commission shall undertake a study of the application. A public hearing shall be

held on the application and notice shall be given in accordance with Section 2.10 (Public Hearing Procedures).

5. **Criteria for approval.** Subsequent to the public hearing, the Planning Commission shall review the application to the standards and findings required herein and the information provided at the public hearing. The Planning Commission may approve a nonconforming use substitution or expansion upon finding that the existing use and proposed expansion or substitution satisfy all of the following criteria for approval:
 - a. **Use standards.** The existing use and proposed expansion or substitution conform to the following:
 - (1) The nonconformity does not significantly depress the value of nearby properties.
 - (2) The use does not adversely impact the public health, safety, and welfare.
 - (3) The use does not adversely impact the purpose of the district where it is located.
 - (4) No useful purpose would be served by the strict application of Ordinance requirements that apply to the nonconformity.
 - (5) In the case of a use substitution, the proposed nonconforming use is more appropriate than the existing nonconforming use in the zoning district in which it is located.
 - b. **Signage.** The Planning Commission may require that signage associated with the use be brought into compliance with Article 13.0 (Signs).
 - c. **Building improvements.** The Planning Commission may approve an expansion of a nonconforming use that includes new construction, or expansion or structural alteration of the existing building(s) occupied by the use where such work conforms to applicable Ordinance requirements.
 - d. **Site improvements.** If the site is nonconforming with respect to applicable site design standards of this Ordinance, the proposed expansion and associated site improvements shall also conform to the requirements of Section 21.08 (Nonconforming Sites).
 - e. **Other conditions.** The Commission may attach conditions of approval to assure that the use does not become contrary to the purposes of this Article or Ordinance, or the public health, safety or welfare.

C. Expansion of Nonconforming Structures (Zoning Board of Appeals).

A nonconforming structure shall not be expanded or altered in a manner that increases or intensifies its nonconformity, except in accordance with Zoning Board of Appeals approval and the following requirements:

1. **Filing of application.** Application for approval to enlarge or expand a nonconforming structure shall be made by filing eleven (11) paper copies and at

least two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application form, all required information per Section 23.05 (Applications), and required review fee and escrow deposit with the Township Clerk or designee, who shall transmit a copy of the application materials to designated Township officials and consultants and the Zoning Board of Appeals.

2. **Technical review.** Prior to Zoning Board of Appeals consideration, the application materials shall be distributed to designated Township officials and consultants for review and comment.
3. **Zoning Board of Appeals review and public hearing.** Upon receipt of a complete and accurate application for approval from the Clerk, the Zoning Board of Appeals shall undertake a study of the application. A public hearing shall be held on the application and notice shall be given in accordance with Section 2.10 (Public Hearing Procedures).
4. **Criteria for approval.** Subsequent to the public hearing, the Zoning Board of Appeals shall review the application to the standards and findings required herein and the information provided at the public hearing. The Zoning Board of Appeals may approve an expansion or alteration of a nonconforming structure upon finding that the existing structure and proposed changes satisfy all of the following criteria for approval:
 - a. The nonconformity results from noncompliance with zoning district regulations for minimum lot area, minimum lot width, required yards, off-street parking and loading requirements, or transition buffer or landscape strip requirements. A structure that is nonconforming because of height requirements shall not be permitted to expand in a way that would increase this nonconformity.
 - b. The existing and proposed uses of such structure(s) shall be permitted in the district in which they are located.
 - c. The proposed expansion or alteration shall conform to all applicable requirements of the zoning district in which the structure is located.
 - d. The Zoning Board of Appeals shall make the following findings of fact before approving such a request:
 - (1) Retention of the nonconforming structure is reasonably necessary for the proposed improvement, or that requiring removal of such structure would cause undue hardship;
 - (2) The improved nonconforming structure would not adversely affect the public health, safety, and welfare; and
 - (3) The proposed improvement is reasonably necessary for continued use of the structure.
5. **Other conditions.** The Zoning Board of Appeals may attach conditions to the approval to assure that the proposed expansion or alteration of the

nonconforming structure does not become contrary to the purpose of this Article and Ordinance; or to the public health, safety, and welfare.

D. Replacement of a Nonconforming Accessory Structure.

A nonconforming accessory structure in the Rural Districts or Residential Districts, or accessory to any RURAL USES or RESIDENTIAL USES, shall not be reconstructed or replaced with a new structure except in accordance with the following requirements:

1. Such replacement shall be subject to administrative approval of a zoning permit per Section 2.03 (Zoning Permits), and applicable building permits.
2. Documentation of the location, dimensions, setbacks from lot boundaries and road rights-of-way, height, roof pitch, and type of construction and materials for both the existing and the proposed structures shall be provided with the zoning permit application, subject to field verification by the Zoning Administrator.
3. The existing structure shall be located entirely within the boundaries of the lot, outside of all road rights-of-way, and a minimum of ten (10) feet from any structure on an adjacent lot.
4. The proposed structure shall be constructed on the site of the existing structure without variation or alteration of the structure's orientation on the lot.
5. The proposed structure shall match or fit within the existing structure's footprint and foundation dimensions.
6. The proposed structure shall not be taller than the height of the existing structure, and shall conform to the maximum height requirements of Article 5.0 (Schedule of Regulations).

Section 21.10 Change of Tenancy or Ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming lot, structure, site or use, provided that there is no change in the nature of the nonconformity.

Section 21.11 Cessation of Nonconformities by Township Action.

The elimination of nonconforming structures and uses shall be considered to be for a public purpose and for a public use. The Township may acquire private property by purchase, condemnation, or other means for the removal of nonconforming uses. The cost of acquiring the private property may be paid from general funds or assessed to a special district, as provided in the Michigan Zoning Enabling Act. The Township Board may institute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with applicable Michigan statutes.

ARTICLE 22.0 PERFORMANCE STANDARDS

Section 22.01 Scope.

After the effective date of this Ordinance, any use established or changed to, and any structure or tract of land developed, constructed or used for any permitted principal or accessory use shall conform to the standards of this Article. If any existing use or structure is extended, enlarged, moved, structurally altered or reconstructed, or any existing use of land is enlarged or moved, the standards of this Article shall apply with respect to any extended, enlarged, moved, structurally altered or reconstructed structure or portion thereof, and with respect to land use which is enlarged or moved.

The standards of this Article shall not apply to RURAL USES subject to the Right to Farm Act, or where a higher standard is imposed by an outside agency with jurisdiction.

Section 22.02 Procedures for Determining Compliance.

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Section, the following procedures shall be used to investigate, and if necessary, resolve the violation:

1. **Official investigation.** Upon receipt of evidence of possible violation, the Zoning Administrator or designated Township consultant shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards.

Upon initiation of an official investigation, the Zoning Administrator or designated Township consultant shall be empowered to require the facility owner or operator to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for legal action to terminate the use or deny or rescind permits required for continued use of the land.

Required data includes, but shall not be limited to plans of existing or proposed facilities, including buildings and equipment; a description of existing or proposed machinery, processes, and products; measurement of the amount or rate of emissions of materials purported to be in violation; and specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.

2. **Method and cost of determination.** The Zoning Administrator or designated Township consultant shall take measurements, investigate the matter, and make an objective determination about any violations. Where required measurements and investigation can be accurately made using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and specialized equipment or instruments shall be secured to make the determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then such costs shall be paid by the Township.

3. **Appropriate remedies.** If, after appropriate investigation, the Zoning Administrator or designated Township consultant determines that a violation does exist, written notice of the violation shall be provided to the owners or operators of the facility deemed responsible requesting that the violation be corrected within a specified time limit.
 - a. If the alleged violation is corrected within the specified time limit, the Zoning Administrator or designated Township consultant shall note "violation corrected" on the Township's copy of the notice, which shall be retained on file.
 - b. If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the Township shall take such action as may be warranted to correct the violation as authorized by law.
 - c. If a reply is received within the specified time limit indicating that that more time is required to correct an alleged violation, the Township may grant an extension upon determining that the delay will not cause imminent peril to life, health, or property.
 - d. If a reply is received within the specified time limit which requests further review and technical analysis even though the alleged violations continue, then the Township may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.
4. **Costs and penalties incurred.** If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations in addition to other applicable penalties under this Ordinance. Such costs shall be billed to those owners or operators of the use deemed responsible for the violation. If the bill is not paid within 30 calendar days, the Township may take necessary action to recover such costs, or may charge such costs against the property where the violation occurred.

Section 22.03 Appeals.

The Zoning Administrator's action with respect to the performance standards procedure may be appealed to the Zoning Board of Appeals per Section 23.07 (Administrative Appeals).

Section 22.04 Performance Standards.

No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition that adversely impacts adjoining premises or the surrounding area. No site plan or other land use or development application shall be approved if it is not in conformity with the requirements of this Section.

A. Noise.

Noise which is objectionable due to volume, frequency or beat shall be muffled or otherwise controlled so that there is no production of sound discernible at lot lines in excess of the average intensity of road and traffic noise at the lot lines. The provisions of this subsection shall not apply to the following activities, provided that such activities are conducted in a lawful manner:

1. The emission of sound for the purpose of alerting persons to existence of an emergency, or in the performance of emergency work.
2. Church bells, chimes, and carillons and similar non-verbal musical sounds.
3. Excavation, construction, or repair of bridges, roads, or highways by or on behalf of local, county, or state road authorities.

B. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (P.A. 451 of 1994, as amended), or other applicable state or federal regulations. The drifting of air-borne transmission beyond the lot line of dust, particles or debris from any open stockpile shall be prohibited.

C. Vibration.

Vibration generated on a lot or within a building that is discernible without instruments from within the boundaries of any adjoining lot shall be prohibited.

D. 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 hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

E. Glare and Heat.

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one (1.0) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

F. Fire and Safety Hazards.

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended). Further, all storage tanks for flammable liquid materials above ground shall be located at least 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 and Water Pollution.

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by federal state, county, and local regulatory agencies with jurisdiction.

H. Gases.

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act (Public Act 451 of 1994, as amended), federal clean air regulations, and any other applicable state or federal regulations.

I. Electromagnetic Radiation.

Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

J. Surface Water Flow.

Development or improvement of a lot that includes grading or other topographic alterations or site improvements that would result in ponding of stagnant water or other identifiable disruption to existing or natural flow of water within established or natural drainage patterns, watercourses, ditches, swales or county drains shall be prohibited.

K. Radioactive Materials.

Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

ARTICLE 23.0 ZONING BOARD OF APPEALS

Section 23.01 Board Established.

There is established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provide in this Ordinance and in the Michigan Zoning Enabling Act, as amended, in such way that the objectives of this Ordinance are observed, public safety, morals, and general welfare assured, and substantial justice done.

Section 23.02 Membership and Terms.

Zoning Board of Appeals (ZBA) membership shall be subject to the following:

A. Membership.

The Zoning Board of Appeals shall consist of five (5) regular members. The first member of the Zoning Board of Appeals shall also be a member of the Planning Commission. The remaining four (4) members shall be selected from the electors of the Township residing in the unincorporated area of the Township. One (1) member may be a member of the Township Board, but this Township Board representative shall not serve as Chair of the ZBA.

In the event a member is elected to the Township Board and such election increases the number of Township Board members serving on the ZBA to more than one (1), then such member's seat on the ZBA shall be deemed vacant. Such vacancy shall be filled for the remainder of the un-expired term by Township Board appointment.

The members selected shall be representative of the population distribution, and of the various interests present in the Township. Employees and contractors of the Township shall be prohibited from serving as ZBA members.

B. Alternates.

The Township Board may appoint not more than two (2) alternate ZBA members for the same term as regular members. An alternate may be called to serve as a regular member for the ZBA in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more ZBA meetings. An alternate may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons described in Section 23.02D (Abstaining). The alternate member appointed shall serve in the case until a final decision is made, and shall have the same voting rights as a regular ZBA member.

C. Terms.

The term of each member shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board where terms shall be limited to the time they are members of those bodies. When members are members first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

D. Abstaining.

A member shall abstain from participating in a public hearing or voting on any question in which he or she has a conflict of interest. A ZBA member who is also a member of the Township Board or Planning Commission shall abstain from participating in a public hearing or voting on the same matter that the member previously voted on as a member of the Board or Commission. The member may consider and vote on other unrelated matters involving the same property. Failure of a member to abstain in such cases shall constitute malfeasance of office.

E. Removal From Office.

The Township Board may remove a member from office for misfeasance, malfeasance or nonfeasance in office, upon written charges and following a public hearing held in accordance with Section 2.10 (Public Hearing Procedures). Minutes of the meeting at which the hearing is held shall record the reasons for the hearing, any motions or resolutions, and the roll call vote of the Township Board.

Section 23.03 General Rules.

The following general rules shall apply to the Zoning Board of Appeals (ZBA):

A. Rules and Officers.

The ZBA shall annually elect a Chair, Vice-Chair, and Secretary from its membership. An elected officer of the Township shall not serve as ZBA Chair. Such election shall be held at the first regular ZBA meeting following January 1 in each calendar year, or at the first regular meeting of the ZBA following departure of an existing officer from the ZBA.

1. The Chair shall preside at and conduct ZBA meetings; and shall have the power to subpoena and require attendance of witnesses, administer oaths, compel testimony and production of books, papers, files, and other evidence pertinent to matters before the ZBA. The Chair shall also decide all points of order or procedure. In the absence of the Chair, the Vice-Chair shall exercise all powers and authority of the Chair.
2. The Secretary shall be responsible for ensuring that complete and accurate written records are kept of all ZBA proceedings.
3. The ZBA may adopt additional rules to govern its procedures.

B. Meetings.

Meetings of the ZBA shall be held at the call of the Chair and at such other times as the ZBA in its rules of procedure may specify.

1. Three (3) ZBA members (regular or alternate) shall constitute a quorum, without which the ZBA shall not conduct business. The concurring vote of a majority of the regular ZBA membership shall be necessary for any decision.
2. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings of fact, conditions of approval, facts, and other relevant

factors, and all its official actions. The vote of each member upon a question, or absence or abstention, shall be recorded into the minutes of the meeting.

3. All meetings and records shall be open to the public. All minutes shall be filed in the offices of the Township Clerk.

C. Representation.

Any person may appear on his or her own behalf at a hearing or may be represented by an agent or an attorney authorized to appear on his or her behalf.

D. Hearings.

The ZBA shall hold a public hearing on each question submitted to it for decision. The Chair shall fix a reasonable time and date for the hearing immediately after receipt of a complete and accurate application. Notice shall be given and the hearing shall be held per Section 2.10 (Public Hearing Procedures). All hearings shall be open to the public.

E. Decisions.

The ZBA shall decide upon all matters within 120 calendar days after receipt of a complete and accurate application. The time limit may be extended by written agreement between the applicant and the ZBA.

1. **Motions.** A motion for action on an application shall include specific findings of fact and conclusions made by the ZBA in the case. Approved motions, including findings of fact and conclusions, shall be incorporated into the written record for the case. A copy shall be provided to the applicant of the approved written record of the meeting, or a written decision signed by the Chair or acting Chair.
2. **Postponement and dismissal.** The ZBA may postpone consideration of an application until a later meeting upon request by the applicant, failure of the applicant to attend the meeting, or determination that the application is not sufficiently complete or accurate for action. Failure of the applicant to attend two (2) or more meetings where the application is on the agenda shall constitute grounds for dismissal of the application without further consideration.
3. **Validity.** Any ZBA decision favorable to the applicant shall remain valid only as long as the information and data relating to such decisions are found to be correct, and the conditions upon which the decision was based are maintained.

Section 23.04 Powers and Duties of the ZBA.

The Zoning Board of Appeals (ZBA) shall hear, decide, and rule on the following:

1. **Interpretations.** The ZBA shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the text and the Official Zoning Map.
2. **Administrative appeals.** The ZBA shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.

3. **Variances.** The ZBA shall hear and decide requests for variances for relief from the strict application of one (1) or more non-use provisions of this Ordinance.
4. **Other matters.** The ZBA shall have the authority to hear and decide other matters upon which this Ordinance or Michigan Zoning Enabling Act specifically authorizes the ZBA to act.
(ord. no. 79A, eff. Nov. 27, 2014)
5. **Prohibited actions.** The ZBA shall not alter or change the zoning district classification of any property, or make any change in the terms of this Ordinance, and shall not take any action that would result in making a legislative change. The ZBA shall not hear and shall have no authority regarding use variances or any issue that involves a special use permit or planned unit development (PUD).

Section 23.05 Applications.

All applications to the Zoning Board of Appeals (ZBA) shall be filed with the Township Clerk, on forms provided by the Township, along with the required review fee, as determined by resolution of the Township Board. No action shall be taken on any application for which required fees have not been paid in full. A complete and accurate application shall, at a minimum, include the following:

1. Name, address, telephone and facsimile numbers, and other contact information for the applicant and owners of record, along with proof of ownership.
2. The applicant's interest in the property, and if the applicant is not the property owner of record, a signed authorization of the owner(s) for the application.
3. Address, location, legal description, and tax identification number of the parcel.
4. Zoning classification of the subject parcel(s) and all abutting parcels.
5. A letter from the applicant stating the reasons for the request, and addressing the applicable criteria specified in this Article for the type of request.
6. Copies of all plans, studies and other information and data to be relied upon by the applicant.
7. Any additional information required by this Article or deemed necessary by the ZBA to make a determination on the issue in question.
8. For variance requests, the following additional requirements shall apply:
 - a. The applicant shall submit a plan, based on a mortgage survey or land survey prepared by a registered land surveyor. The plan shall be to scale and shall include all property lines and dimensions, setbacks and all existing and proposed structures. The ZBA shall have the authority to require a land survey prepared by a registered land surveyor when the ZBA determines it to be necessary to ensure accuracy of the plan.

- b. All lots or parcels that are the subject of the variance application shall be marked and staked in the following manner, at least one (1) week prior to the scheduled ZBA hearing date:
 - (1) Each corner of the lot or parcel shall be staked;
 - (2) Each corner of the proposed building(s) shall be staked; and
 - (3) Vacant parcels shall be posted with a clearly visible sign noting the address or lot number.

Section 23.06 Interpretations.

The Zoning Board of Appeals (ZBA) shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, to be consistent with the intent and purpose of the regulation where stated in this Ordinance, and to carry out the intent and purposes of this Ordinance. The ZBA shall also have the power to hear and decide requests for interpretations of the Official Zoning Map in such a way as to carry out the intent and purposes of this Ordinance and the Master Plan.

Section 23.07 Administrative Appeals.

Consideration of administrative appeals shall be subject to the following:

A. Standing to Appeal.

Appeals may be taken to the Zoning Board of Appeals (ZBA) by a person, firm or corporation aggrieved by the order, requirement, decision or determination; or by an officer, department, board, commission or bureau of the Township, county, state, or federal governments. Such appeals shall be filed within 30 calendar days of the order, requirement, decision or determination in question.

The appellant shall submit a description of the order, requirement, decision, or determination from which the appeal is made and the grounds of the appeal. The ZBA may require the appellant to submit additional information to clarify the appeal. The Township Clerk and Zoning Administrator shall transmit to the ZBA copies of all relevant papers constituting the record upon which the action appealed from was taken.

B. Stay of Action.

An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the ZBA after the notice is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by a court of record upon application, upon notice to the Zoning Administrator from whom the appeal is taken, and upon due cause shown.

C. Determinations.

In hearing and deciding administrative appeals, ZBA review shall be based upon the record of the administrative decision being appealed. The ZBA shall not consider new

information that was not presented to the administrative official or body charged with enforcement of this Ordinance. The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision or determination:

1. Constituted an abuse of discretion;
2. Was arbitrary or capricious;
3. Was based upon an erroneous finding of a material fact; or
4. Was based upon an erroneous interpretation of the Zoning Ordinance.

After making such a determination, the ZBA may, reverse or affirm wholly or in part; modify the order, requirement, decision or determination; or make such order, requirement, decision, or determination as ought to be made, and may issue or direct the issuance of a permit. To that end, the ZBA shall have all of the powers of the official(s) from whom the appeal is taken.

Section 23.08 Variances.

The Zoning Board of Appeals (ZBA) shall have the authority to grant variances as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety and welfare are secured, and substantial justice is done, based upon the following standards:

A. Standards for Review.

The ZBA shall consider and make findings of fact regarding the following standards as part of the review of and action on any variance application:

1. **Practical difficulties.** Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.
2. **Substantial justice.** The variance will give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.
3. **Unique circumstances.** The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.
4. **Not self-created.** The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.
5. **More than an inconvenience.** The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience or an inability to attain a higher financial return.
6. **Preservation of property rights.** The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zoning district.

7. **Public safety and welfare.** The requested variance can be granted in such fashion that the spirit of this Ordinance will be observed and public safety and welfare secured. In addition:
 - a. The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.
 - b. The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
 - c. The granting of a variance will not alter the essential character of the area or surrounding properties.
 - d. The granting of a variance will not impair the adequate supply of light and air to any adjacent property.
8. **Minimum necessary action.** The reasons set forth in the application justify the granting of the variance, and the variance is the minimum necessary relief to allow reasonable use of the land, building, or structure. The granting of a lesser variance will not give substantial relief and justice to the applicant, consistent with justice to other property owners in the same district.

B. Use Variances Prohibited.

Under no circumstances shall the ZBA grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the subject zoning district.

C. Variance Expiration.

An approved variance shall become null and void 365 calendar days after the date of approval unless the occupancy of land or buildings authorized by the variance has commenced or a building permit has been issued and the construction authorized by the variance has been completed or is being diligently pursued towards completion.

1. Where a building permit has been issued for construction authorized by a variance, the variance shall become null and void upon permit expiration.
2. Where a variance has been approved for a project subject to site plan approval per Article 17.0 (Site Plan Review), the variance shall become null and void only upon expiration of an approved final site plan for the project.
3. The ZBA may, upon the applicant's written request and a showing of good cause, grant an extension of variance approval for an additional 365 calendar days.

D. Reapplication for Variance.

No application for a variance that has been denied wholly or in part by the ZBA shall be resubmitted for a period of 365 calendar days from the date of denial, except on grounds of new evidence of changed conditions found by the ZBA to be valid.

Section 23.09 Site Plan Requirements.

If an application to the Zoning Board of Appeals (ZBA) involves a land use or a development that requires site plan approval by the Planning Commission, the applicant shall first apply for preliminary site plan approval as set forth in Article 17.0 (Site Plan Review).

The Planning Commission shall review the site plan and shall determine the layout and other features required to obtain approval of the preliminary site plan. The applicant shall then apply for the requested variance to the ZBA. The Planning Commission shall transmit its findings thereon to the ZBA. The ZBA shall, upon deciding on the application or appeal, return the plan and its decision to the Planning Commission for action on the site plan.

Section 23.10 Conditions of Approval.

The Zoning Board of Appeals (ZBA) may impose additional conditions or limitations upon any affirmative decision, as it may deem reasonable and necessary in accordance with the purposes of this Ordinance and the Michigan Zoning Enabling Act. Conditions imposed by the ZBA shall be related to the valid exercise of the Township's police power; consistent with the intent and purposes of this Ordinance; and necessary to ensure compliance with Ordinance standards.

Such conditions may include requirements necessary to ensure adequacy of public services and facilities affected by a proposed use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land; or protect the health, safety and welfare of adjacent residents and landowners and the community as a whole.

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 for a new case or application. Violation of any condition imposed shall be deemed a violation of this Ordinance.

Section 23.11 Appeals to Circuit Court.

Any person aggrieved by a decision of the Zoning Board of Appeals (ZBA) in a particular case shall have the right to appeal to the Circuit Court on question of law and fact. The appeal shall be filed within 30 calendar days after the ZBA issues its written decision signed by the Chair or acting Chair, or within 21 calendar days after the ZBA approves the minutes of its decision, whichever comes first.

ARTICLE 25.0 DEFINITIONS

Section 25.01 Purpose.

For the purpose of this Ordinance certain terms are herewith defined.

Section 25.02 Rules of Construction.

The following rules of construction apply to the text of this Ordinance:

1. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases which have acquired a particular and appropriate meaning in the law or within this Ordinance shall be construed and understood according to such particular and appropriate meaning.
2. The particular shall control the general.
3. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and the plural shall include the singular, unless the context clearly indicates the contrary.
4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive as determined by the Planning Commission.
5. All measurements shall be to the nearest integer, unless otherwise specified herein.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
7. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
8. The word "dwelling" includes the word "residence," and the word "lot" includes the words "plot" or "parcel."
9. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
10. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as defined herein. Any term not defined herein shall have the meaning of common or standard use.
11. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "and/or," or "either/or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

- d. "And/or" indicates that either the conjunctive or the disjunctive may apply, as appropriate in the circumstances.
- 12. Words or phrases in headings shall in no way by their presence or absence limit or affect the meaning of this Ordinance.
- 13. Where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.
- 14. In computing a period of days in connection with petitioner or applicant submissions, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 25.03 Definitions.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

- 1. **Access Drive.** A private way or improvement designed to provide a physical connection for vehicles from a public road to a developed site.
- 2. **Access Management.** A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for lots adjacent to, and across from, one another; and the promotion of alternatives to direct access.
- 3. **Access, Reasonable.** A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.
- 4. **Accessory Use, Building, or Structure.** A use, building, or structure that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related. An accessory structure shall not include dwellings, or be used for residential or lodging purposes or sleeping quarters for human beings.
 - a. **Accessory Dwelling.** See "**Dwelling, Accessory.**"
- 5. **Adult Day Care Facility.** A facility which provides daytime care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.
- 6. **Adult Foster Care Facility.** An establishment that provides supervision, personal care, and protection for up to 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over 18 years of age. 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.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include dependent housing facilities, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

- a. **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 24 hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and occupant of the residence.
 - b. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
 - c. **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
7. **Adult Regulated Uses and Sexually Oriented Businesses:**
- a. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas."
 - b. **Adult Book or Video Store.** An establishment having a substantial portion equaling more than twenty percent (20%) of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" or "simulated nudity," which are offered for sale or rental or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.
 - c. **Adult Entertainment Cabaret.** A nightclub, bar, lounge or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas;" an emphasis on "specified sexual activities;" an emphasis on "nudity," "state of nudity," or "simulated nudity;" or a combination of any of the above.
 - d. **Adult Model Studio.** Any place where models who display "specified anatomical areas" are present to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
 - e. **Adult Motel.** A hotel, motel or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:

- (1) Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or
- (2) Offers a sleeping room(s) for rent for a period of time that is less than ten (10) hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than a ten (10) hour period creates a rebuttable presumption that the establishment is operated as an adult motel.

- f. **Adult Motion Picture Theater.** An enclosed building or structure wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "**Specified Sexual Activities**" or "**Specified Anatomical Areas**" for observation by patrons therein.
- g. **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body-painting studios, wrestling studios and conversation parlors. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.

The following uses shall not be included within the definition of an adult personal service establishment:

- (1) Any establishment, club or business by whatever name designated, which offers or advertises or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths or other similar treatment by any person.
- (2) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner or any other similarly licensed or certified medical or healing arts professionals;
- (3) Establishments which offer massages performed by certified massage therapists;
- (4) Gymnasiums, fitness centers and health clubs;
- (5) Electrolysis treatment by a licensed operator of electrolysis equipment;
- (6) Continuing instruction in martial or performing arts or in organized athletic activities;
- (7) Hospitals, nursing homes, medical clinics or medical offices;

- (8) Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;
 - (9) A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear "nude" or in "a state of nudity;"
 - (10) Adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein.
- h. **Adult Physical Culture Establishment.** Any establishment, club, or business by whatever name designated, which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of an Adult Physical Culture Establishment:
- (1) establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 - (2) electrolysis treatment by a licensed operator of electrolysis equipment;
 - (3) continuing instruction in martial or performing arts or in organized athletic activities;
 - (4) hospitals, nursing homes, medical clinics, or medical offices;
 - (5) barbershops, beauty parlors, or salons which offer massages to the scalp, face, neck, and shoulders only; and
 - (6) therapeutic massage establishments as defined and regulated by this Ordinance.
- i. **Adult Supply Store.** Premises used for the sale, distribution, display, or storage of books, magazines, periodicals, advertisements, devices, objects, toys, paraphernalia, videos, or similar materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "**Specified Sexual Activities**" or "**Specified Anatomical Areas.**"
- j. **Adult Theater.** A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or features live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities."
- (1) **Adult Motion Picture Arcade or Miniature-Motion Picture Theater.** Any place where motion picture machines, projectors or other image producing devices are maintained to show images to five (5) 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."
 - (2) **Adult Motion Picture Theater.** A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides or similar photographic reproductions which are distinguished or characterized by an emphasis

on matters exhibiting, depicting or describing "specified sexual activities or "specified anatomical areas."

- (3) **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" 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.
- k. **Escort Service.** An establishment that provides the services of escorting members of the opposite sex for payment of a fee.
- l. **Nude Modeling Business.** An establishment where an employee or entertainment personnel performs a massage or "specified sexual activities" while appearing in a "state of nudity," "simulated nudity" or while displaying "specified anatomical areas," and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.
- m. **Nude Modeling Studio.** An establishment where an employee or entertainment personnel appears in a "state of nudity," "simulated nudity" or displays "specified anatomical areas," and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.
- n. **Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons or between persons of the same sex, when one or more of the persons is in a "state of nudity" or "simulated nudity" and the activity is intended to provide sexual stimulation or sexual gratification to its customers.
- o. **Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display or storage, of instruments, devices or paraphernalia designed for use related to "specified anatomical areas" or as part of, in connection with or related to "specified sexual activities" (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material.
- p. **Special Definitions.** With respect to adult uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:
- (1) **Massage Parlor.** An establishment wherein private massage is practiced or made available as a principal use of the premises.
- (2) **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:
- (a) Genitals, whether or not in a state of sexual arousal;
 - (b) Pubic region or pubic hair;
 - (c) Buttock(s);

- (d) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
 - (e) Any combination of the above.
 - (3) **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual "state of nudity."
 - (4) **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person's body or of any object, into the genital or anal openings of another's body.
 - q. **Specified Anatomical Areas.** Portions of the human body defined as follows:
 - (1) Less than completely and opaquely covered;
 - (a) Human genitalia and pubic region;
 - (b) Buttock and anus; or
 - (c) Female breast below a point immediately above the top of the areola.
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - r. **Specified Sexual Activities.** The explicit display of one or more of the following:
 - (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus or female breast;
 - (3) Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation oral copulation, sexual intercourse or sodomy;
 - (4) Human excretory functions as part of or as related to, any of the activities described above;
 - (5) Physical violence, bondage, mutilation or rape, actual or simulated, as part of or related to, any of the activities described above.
 - s. **Substantial Portion.** A use of activity accounting for more than twenty percent (20%) of any stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time or entertainment time measured per month.
8. **Agriculture.** The use of land for the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities operated on contiguous, neighboring, or associated land as a single unit carried on by the owner-operator, manager, or tenant farmer by his or her own labor or with assistance of members or his or her household or hired employees. See also "Farming..."

9. **Agricultural Service Establishment.** A facility for the performing of corn shelling; grain storage; hay baling and threshing; sorting, grading, and packing fruits and vegetables for the grower; farm produce milling and processing for the grower; grain cleaning; and similar animal husbandry, horticultural, and farm-support services.
10. **Aircraft Landing Strip.** The use of land solely by the owner of the property for the landing or takeoff of aircraft, and which may provide facilities and services for the shelter, supply or care of privately-owned aircraft, but does not include the regular receiving or discharging of passengers or cargo for remuneration. The landing strip shall not make a commercial district, nor shall its use be deemed a commercial activity.
11. **Alterations.**
 - a. **Structural.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.
 - b. **Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.
 - c. **Sign.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.
12. **Amusement Center, Indoor.** Business from which the proprietor's primary income is derived from the operation of pool tables, billiard tables, or amusement devices, or equipment of a similar nature, as distinguished from those businesses wherein such tables, devices or similar equipment are clearly accessory uses and do not serve as the proprietor's primary source of income.
 - a. **Amusement Device.** A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table or any other similar machine, instrument or contrivance which may be operated or set in motion upon the insertion of a coin or where the proprietor charges a flat rate to use the device.
 - b. **Arcade.** A place of business that has in operation an excess of five (5) mechanical amusement devices; electronic tables featuring bowling, basketball, football, or the like; or electronic games of skill or dexterity utilizing video tapes or video screen or T.V. adaptations; or similar activities for hire or amusement.
13. **Amusement Center, Outdoor.** Business conducted primarily outside of a building from which the proprietor's primary income is derived from the operation of miniature golf, batting cages, outdoor paintball or laser tag courts, and similar facilities.
14. **Animal, Domestic.** An animal that has traditionally, through long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as tame pets no longer possessing a disposition or inclination to escape or to bite without provocation nor cause death, maiming, or illness of a human, nor used for commercial breeding purposes. Domestic animals shall include the following:
 - a. Bird (caged)
 - b. Cat (domestic)
 - c. Prairie Dog (bred)
 - d. Chinchilla

- e. Dog
 - f. Ferret
 - g. Fish (non-biting or non-poisonous)
 - h. Lizard (non-poisonous)
 - i. Marmoset (bred)
 - j. Primate (only as a trained aide for a disabled person)
 - k. Rodent (bred)
 - l. Snake (non-poisonous)
 - m. Spider (non-poisonous)
15. **Animal, Wild or Exotic.** Any animal not indigenous to the Township; incapable of being completely domesticated; requiring the exercise of art, force, or skill to keep it in subjection; or that a person is prohibited from possessing by law. Wild or exotic animals shall include, but not be limited to, the following:
- a. Alligator and crocodile (family)
 - b. Badger
 - c. Bear
 - d. Bird (wild)
 - e. Cat (wild family)
 - f. Wolf or coyote
 - g. Deer (family)
 - h. Fish (biting and or poisonous)
 - i. Lemur
 - j. Marten
 - k. Opossum (family)
 - l. Primate (family)
 - m. Raccoon
 - n. Snake and other reptile (poisonous)
 - o. Skunk
 - p. Spider (poisonous)
 - q. Weasel (family)
 - r. Wild boar or swine (family)
16. **Appeal.** An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this Ordinance.
17. **Architectural Feature.** The architectural style, design, general arrangement, and components of the exterior surfaces of a building, including the type, color, and texture of building material(s), cornices, eaves, gutters, belt courses, sills, lintels, bays, ornaments, windows, doors, lights, and other surface or raised details and fixtures appurtenant to the building.
18. **Automobile Service and Repair.** See “**Motor Vehicle Repair Station**” and “**Motor Vehicle Service Center.**”
19. **Awning.** Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.
20. **Balcony.** An exterior floor projecting from and supported by a structure without additional independent supports.
21. **Basement.** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. This definition

shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story except as provided for in the definition of "**Story.**" (see "**Basic Structural Terms**" illustration).

22. **Bed and Breakfast Inn.** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation as an accessory use, including provisions for a morning meal for overnight guests only.
23. **Bedroom.** A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings and is either a minimum of ten (10) feet in width and 70 square feet in floor area; or that otherwise meets the definition and minimum standards of the State Construction Code for a bedroom or residential sleeping room.
24. **Berm.** See "**Landscaping.**"
25. **Big Box.** A principal building designed, intended, or used by one (1) or more COMMERCIAL USES, as specified in Article 20.0 (Land Use Table), and with 50,000 square feet or more of ground floor area.
 - a. **Big Box COMMERCIAL USE.** A COMMERCIAL USE, as specified in Article 20.0 (Land Use Table) that occupies or is intended to occupy 50,000 square feet or more of ground floor area in a principal building.
26. **Block.** The property abutting one (1) side of a road and lying between the two (2) nearest intersecting roads; railroad right-of-way; alley; un-subdivided acreage; lake, river or stream; boundary lines of the Township; or any other barrier to the continuity of development (see "**Block**" illustration).
27. **Boarding House.** A residential building or part thereof where, for compensation and by prearrangement for definite periods exceeding 28 days, lodging and some or all meals are provided for residents granted exclusive rights to occupy a particular bedroom and the use of certain communal facilities. One (1) individual, partnership or legal entity shall be responsible for operating the boarding house, leasing or letting out individual bedrooms, and providing meals. Also called "cooperative housing."
 - a. **Rooming House.** A residential building or part thereof where, for compensation and by prearrangement for definite periods exceeding 28 days, lodging is provided for the residents of individual bedrooms in the building. A rooming house may be operated by a non-resident individual, partnership or legal entity leasing or letting out individual bedrooms, or may be managed by one (1) or more residents of the building under one (1) lease arrangement.
28. **Brewpub.** A restaurant or tavern (as defined within this Ordinance) licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises, as provided for in MCLA 436.31b and 436.31c.
29. **Buffer, Transition.** A transitional land use for the purpose of limiting the impact of one land use on another (such as but not limited to a greenbelt, planting strip, undeveloped zone of defined width, or combination thereof) which is placed as a separating element between different land uses or between new development and abutting rural areas.
30. **Buffer, Wetland or Watercourse.** A land area of defined width consisting of or improved with native or natural vegetation, abuts a water course or wetland, and which is intended or designed to impact water temperature, reduce soil erosion, filter surface

water runoff or intercept contaminants that would otherwise degrade water quality or wildlife habitat.

31. **Building.** A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, equipment or similar items. This shall include tents, awnings or vehicles situated on private land and used for purposes of a building.
 - a. **Accessory Structure.** A structure or portion of a principal building, subordinate to and on the same premises as the principal building(s), the use of which is incidental to, customarily associated with, and subordinate to that of the principal building and use. Accessory structures shall include garages, garden equipment sheds, small greenhouses, and swimming pools (see "**Accessory Structure**" illustration).
 - b. **Principal Building.** A building or, where the context so indicates, a group of buildings, which are permanently affixed to the land and which are built, used, designed, or intended for the shelter or enclosure of the principal use of the parcel.
 - c. **Building Setback.** The line parallel to the front lot line or road right-of-way line that defines the separation distance required from the road right-of-way or front lot line.
32. **Building Envelope.** The portion(s) of a lot located outside of all road and other rights-of-way, utility and other easements, and required perimeter yard setback areas. The building envelope shall not include any areas determined to be unbuildable due to soil conditions, slopes, wetlands or other factors (see "**Building Envelope**" illustration).
33. **Building Line.** The line formed by the junction of the plane of the outer surface of the building with the plane of the finish grade or surface of the adjoining ground (see "**Accessory Structure**" illustration).
34. **Building Authority.** The person or persons designated by the Township to administer and enforce the State Construction Code.
35. **Bulk.** The size and setback of a building or structure and the location of same with respect to another building or structure or to a lot line and includes the following:
 - a. the size and height of a building or structure;
 - b. the location of the exterior wall of a building in relation to a lot line, street or other building;
 - c. the floor area of a building in relation to the area of the lot on which it is located;
 - d. the open spaces allocated to and surrounding a building; and
 - e. the amount of lot area per dwelling unit.
36. **Cabaret.** See "**Cocktail Lounge.**"
37. **Caliper-inch.** The measurement of the diameter of a tree trunk. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.

38. **Car Wash.** A commercial establishment contained within a building or premises or portion thereof where the exterior or interior of automobiles, trucks or other motor vehicles or recreational vehicles are automatically or manually cleaned.
39. **Carport.** A partially open accessory structure and shelter for housing of vehicles. Such structure shall comply with all yard requirements applicable to private garages.
40. **Child Day Care Home.** See "Day Care Center."
41. **Cemetery.** Land used for the burial of the dead, including columbiums and mausoleums.
42. **Certificate of Zoning Compliance.** See "Zoning Permit."
43. **Church, Temple, Place of Worship or Religious Institution.** A type of institutional use or site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition. See also "Institutional Uses."
44. **Civic Club.** A type of institutional use or organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.
45. **Clinic, Medical.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.
46. **Cocktail Lounge.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices. Also known as a "Night Club."
47. **Commercial Vehicle.** Any motor vehicle or trailer whose characteristics are described below:
 - a. Used for the transportation of passengers for hire;
 - b. Constructed or used for the transportation of goods, wares, or merchandise for hire or sale;
 - c. Designed and used for carrying, towing, or pulling other vehicles;
 - d. A commercial vehicle capable of attaching to and propelling semi-trailers and similar units, and which is not customarily operated without an attached trailer;
 - e. A semi-trailer unit customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height;

- f. A cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches;
 - g. Construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles; and
 - h. Any vehicle that has or requires commercial license plates.
48. **Common Land.** A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners or occupants of individual building units in a subdivision or a planned unit development.
49. **Composting.** A controlled process of degrading compostable organic material by microorganisms.
- a. **Compostable Material.** Compostable or organic matter and material shall include typical yard wastes and clippings, such as and limited to leaves, grass clippings, vegetable, garden, or agricultural plantings debris, shrubbery or brush, weeds, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, animal waste, sewage sludge, or garbage.
 - b. **Composting Methods.** Composting may be achieved by several methods:
 - (1) **Mechanical.** A method in which the compost is continuously and mechanically mixed and aerated;
 - (2) **Ventilated cell.** Compost is mixed and aerated by being dropped through a vertical series of ventilated cells; and,
 - (3) **Windrow.** An open-air method in which compostable material is placed in windrows, piles, or ventilated bins or pits and occasionally turned or mixed. The process may be anaerobic or aerobic, however, for purposes of this Ordinance only aerobic is permitted. Furthermore, sheet composting is not permitted.
 - (4) **Sheet Composting.** The composting of material that is spread in a thin layer over a large surface area on the ground in a sheet-like manner.
 - c. **Composting Facility.** Those structures and spaces necessary for the operation of a composting facility. Such support services shall be devoted exclusively to the facility to which they are adjacent.
50. **Conditional Use.** See "Use, Special."
51. **Condominium.** A condominium is a system of separate ownership of individual units or multiple-unit projects according to the state Condominium Act. 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.
- a. **Condominium Act.** Act 59 of the Michigan Public Acts of 1978, as amended.
 - b. **Condominium Conversion.** A condominium project containing condominium units that were occupied before the establishment of the condominium project.

- c. **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township, including attached exhibits, and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.
- d. **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 the Condominium Act.
- e. **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit or any other type of use.
- f. **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn per provisions of the condominium documents, this Ordinance, and the Condominium Act.
- g. **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 this Ordinance and the Condominium Act.
- h. **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- i. **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.
- j. **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- k. **Site Condominium.** All allocation or division of land permitted under the Condominium Act, which permits single-family detached housing pursuant to a master deed.
- l. **Site Condominium Project.** A condominium project designed to function in a similar manner or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
- m. **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:
 - (1) **Front Yard Setback.** The distance between the public road right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall equal two hundred percent (200%)

of the minimum required setback for the zoning district, and shall be measured from the nearest pavement edge to the foundation of the unit.

- (2) **Side Yard Setback.** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district.
- (3) **Rear Yard Setback.** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district.

- 52. **Congregate Housing.** See "Senior Housing."
- 53. **Convalescent Home.** See "Senior Housing."
- 54. **Construction.** The mass grading and similar site work conducted upon land in preparation for a new use, establishment of necessary site improvements for a new use, and development of a new structure, relocation of a structure, or addition to an existing structure on land in the Township.
- 55. **Convenience Store.** A retail store designed to attract a large volume of stop-and-go customer traffic, and stocked primarily to sell food, beverages, and other household supplies to customers who purchase only a relatively few items per visit.
- 56. **Corner Clearance Zone or Area.** A triangular area, formed at an intersection of road rights-of-way by a straight line drawn from one right-of-way line to the other at points set a specific distance from the intersection point.
- 57. **Cul-de-Sac.** A dead-end public or private road that terminates in a circular or semicircular section of road that allows for vehicle turnaround.
- 58. **Curb Cut.** The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.
- 59. **Day Care Center.** A non-residential facility, as licensed by the State of Michigan, receiving one (1) or more adults or preschool or school age children for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian. This includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. This shall not include a facility or program operated by a religious organization where children are cared for while their parents or guardians attend associated religious services. This facility is also described as a childcare center, day nursery, nursery school, parent cooperative preschool or drop-in center.
 - a. **Adult Day Care Facility.** A facility which provides daytime care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.
 - b. **Family Child Day Care Home.** A private residential dwelling, as licensed by the State of Michigan, in which up to six (6) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent

or legal guardian, except children related to an adult member of the resident family by blood, marriage or adoption.

- c. **Group Child Day Care Home.** A private residential dwelling, as licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian except children related to an adult member of the resident family by blood, marriage or adoption.
60. **Dealership.** A building or premises used primarily for the sale or rental of new and used motor vehicles, recreational vehicles, or trucks.
61. **Deck.** A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.
62. **Demolition.** An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.
63. **Density.** The number of dwelling units per net acre of land.
64. **Detention basin.** A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse.
65. **Development.** The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the site work conducted upon land in preparation for a new use. See also "**Construction.**"
66. **Development Agreement.** An agreement, as required under this Ordinance, entered into between the Township and the owner(s)/developer(s) of any property upon which a residential, commercial, industrial, or other land use is to take place.
67. **Diameter Breast Height (D.B.H.).** The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level.
68. **Distribution Center.** A use which typically involves both warehouse and office/administrative functions, where short- and/or long-term storage takes place in connection with the distribution operations of a wholesale or retail supply business.
69. **District.** A portion of the Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term "**Zoning District.**"
70. **Downshielded.** See "**Lighting.**"
71. **Drive-In Establishments.** A food service business establishment that provides facilities or spaces for the purpose of serving patrons food and non-alcoholic beverages in or momentarily stepped away from their motor vehicles.
72. **Drive-Through Lanes or Establishments.** Facilities or spaces for the purpose of serving patrons from a window or booth while in their motor vehicles, rather than within a structure.
73. **Driveways.** A hard-surfaced access connecting parking space for motor vehicles with a road or alley, and permitting ingress and egress of a motor vehicle.

74. **Dwelling.** A residential unit providing complete, independent living facilities for one (1) family, including permanent living, sleeping, cooking, eating, and sanitation facilities.
- a. **Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended as a place of residence for one (1) family or a group of individuals living together as a single housekeeping unit.
 - b. **Accessory Dwelling Unit.** A dwelling unit for one (1) family located within a principal building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance.
 - (1) **Caretaker's Residence.** A type of accessory dwelling unit intended for use by person(s) responsible for looking after the principal facility or use(s) on the site.
 - c. **Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.
 - d. **Attached Dwelling.** A dwelling unit attached to one (1) or more dwelling units by common major structural elements.
 - e. **Detached Dwelling.** A dwelling unit that is not attached to any other dwelling unit by any means.
 - f. **Manufactured Dwelling.** A building or portion of a building designed for long-term residential use and characterized by all of the following:
 - (1) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended.
 - (2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities.
 - (3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
 - g. **Modular Dwelling.** 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.
 - h. **Multiple Family Building.** A building divided into apartments, townhouses or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families.
 - i. **Site Built Dwelling.** A dwelling unit that is substantially built, constructed, assembled, and finished on the lot intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of pre-cut materials, and paneled wall, roof and floor sections where such sections require substantial on-site assembly and finishing.

- j. **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one (1) family.
- k. **Stacked Flats Dwelling.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by party walls in the horizontal plane, and floor-ceiling assemblies in the vertical plane. Each dwelling unit is capable of individual use and maintenance, and access, utilities, and service facilities are independent for each dwelling.
- l. **Townhouse Dwelling.** 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 with no visible separation between walls or roofs. Townhouse dwellings shall also:
 - (1) Have common or adjacent walls fully dividing each dwelling unit from any other and extending from the basement or foundation to the roof, and,
 - (2) Not exceed eight (8) units in any series or one hundred and eighty (180) feet in overall building length, and,
 - (3) Be designed and arranged so that any unit shall adjoin any other unit only along the longer dimension of the building (side) if an end unit or both sides if an interior unit, and,
 - (4) Have two separate and private means of ingress and egress which shall be located at opposite ends of the dwelling unit.
- m. **Two-Family or Duplex Dwelling.** A building designed exclusively for residential occupancy by two (2) families, where dwellings are divided by party walls in the horizontal plane or floor-ceiling assemblies in the vertical plane.
- 75. **Earth-Sheltered Home.** A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.
- 76. **Easement.** A grant of one (1) or more of the property rights by a property owner to or for use by the public or another person or entity.
- 77. **Elderly Housing.** See “Senior Housing...”
- 78. **Enforcement Official.** The person(s) designated by the Township to be responsible for enforcing and administering this Ordinance. The Enforcement Official may be referred to as the Building Inspector, Zoning Administrator, Township Planner, Township Engineer, or other Township agent. Such titles do not necessarily refer to a specific individual, but rather indicate the office to which the person or persons may hold.
- 79. **Erect.** To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill, and drainage activities.
- 80. **Essential Services.** The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare.

- a. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this Ordinance.
 - b. Wireless communication facilities, wind energy conversion systems (WECS), private community wastewater treatment and disposal systems (PCWS), and utility buildings and storage yards shall not be considered essential services under this Ordinance.
81. **Excavation.** Any act by which an amount in excess of fifty (50) cubic yards of any soil or rock which is cut into, dug, quarried, uncovered, removed, displaced, or relocated in any calendar year is excavated or removed except excavation in connection with the construction of a building or within public highway rights-of-way.
82. **Exception.** An exclusion from the normal Zoning Ordinance rules and regulations allowed by the Zoning Board of Appeals under certain conditions.
83. **Exotic Animals.** Include a specific animal or breed of animal that has been introduced within an area that is not common or communal to existing species in an area and can be considered alien to animals normally adapted to an area. Animals of this nature that can or may be hazardous to human health or safety or the environment are prohibited.
84. **Facade.** The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.
85. **Family.** Means either of the following:
- a. 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.
 - b. 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 that constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. The following defining characteristics and limitations shall apply:
 - (1) All persons of the functional equivalent of the domestic family must be able to demonstrate that they are operating as a single housekeeping unit, sharing household responsibilities and activities in common that shall include, at a minimum, sharing expenses and chores, eating some or all meals together, participating together in recreational and social activities, and maintaining close social, economic, and psychological commitments to each other.
 - (2) This definition shall not include any dormitory housing or 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.
 - (3) This definition shall not include any residential arrangement or activity that, in the determination of the Zoning Administrator, qualifies as a

boarding house, rooming house, adult day care facility, or adult or child care organization, as otherwise defined or provided for by this Ordinance.

- (4) There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family under this Ordinance shall be limited to the lesser of the following two (2) calculations:
- (a) A maximum occupancy of two (2) adult persons for each lawfully established and maintained bathroom in the dwelling that includes at least a sink and toilet; or
 - (b) A maximum total occupancy of two (2) total persons (adult or child) for each lawfully established and maintained bedroom.

The number of lawfully established and maintained bedrooms and bathrooms shall be determined in accordance with the records of the Township and/or Bay County for the subject property. Any person staying in the dwelling unit for more than 14 days in any period of 90 consecutive days shall be counted as an occupant for purposes of this definition. Such presumption may be rebutted by appeal of the Zoning Administrator's determination to the Zoning Board of Appeals, subject to the standards of this Ordinance for such appeals.

86. **Farm-Based Tourism or Entertainment Activities.** Activities accessory to an active farming or agricultural operation that promote agriculture, rural lifestyle, or farm product sales; preserve rural open space; enhance the local agricultural economy; expand the range of revenue sources from agriculture; improve understanding and knowledge of agriculture among non-farmers; and/or diversify the types of farm products available to consumers. Such activities may include but are not limited to agricultural festivals and events, farm-based attractions, corn mazes, farm markets, wineries, cider mills, and farm-based educational centers.
87. **Farm Market.** A principal or temporary use that may include the sale of agricultural, horticultural, or aquacultural farm products including but not limited to perennials, annuals, bulbs, herbs, fruits, vegetables, seeds, mulch, dried flowers, honey, and similar products.
88. **Farm Products Direct Marketing Business.** A business operation accessory to an active farm operation for sales, trade, and delivery of farm produce, herbs, flowers, seeds, fruits, vegetables, Christmas trees, and other agricultural products directly to the end user, but which does not include an on-site store or retail sales to the general public. Examples: direct sales and deliveries of fruits and vegetables to area restaurants; and cooperatives with regular deliveries of produce in season to co-op owners.
89. **Farming and Active Agricultural Uses.** See also "Agriculture."
- a. **Farm.** The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings, including forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar animals and products.
 - (1) Farms shall not include establishments for keeping or raising fur-bearing animals, private riding arenas or boarding stables, kennels, or greenhouses; except where such RURAL USES are permitted by this Ordinance.

- (2) A farm permitted by this Ordinance is not intended nor implied to permit storage or use of the site for trucking, equipment, vehicle repairs or sales, contractor yards, stump removal or processing, snow removal businesses, lawn maintenance businesses or any other activities other than those RURAL USES permitted by this Ordinance or incidental to the active agricultural use.
 - b. **Farm Structures.** Any structure constructed, maintained, and used on a farm, and which is essential and customarily used for agricultural operations, including barns, silo, granary, milkhouse, and similar structures, but not including any building used as a dwelling.
 - c. **Farm Labor Housing.** Facilities provided for the housing of workers who are employed in the seasonal planting, harvesting, or processing of crops, animal husbandry, and related agricultural purposes.
 - d. **Feed Lot.** Includes 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; and
 - (2) any structure, pen, or corral wherein cattle, horses, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.
 - e. **Livestock or Farm Animals.** Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, which are capable of being trained and adapting to living in a human environment.
90. **Fence.** Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use.
91. **Filling.** Filling shall mean the depositing or dumping of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.
92. **Fixed costs and expenses.** Monetary charges incurred by the Township that are generally shared by all functions performed under the authority of this Ordinance, including costs for telephone, copy services, supplies, equipment, utilities, per diem-hourly-salary expenses, facility construction, maintenance and repair, postage, and publication.
93. **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of Inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.
- a. **Flood, 100-Year.** A flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.
 - b. **Floodplain.** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:

- (1) That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100-year flood.
 - (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.
94. **Floor Area.** The sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior face of the exterior walls, plus that area, similarly measured of all other stories that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage areas, recreational rooms, boiler rooms, and other areas within or contiguous to the structure. The measurement shall include the floor space of all accessory buildings measured similarly.
95. **Floor Area Ratio.** The ratio of the floor area of a building to the area of the lot on which it is located, calculated by dividing the floor area by the lot area and expressing it as a percentage. For example, if a floor area ratio of eighty percent (80%) is specified and the lot area is 10,000 square feet, the maximum permitted floor area on the lot is 8,000 square feet. Subject to the provisions of this Ordinance regarding height and story limitations, the building area may be 4,000 square feet for each of two (2) stories, 2,000 square feet for each of four (4) stories, or 1,000 square feet for each of eight (8) stories.
96. **Foster Family Home.** A private home in which 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 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.
97. **Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 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.
98. **Frontage.** A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.
99. **Garage.** An accessory structure that is used for storage and maintenance of occupant-owned motor vehicles as an accessory use.
100. **Garbage.** Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables; including spoiled food, dead animals, animal manure and fowl manure.
101. **Garden Center.** An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.
102. **Golf Course or Country Club.** The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club.
103. **Grade.** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the

grade shall be determined by averaging the elevation of the ground for each face of the building.

- a. **Grade, Average.** The arithmetic average of the lowest and highest-grade elevations in an area within five (5) feet of the foundation line of a structure.
 - b. **Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.
 - c. **Grade, Natural.** The elevation of the ground surface in its natural state, before construction begins.
104. **Greenbelt.** See “**Landscaping.**”
105. **Greenhouse.** A glass or similar transparent or translucent structure in which plants are grown that need protection from cold weather.
- a. **Residential Greenhouse.** A greenhouse structure accessory to a single-family dwelling in which plants are grown by the dwelling occupants for personal use or other activities permitted in the zoning district.
106. **Groundwater.** Water stored in, and slowly filtering through, geologic formations.
107. **Groundwater Recharge Area.** A land surface and subsurface with limited filtering and purification capabilities and of high permeability that readily permits water to move downward into an aquifer to a depth where it is likely to be tapped by wells.
108. **Height.** The vertical distance measured from the grade of the building to the top of the highest roof beams of a flat roof, to the deck line for mansard roofs and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one road, the height shall be measured from the average of the grades at the center of each road front (see “**Building Height**” illustration).
109. **Hazardous Materials.** Pursuant to the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended), “hazardous substance” shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act (P.A. 93 of 1981, as amended):
- a. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate or final disposition of the material, dose-response toxicity, or adverse impact on natural resources.
 - b. “Hazardous substance” as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767).
 - c. “Hazardous waste” as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
 - d. “Petroleum” as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).

110. **Hobby.** An incidental activity, not meeting the definition of a home occupation, carried on by the occupant of the premises for personal enjoyment, amusement or recreation; where the articles produced or constructed are not sold, other than incidental sales.
111. **Home Occupation:** Any business, occupation or activity undertaken for compensation within a dwelling or accessory structure on the same lot that is incidental and secondary to the use of the lot and structures for residential purposes.
- a. **Home Office.** A type of home occupation in which work for compensation may include receiving or initiating telephone calls, mail, facsimiles or electronic-mail; preparing or maintaining business records; word or data processing; and similar activities.
112. **Hospital.** An institution providing in-patient or out-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food services, and staff offices.
113. **Hotel or Inn.** One or more buildings containing individual living or sleeping units primarily designed as temporary quarters for transient guests.
114. **Improvements.** Those features and actions associated with a project which are considered necessary to protect natural resources or the health, safety and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area; including parking areas, landscaping, roadways, lighting, utilities, screening, and drainage. Improvements do not include the entire project subject to zoning approval.
115. **Ingress and Egress.** Used in this Ordinance in reference to a driveway that allows vehicles to enter or leave a parcel of property, or to a sidewalk that allows pedestrians to enter or leave a parcel of property, a building, or another location.
116. **Institutional Uses.** The following specific uses of an educational, social, or religious character, as defined or used in this Ordinance:
- a. Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
- b. Auditoriums, theaters, concert halls, and similar places of assembly.
- c. Libraries, museums, and similar centers for cultural activities.
- d. Churches, temples, and other places of worship.
- e. Post offices.
- f. Private clubs, fraternal organizations, and lodge halls.
117. **Junkyard.** A facility that houses or processes building debris or any scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured. See also "**Outdoor Motor Vehicle Storage or Dismantling Yard.**"
118. **Kennel.** Any building, lot or premises where six (6) or more dogs or cats over twelve (12) weeks of age are kept, or any structure, lot or premises where animals are kept or housed for remuneration.
119. **Laboratory.** A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

120. **Land Division Act:** Act 288 of the Michigan Public Acts of 1967, as amended.
121. **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 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:
- a. **Berm.** A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.
 - b. **Groundcover.** Low-growing perennial plants that form a dense, extensive growth after one (1) complete growing season, and that tend to prevent weeds and soil erosion.
 - c. **Hedge.** A row of closely planted shrubs or low growing trees which commonly form a continuous visual screen, boundary, or fence.
 - d. **Screen or Screening.** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier.
 - e. **Shrub.** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.
 - f. **Sod.** An area of grass-covered surface soil held together by matted roots.
 - g. **Tree.** A self-supporting woody, deciduous, or evergreen plant with a well-defined central stem which normally grows to a mature height of 15 feet or more in Bay County, Michigan. Types of trees are defined as follows:
 - (1) **Deciduous Tree.** A variety of tree that has foliage that is shed at the end of the growing season.
 - (2) **Evergreen Tree.** A variety of tree that has foliage that persists and remains green throughout the year.
 - (3) **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 about 25 feet or less.
 - (4) **Shade Tree.** For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of 15 feet or greater in Bay County, Michigan, having a trunk with at least five (5) feet of clear stem at maturity.
122. **Landscape Business and Seasonal Maintenance Operation.** A land use characterized by the use of trucks, trailers, grading equipment, and tree-moving equipment for installation of plants, soils, and other landscaping materials at off-site locations, or for ongoing, regular maintenance of established off-site landscaping improvements. This use may also include on-site retail sales of plants, soils, and other landscaping materials; and storage and use of snow-removal equipment to remove snow from parking lots, driveways, streets, or sidewalks at off-site locations.
123. **Lighting.** The following definitions are related to lighting:

- a. **Downshielded.** The method by which light from an outdoor lighting fixture is directed at the surface to be lighted, using interior or exterior shields to prevent light, glare, or reflection from illuminating adjacent properties or the area above the height of the light fixture.
- b. **Fixture.** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.
- c. **Floodlight.** A fixture or lamp designed to direct light over a broad area.
- d. **Footcandle.** Lumination produced on a surface one (1) foot from a uniform point source of one (1) candela, or when one (1) lumen is distributed into an area of one (1) square foot.
- e. **Fully Shielded Fixture.** An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.
- f. **Glare.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
- g. **Lamp or Bulb.** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.
 - (1) **High Pressure Sodium (HPS) Lamp.** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures.
 - (2) **Incandescent or Tungsten-Halogen Lamp.** A lamp that produces light by a filament heated to a high temperature by electric current.
 - (3) **LED Lighting.** A fixture or lamp that produces light by means of electricity transmitted through light emitting diodes.
 - (4) **Low Pressure Sodium (LPS) Lamp.** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure.
 - (5) **Mercury Vapor Lamp.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
 - (6) **Metal Halide Lamp.** A high-intensity discharge lamp where the light is produced by radiation from metal-halide vapors.
- h. **Laser Source Light.** An intense beam of light, in which all photons share the same wavelength.
- i. **Light Pollution.** The illumination of the night sky caused by unshielded artificial light sources on the ground, typically causing a brightening of the night sky and diminished star visibility, due to the scattering of artificial light by aerosol particles (water droplets, dust, etc.).
- j. **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).

- k. **Lumen.** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One (1) footcandle is equal to one (1) lumen per square foot. One lux is one lumen per square meter.
 - l. **Recessed Fixture.** An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.
124. **Livestock.** See "Farming..."
125. **Loading Space, Off-Street.** Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
126. **Lot.** A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any accessory structures, and having frontage upon a public or private road (see "**Corner, Interior & Double Frontage Lots**" illustration).
- a. **Corner Lot.** A lot located at the intersection of two (2) roads or a lot bounded on two (2) sides by a curving road, where any two (2) chords of which form an angle of 135 degrees or less.
 - b. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel roads.
 - c. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a road.
 - d. **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. "Single ownership" may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:
 - (1) Single lot of record.
 - (2) Portion of a lot of record.
 - (3) Combination of lots of record, or portion(s) thereof.
 - (4) Condominium lot.
 - (5) Parcel or tract of land described by metes and bounds.
127. **Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands, watercourses, and bodies of water. Also referred to as "**Gross Lot Area.**"
- a. **Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.
128. **Lot Coverage.** The total ground floor area of the principal and all accessory buildings, divided by the net lot area, both areas being in the same unit of measure, and expressed as a percentage. Also referred to as "**Ground Floor Coverage (GFC).**"

129. **Lot Depth.** The mean horizontal distance measured from the front road right-of-way line to the rear lot line (see "**Yard Terms**" illustration).
130. **Lot Line.** Any line dividing one lot from another lot or from a road right-of-way or from any public place.
- a. **Front Lot Line.** The line separating a lot from a road right-of-way.
 - (1) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and 33 feet back from the centerline of the roadway.
 - (2) Where lots border upon a lake or river, the front lot line shall be designated as that line fronting on the water.
 - (3) On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained
 - b. **Rear Lot Line.** The boundary that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
 - c. **Side Lot Line.** Any lot line not a front lot line or a rear lot line.
131. **Lot of Record.** A parcel of land that meets any of the following conditions:
- a. An existing lot or parcel of which the dimensions are shown on an approved final subdivision plat recorded with the Bay County Register of Deeds and the Township Assessor;
 - b. An existing lot or parcel of which the dimensions are shown on an approved condominium subdivision plan recorded with the Bay County Register of Deeds and the Township Assessor;
 - c. An existing lot or parcel of which the dimensions are described by metes and bounds, the accuracy of which is attended to by a land surveyor registered and licensed in the State of Michigan, recorded with the Bay County Register of Deeds and the Township Assessor.
132. **Lot Split or Consolidation.** The dividing or uniting of lots by virtue of changes in the deeds recorded with the Bay County Register of Deeds and the Township Assessor.
133. **Lot Width.** The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines (see "**Yard Terms**" illustration).
134. **Manufactured Housing Park.** A parcel or tract of land under the control of a person upon which three (3) or more mobile 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, road, equipment or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 139.2301 et seq.) and the Manufactured Housing Commission General Rules.
- a. **Manufactured Home.** See "**Dwelling.**"

- b. **Manufactured Home Site.** An area within a mobile home park that is designated for the exclusive use of a specific mobile home.
135. **Manufacturing.** The process of making products by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.
- 135a. Marihuana Related Definitions:**
- a. **Marihuana.** Term as defined in Section 7106 of the Michigan Public Health Code, Public Act 368 of 1978, as amended (MCL 333.7106), also commonly referred to as "marijuana."
 - b. **Marihuana establishments.** Terms as defined by the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 (MCL 333.27951 et seq.), including but not limited to marihuana growers, marihuana microbusinesses, marihuana processors, marihuana retailers, marihuana safety compliance facilities, and marihuana secure transporters.
 - c. **Medical marihuana facilities.** Terms as defined by the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, as amended (MCL 333.27101 et seq.), including but not limited to growers, processors, provisioning centers, safety compliance facilities, and secure transporters.
 - d. **Medical marihuana primary caregiver.** Term as defined by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, as amended (MCL 333.26421 et seq.).
 - e. **Medical marihuana qualifying patient.** Term as defined by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, as amended (MCL 333.26421 et seq.). Activities of a qualifying patient conducted on the premises of the patient's primary dwelling and in strict accordance with applicable state laws shall be considered an incidental residential use for purposes of this Ordinance.
(Amended by ord. 79F, eff. April 26, 2019)
136. **Massage Therapist.** An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.
- a. **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.
137. **Master Plan.** The adopted comprehensive future land use and growth management plan for Frankenlust Township, including any portions, supplements or amendments to such plan, and consisting of graphic and written text indicating the Township's development goals and objectives, planned future uses of all lands in the Township, general location for roads and other transportation infrastructure, public and community facilities, parks and recreation facilities, agriculture and open space preservation areas, and all physical development..

138. **Mezzanine.** An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story (see "**Basic Structural Terms**" illustration).
139. **Michigan Planning Enabling Act.** Act 33 of the Michigan Public Acts of 2008, as amended. This statute is the successor to the former Township Planning Act, Act 168 of the Michigan Public Acts of 1959, as amended.
- 139a. **Marihuana.** The term shall be defined as specified in the State of Michigan's Public Health Code (MCL 333.1101 et seq.).
- a. **Medical marihuana primary caregiver.** Term as defined by the Michigan Medical Marihuana Act.
 - b. **Medical marihuana qualifying patient.** Term as defined by the Michigan Medical Marihuana Act. Activities of a qualifying patient conducted on the premises of the patient's primary dwelling and in strict accordance with applicable state laws shall be considered an incidental residential use for purposes of this Ordinance.
 - c. **Michigan Medical Marihuana Act.** Initiated Law 1 of the Michigan public acts of 2008, as amended (MCL 333.26421 et seq.). (*Amended by Ordinance 79H Effective August 05, 2022*)
140. **Michigan Zoning Enabling Act.** Act 110 of the Michigan Public Acts of 2006, as amended. This statute is the successor to the former Township Zoning Act, Act 184 of the Michigan Public Acts of 1943, as amended.
141. **Mixed Use.** A structure or project containing residential and nonresidential uses.
142. **Motion Picture Cinema:** See "**Theater.**"
143. **Motor Home.** See "**Recreational Vehicle.**"
144. **Motor Vehicle Fueling Station.** A place used for the retail sale and dispensing of fuel together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.
145. **Motor Vehicle Repair Station.** An enclosed building where minor and major motor vehicle repair services may be carried out.
- a. **Major Repair.** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; and similar servicing, rebuilding or repairs.
146. **Motor Vehicle Service Center.** A place where motor oil and lubricants are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles.
- a. **Minor Repair.** Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; steam cleaning, undercoating and rust-proofing; or similar servicing or repairs that do not normally require any significant disassembly.
147. **Natural Area.** A land area or body of water which is generally not occupied by structures, roads, or other manmade elements, and which contains flora, fauna, biotic,

geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered "natural" even though excavation, filling or other similar activity may have previously occurred.

148. **Natural Features.** Include, but are not limited to, soils, wetlands, floodplains, water bodies and channels, groundwater recharge areas, topography, hedgerows, trees and other types of vegetative cover, and geologic formations.
149. **Night Club.** See "Cocktail Lounge"
150. **Noise.** Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- a. **A-weighted sound level.** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
 - b. **Day-night average sound level.** The 24 hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by ten (10) dB(A) before averaging.
 - c. **Emergency.** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.
 - d. **Impulsive sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.
 - e. **Noise disturbance.** Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
 - f. **Noise sensitive zone.** An area that contains noise-sensitive activities such as but not limited to schools, libraries, churches, hospitals, and convalescent or nursing homes.
 - g. **Pure tone.** Any sound that can be distinctly heard as a single pitch, or a set of single pitches.
 - h. **Sound.** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.
 - i. **Sound level.** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this ordinance an A-weighted network), as specified by the *American National Standards Institute*.
 - j. **Vibration.** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.
151. **Nonconformities:**
- a. **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.

- b. **Nonconforming Lot.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
 - c. **Nonconforming Sign.** See **Signs**.
 - d. **Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
 - e. **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, regulations and codes.
 - f. **Nonconforming Use.** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located or does not have special use approval, where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Township laws ordinances, and regulations.
 - g. **Unlawful Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure or is not in compliance with all applicable federal, state, county and Township laws ordinances, regulations and codes.
 - h. **Unlawful Use.** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or a nonconforming use or is not in compliance with all applicable federal, state, county and Township laws ordinances, regulations and codes.
152. **Noxious.** An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.
153. **Nuisance.** Any offensive, annoying, or disturbing emission, practice, or object, which prevents the free use or comfortable enjoyment of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endanger life and health.
154. **Nursery.** The use of land or structures to grow plants intended for transplant and use in agriculture, forestry, or landscaping; or a space or structure where live trees, shrubs, or other plants used for gardening and landscaping are propagated, stored, or otherwise prepared for off-site installation. The definition does not include ongoing regular maintenance of established landscape improvements, or storage or use of snow-removal equipment to remove snow from parking lots, driveways, streets, or sidewalks at off-site locations. See also "**Landscape Business and Seasonal Maintenance Operation.**"
155. **Nursing Home.** See "**Senior Housing...**"
156. **Obscene Material.** As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362.2(4), as amended] found to be "obscene" [as defined in MCL752.362.2(5), as amended].

157. **Occupancy** or **Occupied**. The purpose for which a building or part thereof is used or intended to be used. The term "occupied" includes "arranged," "designed," "built," "altered," "converted to," "rented," "leased" or "intended to be inhabited."
158. **Occupancy Load**. The maximum capacity of a structure or building space, expressed in the number of individuals normally permitted to occupy the structure or building space.
159. **Open Air Business**. Any business that is conducted primarily out-of-doors. Unless otherwise specified by this Ordinance, "open air business" shall include:
- a. Retail sales of garden supplies and equipment, including but not limited to trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
 - b. Various commercial outdoor recreation uses, including, but not limited to tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
 - c. Outdoor display and sale of garages, swimming pools, playground equipment, and uses.
160. **Open Space**. All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use.
- a. **Conservation easement**. A legal agreement and a conveyable interest in land in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.
 - (1) A conservation easement provides limitation on the use of land or a body of water or development of structures or site improvements.
 - (2) A conservation easement defines the responsibilities of all parties for retaining or maintaining the land or body of water predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.
 - (3) A conservation easement may require or prohibit certain acts on or with respect to the land or body of water.
 - (4) Also see definition of "conservation easement" in Section 2140 of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended)].
 - b. **Development rights**. The rights to develop land to the maximum intensity of development authorized by law.
 - c. **Greenway**. A contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature preserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
 - d. **Restrictive covenant**. An agreement between two or more parties to a written instrument establishing limitations on the use and enjoyment of interests in real property.
 - e. **Undeveloped state**. A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf

course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be dedicated to the use of the public.

161. **Outdoor Sales or Display.** The placement or exhibition of products or services on a lot outside of a building. See also “**Open Air Business.**”
162. **Outdoor Storage.** An open area where goods, equipment, merchandise, components awaiting assembly, finished products, building materials, and similar items are kept or stored for use on-site or later distribution or shipment off-site. The term does not include uses established entirely within enclosed buildings, motor vehicle storage or dismantling yards or drop-off stations for recyclables.
163. **Outdoor Motor Vehicle Storage or Dismantling Yard.** An open area used for any of the following purposes:
 - a. Purchase, sales, exchange, storage, disassembly or handling of used parts of motor vehicles.
 - b. Any business and any place of storage or deposit which includes two (2) or more motor vehicles that are unfit for reconditioning or use on the public highways or used parts of motor vehicles, but excluding vehicles in operable condition specially adapted or constructed for racing, and vehicles retained by the owner for antique collection or transportation.
 - c. Where waste, used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles, glass, cordage, and other waste, used or secondhand material.
 - d. This facility is also described as a junkyard, wrecking yard or automobile scrap yard, and includes any area of more than 200 square feet for storage, keeping or abandonment of junk.
 - e. “Motor vehicle storage or dismantling yard” does not include uses established entirely within enclosed buildings and drop-off stations for residential recyclables.
164. **Outlot.** A parcel of land designated on a site plan for future development.
165. **Parcel.** See “**Lot.**”
166. **Park.** Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts or otherwise intended for active or passive recreational pursuits.
167. **Parking Lot.** A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.
 - a. **Parking Space.** A space set aside for the sole purpose of parking an automobile on a temporary basis.
168. **Pavement Or Hard Surface.** Plant-mixed bituminous material, concrete, brick, masonry pavers or similar durable materials approved by the Township.
169. **Pawnshop.** A business that offers monetary loans in exchange for personal property given as security to the pawn broker by the recipient of the loan.

170. **Performance Guarantee.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.
171. **Permitted Use.** See "Use."
172. **Person.** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.
173. **Pet.** See "Animal, Domestic."
174. **Planning Commission.** The Planning Commission for Frankenlust Township, Bay County, Michigan, as authorized by the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.
175. **Plat.** A map or chart of a subdivision of land.
176. **Pond.** A small man-made body of water developed for the personal use of the property owner and maintained by surface water runoff, groundwater or a public or private water distribution system.
177. **Porch.** A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that serves as an entrance to a structure and a transition zone between indoor and outdoor areas.
178. **Pool or Billiard Hall.** An establishment wherein a substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.
- 178a. **Power Generation Plant.** An industrial facility that converts a primary energy source, such as coal, natural gas or nuclear fuel, into electricity through the use of one or more generators. (*ord. no. 79D, eff. June 29, 2018*)
- 178b. **Power Generation Plant, Solar.** An industrial facility that converts sunlight into electricity through the use of solar photovoltaic technology. (*ord. no. 79D, eff. June 29, 2018*)
179. **Premises.** A single zoning lot or multiple adjacent lots under common ownership occupied by a single principal use or integrated principal uses that are not separated by intervening roads, alleys, utility or railroad rights-of-way or other interruptions.
180. **Private Community Wastewater System (PCWS).** A facility for the transportation, collection, processing or treatment of sanitary sewage which is owned by a non-governmental entity and which is proposed to service more than one structure. The PCWS shall be deemed to include any individual septic tanks, pumps, lines and appurtenances serving each residence, in addition to the community drainfield and treatment system.
181. **Principal Use.** See "Use."
182. **Property Line.** The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also "Lot Line."
183. **Publicly Owned and Operated Sanitary Sewerage System.** A Sanitary Sewer System owned and operated by the Township, another municipality, or a municipal-owned, multi-jurisdictional public agency.

184. **Recognizable and Substantial Benefit.** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of a nonconforming use or structure.
185. **Recreation Area.** Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing or other recreational purposes.
186. **Recreational Facility, Indoor.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.
187. **Recreational Facility, Outdoor.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children’s amusement parks.
188. **Recreational Vehicle.** A vehicle which is self-propelled or permanently towable by motor vehicle; designed primarily for use as temporary living quarters, or for recreational, camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Recreational vehicles shall include the following:
- a. **Boats and Boat Trailers.** Motorized or floatation equipment which may be used on the water, plus the normal equipment used to transport the same on the highway. “Boats and “boat trailers” shall include jet skis and other personal watercraft, floats, rafts, and similar devices and equipment.
 - b. **Folding Tent Trailer.** A folding structure, mounted on wheels and designed for travel and vacation use.
 - c. **Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle, built on a single chassis of 400 square feet or less, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
 - d. **Pickup Camper.** A portable dwelling designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
 - e. **Travel Trailer.** A portable dwelling built on a single chassis of 400 square feet or less, constructed to be towed on its own chassis, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
 - f. **Horse Trailer.** A structure, mounted on wheels and designed primarily to be used for the transportation of horses.

- g. **Snowmobiles, Motorcycles or All-Terrain Vehicles (ATV).** Motorized vehicles designed primarily for recreational travel or off-road use.
 - h. **Utility Trailers.** A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.
189. **Recycling Collection Facility.** A location or operation for the collection and temporary storage of recyclable material intended for transportation to a processing center, or for reclamation, repair, and re-use.
190. **Repair and Maintenance, Ordinary.** Any work to correct deterioration or decay of or damage to a structure or site improvement, which is intended to restore the structure or site improvement to its original condition, as nearly as feasible. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.
191. **Restaurant.** Any establishment whose principal business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation, and whose design and method of operation include suitable seating for customers or a service counter for carry-out orders; adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night; and serving of food and beverages by a restaurant employee at the table where such items will be consumed or at the counter where such items are ordered.
- a. **Carry-Out Restaurant.** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design and method of operation include:
 - (1) Food and beverages are usually served in edible containers or in paper, plastic or other disposable containers.
 - (2) The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and the restaurateur strictly enforces such prohibition.
 - b. **Restaurant, Drive-In.** Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design and method of operation include:
 - (1) Food and beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means that eliminates the need for the customer to exit the motor vehicle.
 - (2) The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.
 - c. **Drive-Through Restaurant.** A restaurant 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 of the premises.
192. **Retail Stores and Retail Sales.** A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building.

- a. Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.
 - b. Included in this definition are convenience stores, department stores, variety stores, supermarkets, and wholesale club stores.
 - c. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.
 - d. This definition includes secondhand stores but does not include pawnshops as defined in this Section.
 - e. This definition does not include temporary uses, temporary outdoor display or sales areas or adult entertainment uses and sexually-oriented businesses.
193. **Retention Basin.** A pond, pool, or basin used for the long-term storage of water runoff.
194. **Rezoning.** The amendment of this Ordinance to change the Official Zoning Map classification on land from its existing district to a new district classification.
195. **Riding Arena or Stable, Private.** All stables and facilities for the private rearing, schooling, breeding or housing of horses, mules, ponies and similar equine riding animals, which may include private boarding of one (1) or more equine riding animals by the property owner in exchange for monthly, seasonal or annual compensation from the animal's owner(s).
196. **Riding Stable, Public or Commercial.** All stables and facilities regularly accessible to the general public for the rearing, schooling, riding, driving, and housing of horses, mules, ponies and similar equine riding animals available or intended for public lessons, riding academies, hire on a per diem, hourly or weekly basis, or similar use by the public.
197. **Right-Of-Way.** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied, or occupied by, a road, utility, and other similar uses.
198. **Right to Farm Act:** Act 93 of the Michigan Public Acts of 1981, as amended.
199. **Road.** A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent land.
200. **Roadside Stand.** A temporary building or structure accessory to any RURAL USES and operated for the purpose of selling natural, unprocessed produce, firewood from the property, and other farm products created, raised or produced on land which is part of the same principal RURAL USES. A roadside stand shall not make a commercial district, nor shall its use be deemed a commercial activity.
201. **Room.** For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2) or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

202. **Rooming House.** See "**Boarding House: Rooming House.**"
203. **Sanitary Sewer System.** Facilities for transportation, collection, processing, or treatment of sanitary sewage serving or intended to serve more than one principal dwelling unit, principal use, or principal building; including all treatment and disposal facilities, pumps, lines, lift stations, and appurtenances. See also "**Private Community Wastewater System (PCWS)**" and "**Publicly-Owned and Operated Sanitary Sewer System.**"
204. **Screen.** See "**Landscaping.**"
205. **Secondhand Store.** A retail store for the sale of secondhand clothing, secondhand furniture, or secondhand household goods. This definition shall not include antique stores, bookstores, pawnshops, or junkyards.
206. **Self-Storage Warehouse.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.
207. **Senior Housing, Elderly Housing, and Rehabilitative Housing.** An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily 55 years of age or older, or who otherwise have need of rehabilitative care services to recover from illness or injury.
- a. **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.
 - b. **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
 - c. **Convalescent or Nursing Home.** A home for the care of two (2) or more children, the aged or infirm persons suffering serious or chronic bodily disorders, which may be licensed under applicable state laws.
 - d. **Dependent Housing or Rehabilitative Care Facilities.** Facilities such as convalescent homes and nursing homes that are designed for persons who need a wide range of health and support services, including personal nursing care, physical therapy or rehabilitative care.
 - e. **Elderly Housing.** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.
 - f. **Senior Apartments.** Multiple-family dwelling units intended to be occupied by persons 55 years of age or older.
208. **Separate Ownership.** Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Ordinance.
209. **Setback.** The minimum horizontal distance required to exist between any building line and all adjacent lot boundaries or road rights-of-way (see "**Yard Terms**" illustration).

- a. **Parking Lot Setback.** The minimum horizontal distance between the road right-of-way or lot line and the near edge of pavement in an off-road parking lot.
 - b. **Required Setback.** The minimum horizontal distance between a front, rear or side lot line and a building line required to comply with required yard provisions of this Ordinance.
210. **Shopping Center.** A group of commercial establishments, primarily consisting of retail uses, that are compatible with each other and are mutually supportive, in one (1) or more buildings, on a site that is planned, developed, and managed as one (1) operating unit, with common driveways, parking areas, identification signs, and other common facilities and services.
211. **Sign.** Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which bears writing, representations, emblems, graphic designs, logos, trademarks, pictorial forms, sculptured matter or any figures of similar character or the purpose of conveying information, or informing or attracting the attention of persons. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices.

Unless otherwise indicated, the definition of "sign" includes interior or exterior signs that are visible from any public road, sidewalk, alley, park or public property, but not signs that are primarily directed at persons within the premises where the sign is located.

- a. **Abandoned Sign.** A sign accessory to or associated with a use that has been discontinued or terminated for more than 180 days.
- b. **Accessory Sign.** A sign that pertains to the principal use of the premises.
- c. **Billboard or Non-Accessory Signs.** Signs that do not pertain to the principal use of the premises, or that advertises businesses, products, services, facilities or events not sold, distributed or furnished on the premises on which the sign is located. Also referred to as "outdoor advertising," or "off-premises signs."
- d. **Building-Mounted Sign.** A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature.
 - (1) **Awning Sign.** A sign that is painted or printed on, or attached to an awning or canopy.
 - (2) **Building Directory.** A wall sign where individual occupants of a building whose space is not located on the street level façade may display information directing visitors to their portion of the building.
 - (3) **Nameplate.** A small wall sign accessory to the address numbers of a building for the purpose of identifying the building, occupants or uses.
 - (4) **Projecting Sign.** A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.
 - (5) **Wall Sign.** A sign painted on, or attached parallel to the exterior surface of a building wall, door, window or related architectural feature and extending not more than two (2) feet from the wall with no copy on the sides or edges.
 - (6) **Window Sign.** A sign affixed to or installed inside a window so as to be observable from the exterior of the building.

- e. **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
- f. **Color Value.** The perception of an internally illuminated color's lightness or darkness or a description of the overall intensity or strength of the light through the illuminated color, expressed as a ratio or percentage.
 - (1) **Saturation.** The dominance of hue in the color, expressed as a percentage of the dominant wavelength to other wavelengths in the color.
- g. **Damaged Sign.** A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.
- h. **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
- i. **Ground Sign.** A freestanding sign supported by one or more columns, uprights or braces in the ground surface, or mounted directly to a base with no clearance between the established grade and the bottom of the sign.
- j. **Noncombustible Material.** Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- k. **Nonconforming Sign.** A sign which was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of "nonconforming sign" shall not include any sign located within a road right-of-way, or any sign that is missing necessary structural and functional components.
- l. **Roof Sign.** Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.
- m. **Sign Area.** The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
- n. **Signable Area.** The area of the street level portion of a principal building's front facade wall, including doors and windows, facing a public road where the address or primary public entrance is located.
- o. **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
 - (1) **Animated Copy.** Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than six (6) times per minute.
(amended by ord. no 79C eff. January 29, 2016)
 - (2) **Changeable Copy.** Moveable letters or other forms of sign copy, not including animated copy, which can be altered by manual, mechanical or

electrical means without replacing the sign copy area, at intervals of six (6) times per minute or longer.

(amended by ord. no 79C eff. January 29, 2016)

- p. **Sign Height.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.
 - q. **Site Entry Feature with Signage.** A sign located at the entrance to a residential development, industrial park or similar development for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.
 - r. **Temporary Sign.** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
 - (1) **Banner.** A temporary sign made of fabric or other non-rigid material with no enclosing framework.
 - (2) **Festoons.** A string of ribbons, tinsel, small flags or pinwheels.
 - (3) **Inflatable Sign.** Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.
 - (4) **Portable Sign.** A type of temporary sign not permanently affixed to the ground or structure and consisting of two vertically-oriented sign faces linked at the top by hinges or similar devices and forming an inverted "V" shape when displayed. Also referred to as a "sandwich board" sign.
 - s. **Unlawful Sign.** A sign for which no valid permit was issued by the Township at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.
 - t. **Unsafe Sign.** A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.
212. **Single-Family Housing.** See "**Dwelling, Single-Family.**"
213. **Site Condominium.** See "**Condominium.**"
214. **Site Plan.** A plan showing all salient features of a proposed development, as required by pertinent portions of this Ordinance, so that it may be evaluated to determine whether it meets the provisions of this Ordinance and the Growth Management Plan.
- 214a. **Solar Collection Devices.** Solar collection devices are designed to capture and utilize the energy of the sun to generate electrical power. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure and are sized to meet the various user needs and/or utility requirements. *(ord. no. 79D, eff. June 29, 2018)*
- 214b. **Solar Collection Devices, Attached.** An array of solar collection materials secured to the exterior walls or roof of a principal or accessory building. *(ord. no. 79D, eff. June 29, 2018)*

- 214c. **Solar Collection Devices, Large Freestanding.** An array of freestanding (not attached to a principal building or accessory structure) solar collection materials that generate up to but not exceeding the manufacturer's rating of 150 kW. (*ord. no. 79D, eff. June 29, 2018*)
- 214d. **Solar Collection Devices, Small Freestanding.** An array of freestanding (not attached to a principal building or accessory structure) solar collection materials that generate up to but not exceeding the manufacturer's rating of 20 kW. (*ord. no. 79D, eff. June 29, 2018*)
- 214e. **Solar Power Generation Plant.** See "**Power Generation Plant.**" (*ord. no. 79D, eff. June 29, 2018*)
215. **Special Use.** See "**Use, Special.**"
216. **Specially Designated Distributor's Establishment.** A retail establishment consisting of less than 15,000 square feet of usable retail space, or any retail establishment where more than ten percent (10%) of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the state liquor control commission to distribute alcoholic liquor and operating in compliance with the Township's Liquor Control Ordinance, other than wine under twenty percent (20%) alcohol by volume, and beer, in the original package for consumption off the premises.
217. **Specially Designated Merchant's Establishment.** A retail establishment consisting of less than 15,000 square feet of usable retail space, or any retail establishment where more than ten percent (10%) of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the state liquor control commission to sell beer and/or wine for consumption off the premises and operating in compliance with the Township Liquor Control Ordinance.
218. **Stacked Flats.** See "**Dwelling: Stacked Flat...**"
219. **State Licensed Residential Facility.** A structure or facility constructed for residential purposes to provide resident services and 24 hour supervision or care for six (6) or fewer persons in need of supervision or care, or as licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (P.A. 218 of 1979, as amended) or Child Care Organizations Act (P.A. 116 of 1973, as amended).
220. **Story.** That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it (see "**Basic Structural Terms**" illustration).
- a. A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.
- b. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is half than the vertical distance from the average grade to the ceiling.
221. **Story, Half.** An uppermost story lying under a sloping roof having an area of at least 200 square feet in area with a clear ceiling height of seven (7) feet six (6) inches. For the purposes of this ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.
222. **Street.** See "**Road.**"

223. **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios.
- a. **Temporary Structure.** A structure permitted to exist during periods of construction, special events, and other limited time periods.
224. **Subdivision Plat.** The division of a tract of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the **Land Division Act** and any Township subdivision regulations.
225. **Swimming Pool.** Any structure or container located above or below grade designed to hold water to a depth of greater than two (2) feet and intended for swimming or bathing. A swimming pool is an accessory structure for purposes of this Ordinance.
226. **Tavern.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other amusement devices.
227. **Theater.** A building, room, or outdoor structure for the presentation of performances or motion pictures. For the purposes of this Ordinance, the following distinctions between various types of theaters shall apply:
- a. **Motion Picture Cinema, Indoor:** An enclosed building used for presenting motion pictures, which are observed by paying patrons from seats within the building.
- b. **Motion Picture Cinema, Outdoor:** A site used for presenting motion pictures, which are observed by paying patrons from their vehicles or an outdoor seating area.
228. **Total Buildable Area.** An area calculated by subtracting from the gross site acreage, the areas comprised of existing and proposed right-of-ways and easements for public and private roads, flood plains, wetlands, and stream corridors, and lands to be purchased for public use. This is the area used to compute the allowable maximum density for an Open Space Preservation Residential Development.
229. **Townhouses.** See "**Dwelling: Townhouse...**"
230. **Township.** Frankenlust Township, Bay County, Michigan.
- a. **Township Board.** The elected board of trustees for Frankenlust Township, Bay County, Michigan.
231. **Township Engineer.** The person, persons or firm designated by the Township to advise the Township 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 employee of the Township, or the responsibilities of this position may be divided between more than one (1) person or firm.
232. **Township Planner.** The person, persons or firm designated by the Township to administer and enforce this Zoning Ordinance on a day-to-day basis; provide staff support to the Township Board, Planning Commission or Zoning Board of Appeals; or

advise the Township on community 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, or the responsibilities of this position may be divided between more than one (1) person or firm.

233. **Tree Farm.** The use of land to grow live trees that are heeled in, not balled and bagged, and are intended to be transplanted or sold for use in agriculture, forestry or landscaping, but not including sales on the premises or storage of tree-moving, earth-moving, or related equipment outside of enclosed structures. See also "**Landscape Business and Seasonal Maintenance Operation**" and "**Nursery.**"
234. **Truck Terminal.** A structure to which goods, except raw or unprocessed agricultural products, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.
235. **Two-Family Dwellings.** See "**Dwelling: Two-Family or Duplex Dwelling.**"
236. **Undeveloped State.** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural land use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course or other exclusively commercial recreational uses, lot area within setbacks for each specific lot or land area dedicated as limited commons, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.
237. **Use.** The purpose for which land or premises or a building thereon, is designed, arranged or intended or for which it is occupied maintained, let or leased.
- a. **Accessory Use.** A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use or building of the premises.
 - b. **Permitted Use.** A use permitted in each zoning district by right subject to site plan review approval.
 - c. **Principal Use.** The main or primary use of the land or structures; or an activity permitted by right in the district, subject to the requirements and standards of this Ordinance.
 - d. **Seasonal Use.** A temporary use permitted and regulated pursuant to this Ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers or Christmas trees.
 - e. **Special Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.
 - f. **Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance.
238. **Use Groups.** All uses of land permitted by this Ordinance have been organized, for ease of use and convenience, into the following use groups based upon certain characteristics that the grouped uses may share:
- a. **RURAL USES.** Land uses primarily involve the keeping, breeding or use of animals; production or distribution of produce and farm-related products; and associated uses of a rural character or intensity.

- b. **RESIDENTIAL USES.** Land uses primarily involve housing of various types and densities, and associated uses typically found in a residential neighborhood.
 - c. **OFFICE, SERVICE, AND COMMUNITY USES.** Community uses are land uses that are public-owned or operated; of a not-for-profit nature; involve benefits or services generally provided to a significant portion of the population; or serve as focal or gathering points for the community. Office or service uses are typically private-owned or operated or of a for-profit nature; such as personal service establishments, medical and professional offices, workshops and studios, and similar associated uses.
 - d. **COMMERCIAL USES.** Land uses of a generally for-profit nature; including retail sales, food service, entertainment, repair services and similar associated uses.
 - e. **INDUSTRIAL, RESEARCH, AND LABORATORY USES.** Land uses of a research, light manufacturing, warehousing or wholesaling character; or that involve storage, compounding, processing, packaging, assembly or treatment of materials.
 - f. **OTHER USES.** These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into the preceding use groups.
239. **Utility, Private.** A person, firm, corporation or private entity duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, communication, telegraph or transportation. Such uses as wind energy conversion systems (WECS), community wells, private community wastewater treatment and disposal systems (PCWS), radio stations, and wireless communication facilities shall not be considered private utilities under this Ordinance.
240. **Utility, Public.** A governmental entity or municipal department, board or commission duly authorized to furnish and furnishing, under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, or transportation to the public. Such utility shall be regulated by a governmental pricing structure, have the right of eminent domain, be a single entity as designated by Federal or State government to provide a specified service or product, and provide a service considered essential to a public need.
- a. Publicly owned and operated or municipal water distribution and sanitary sewer systems, and stormwater drainage facilities under the jurisdiction of the Bay County Drain Commissioner, shall also be considered public utilities.
 - b. Wind energy conversion systems, community wells, private community wastewater treatment and disposal systems, wireless communication facilities, and radio stations shall not be considered public utilities under this Ordinance.
241. **Variable Costs and Expenses.** Monetary charges incurred by the Township that do not meet the definition of fixed costs and expenses; including items which vary depending upon the scope of the project, such as advisory services from the Township Engineer, Township Planner, and other designated Township consultants, attorney fees, inspection costs, recording fees, and testing or laboratory costs.
242. **Variance.** A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.
243. **Vehicle Shelter.** A temporary accessory structure consisting of metal, fabric, wood, plastic, fiberglass or combination thereof and designed or intended for the short-term sheltering of a motor or recreational vehicle from weather conditions or solar radiation.

244. **Veterinary Clinic.** An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.
245. **Viewshed.** The total physiographic area, composed of land, water, biotic, and other environmental and cultural elements, visible from one (1) or more fixed vantage points (such as a series of views along a roadway, or the view from the perspective of one riverfront dwelling).
246. **Wall.** A screening structure of definite height and location constructed of a masonry, concrete, rock or similar material.
247. **Warehouse.** A building used for short- and/or long-term storage in connection with production and marketing or in connection with manufacturing, freight handling, wholesaling, and retailing. See also "**Distribution Center**" and "**Truck Terminal.**"
248. **Watercourse.** Any waterway including a river, stream, lake, pond or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.
249. **Water Supply System.** Facilities for collection, transportation, processing, or distribution of sanitary drinking water serving or intended to serve more than one principal dwelling unit, principal use, or principal building; including all potable water sources, treatment and purification facilities, pumps, lines, and appurtenances.
- a. **Publicly-Owned and Operated Water System.** A water supply system owned and operated by one or more governmental entities.
- b. **Community Well.** A water supply system serving more than one (1) dwelling that is owned by a non-governmental entity.
250. **Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one (1) or more of the following attributes:
- a. At least periodically, the land supports predominantly hydrophytes.
- b. The substrate is predominantly un-drained hydric soil.
- c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.
251. **Wetland, Regulated.** Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) or the Township's Wetland Ordinance.
252. **Wind Energy Conversion System (WECS).** Any device such as a wind charger, windmill, or wind turbine that converts wind energy to usable energy.
- a. **Agricultural WECS.** A WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to serve the needs of the farm or agricultural operation.
- b. **Private WECS.** A WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use.

- c. **Commercial WECS.** A WECS that is designed and built to provide electricity to the electric utility's power grid.
 - d. **Authorized Factory Representative.** An individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
253. **Wireless Communications Facilities.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals including but not limited to radio and television transmission towers and antennae, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities.
- a. **Antenna(e).** Equipment used for the transmission or reception of wireless communication signals.
 - b. **Amateur Radio Antenna.** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use. Also referred to as "ham radio antenna."
 - c. **Backhaul Network.** The lines, facilities, and equipment that connect a provider's towers or antennae to switching offices, long-distance providers or public-switched telephone networks.
 - d. **Collocation.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
 - e. **Ground Equipment.** Equipment used in the operation of the facility, other than antennae or towers, and the structure or enclosure within which the equipment is stored, maintained, and serviced.
 - f. **Provider.** Entity that is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.
 - g. **Satellite Dish Antenna.** An antenna structure designed to receive from or transmit to orbiting satellites.
 - h. **Tower.** A structure, and any support thereto, that is intended to hold apparatus which transmits or receives radio, television, pager, telephone, or similar communications, including self-supporting lattice towers, guyed towers, light poles, wood poles, or monopole towers. The term includes radio and television transmission towers and antenna arrays, microwave towers, common-carrier towers, cellular telephone and wireless Internet towers, alternative tower structures, and similar wireless communication antennae support structures.
254. **Yard.** An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein (see "**Yard Terms**" illustration).
- a. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or road right-of-way and the nearest point of the principal building.
 - b. **Rear Yard.** The yard directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the

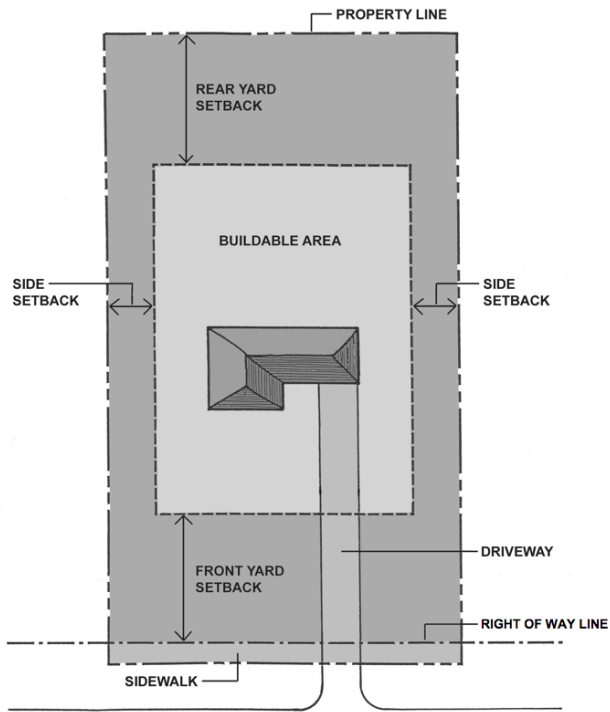
minimum horizontal distance between the rear lot line and the nearest point of the principal building.

- c. **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.
 - d. **Side Yard.** An open space extending from the front yard to the rear yard on the side of the principal building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the principal building.
255. **Zoning Board of Appeals.** The board created pursuant to the provisions of this Ordinance and the Michigan Zoning Enabling Act to hear and decide appeals, variances, interpretations, and exceptions under this Ordinance.
256. **Zoning District.** See “**District.**”
257. **Zoning Administrator.** The person(s) designated by the Township to administer and enforce the provisions of this Zoning Ordinance on a day-to-day basis.
258. **Zoning Permit.** Authorization given by the Township to use land or structures for uses permitted under this Ordinance; to erect, construct or alter structures in conformity with this Ordinance; or to maintain or conduct other specified activities permitted by this Ordinance. This term is synonymous with “**Certificate of Zoning Compliance.**”

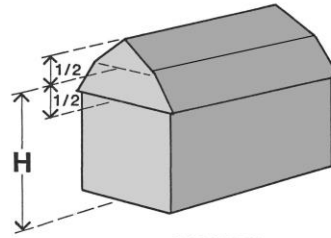
Section 2.04 Undefined Terms.

Any term not defined herein shall have the meaning of common or standard use.

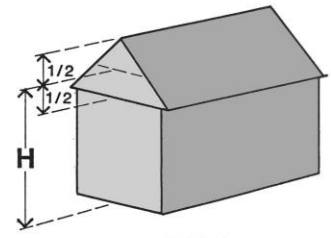
ILLUSTRATIONS



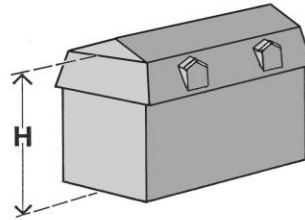
Building Envelope



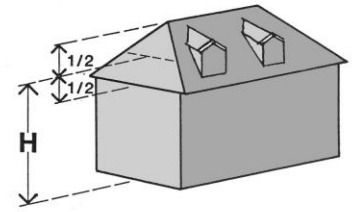
GAMBREL



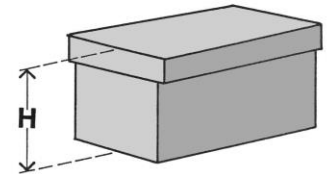
GABLE



MANSARD

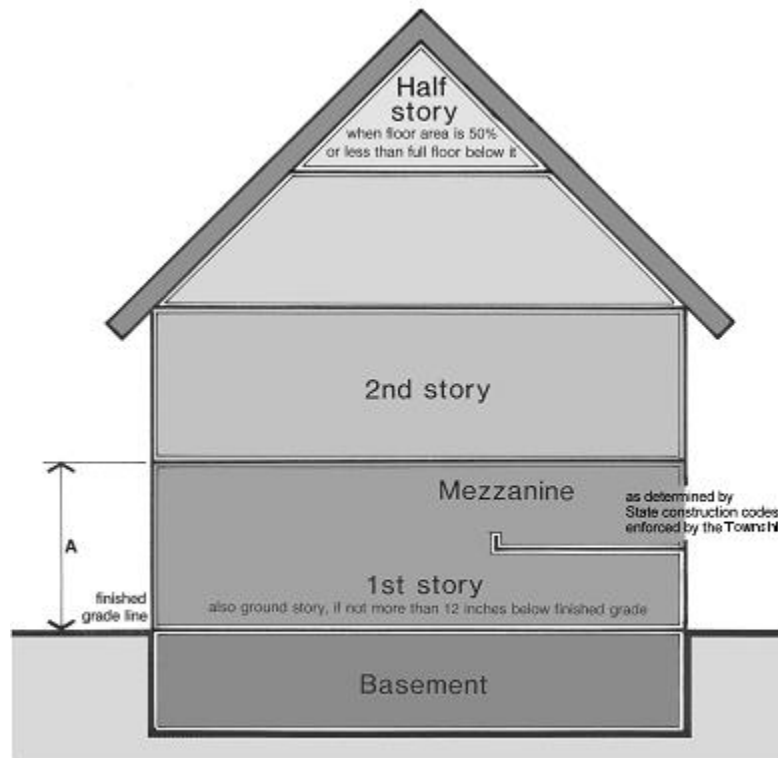


HIP



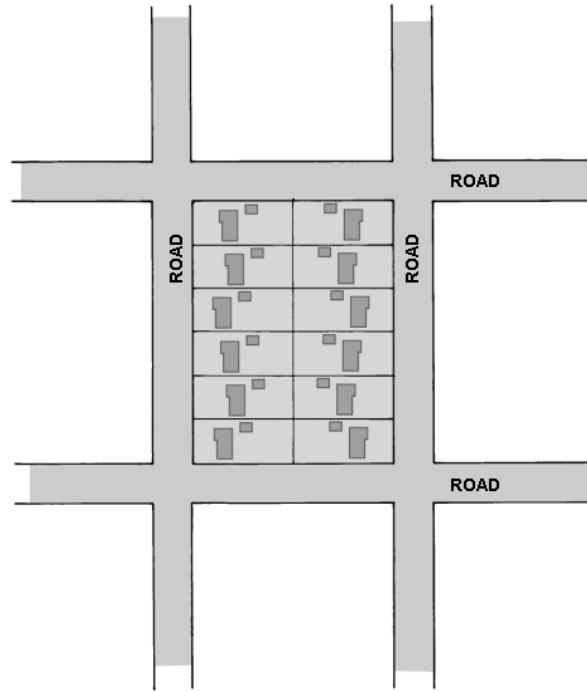
FLAT

Building Height

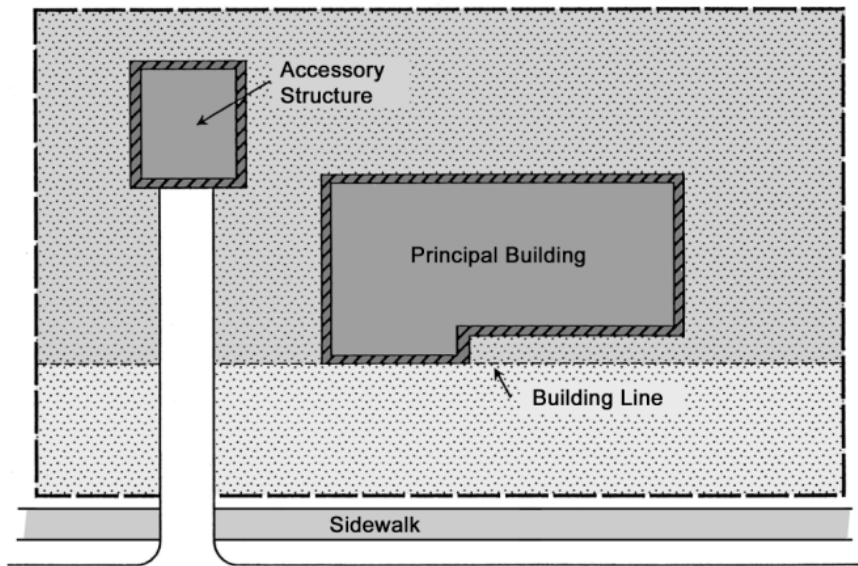


Basic Structural Terms

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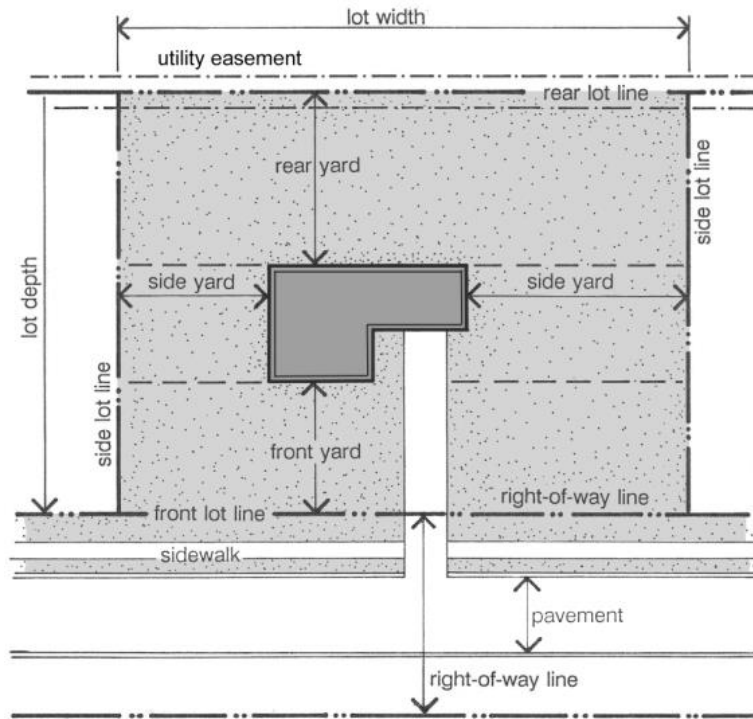


Block

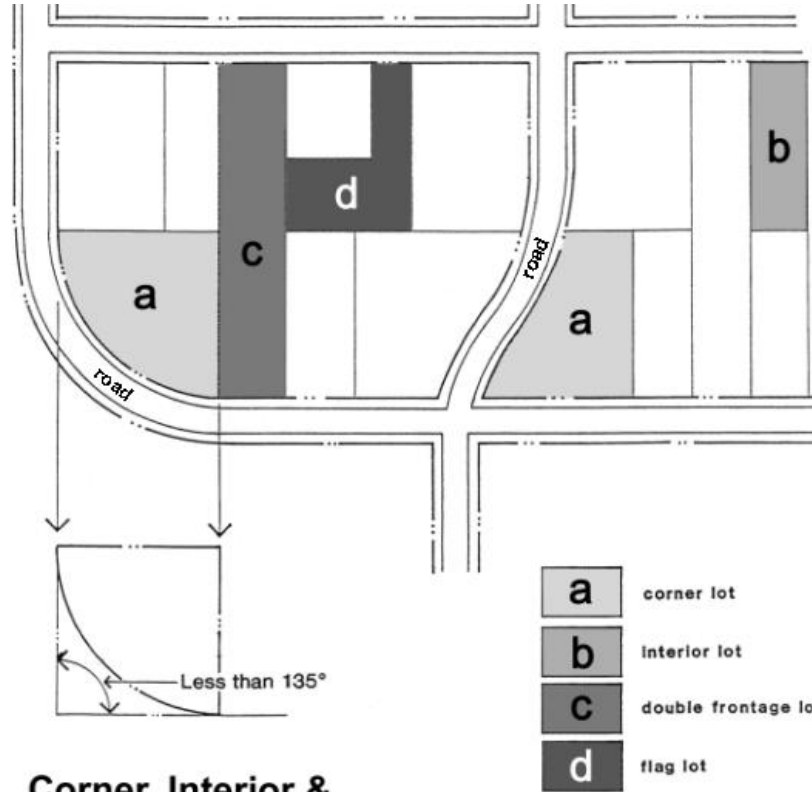


Accessory Structure

ILLUSTRATIONS



Yard Terms



Corner, Interior & Double Frontage Lots