

Garfield Township

Bay County, Michigan

Zoning Ordinance

Adopted April 9, 2012

Effective May 18, 2012

Garfield Township

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ARTICLE I
TITLE, PURPOSES AND LEGAL CLAUSES

Section 1.01 TITLE

This Ordinance shall be known and may be cited as “The Zoning Ordinance of Garfield Township.”

Section 1.02 REPEAL OF ORDINANCE

The previously adopted Garfield Township Zoning Ordinance and all amendments thereto and all other zoning ordinance versions that the Township may have previously adopted are hereby repealed effective coincident with the effective date of this Ordinance.

Section 1.03 PURPOSE

This Ordinance has been established for, among other purposes, these purposes:

- A. Conserving the taxable value of land, buildings, and structures throughout the Township.
- B. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance.
- C. Fixing reasonable standards to which buildings and structures shall conform.
- D. Lessening and avoiding congestion in the public highways and streets.
- E. Implementing the Township’s Master Plan.
- F. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
- G. Preventing such additions to or alteration or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.
- H. Prohibiting uses, buildings, or structures not permitted within specified zoning districts.
- I. Promoting and protecting the public health, safety, and general welfare.
- J. Promoting healthful surroundings for family life in residential and rural areas.
- K. Protecting the character and the stability of the agricultural, recreational, residential, and commercial areas within the unincorporated portions of Garfield Township and promoting the orderly and beneficial development of such areas.
- L. Providing adequate light, air, privacy, and convenience of access to property.

- M. Providing for the needs of agriculture, recreation, residence, and commerce in future growth.
- N. 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.
- O. Providing for the completion, restoration, reconstruction, extension, substitution or removal of nonconforming uses.
- P. Providing for the efficient provision of public service and facility requirements.
- Q. Providing penalties for the violation of this Ordinance.
- R. 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.

Section 1.04 VALIDITY AND SEVERABILITY CLAUSE

- A. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.
- B. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure such ruling shall not affect the application of said provision to any particular land, parcel, lot district, use, building, or structure not specifically included in said ruling.

Section 1.05 CONFLICT WITH OTHER LAWS

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, 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.
- B. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement that such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.
- C. Insofar as the provisions of this Ordinance are inconsistent with the provisions of ordinances adopted under any other law, the provisions this Ordinance, unless otherwise provided, shall be controlling.

Section 1.06 VESTED RIGHTS

- A. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was begun prior to the enactment of this Ordinance, provided significant construction has lawfully begun, is being diligently carried on and is completed within one (1) year of the effective date of this Zoning Ordinance. The Board of Appeals may permit one (1) extension of up to one (1) year.

- B. Except as noted above, nothing in this Ordinance should be interpreted or construed to provide any permanent vested rights in the continuation of any particular use, district, zoning classification of any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.

Section 1.07 EFFECTIVE DATE

This Ordinance, adopted April 9, 2012, shall be effective thirty (30) days after publication of a notice of ordinance adoption pursuant to the provisions of Public Act 110 of 2006, as amended.

ARTICLE II
ZONING DISTRICTS

Section 2.01 DISTRICTS ESTABLISHED

For the purpose of this Ordinance, Garfield Township is hereby divided into the following districts:

- AR** AR, Agricultural/Rural Residential District
- R1** R1, Medium Density Residential District
- R2** R2, High Density Residential District
- C** C, Commercial District
- I** I, Industrial District

Section 2.02 DISTRICT BOUNDARIES

The boundaries of these districts are hereby established as shown on the Garfield Township Zoning Districts Map, which accompanies this Ordinance. Said Zoning Map, with all notations, references, and other information shown thereon, shall be as much a part of this Ordinance as if fully described herein.

Section 2.03 DISTRICT BOUNDARIES INTERPRETED

Where uncertainty exists with respect to the boundaries of the various districts as shown on the official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, roads or highways shall be construed to follow such centerline.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
- D. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- E. Boundaries indicated as approximately following the centerline of streams or other bodies of water shall be construed to follow such centerline.
- F. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through E above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.

- G. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by Subsections A through F above, the Board of Appeals shall interpret the district boundaries.
- H. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights of way it is intended that such district boundaries do extend to the center of any public right-of-way.

Section 2.04 ZONING OF VACATED AREAS

Whenever any street or other public way within Garfield Township shall be vacated, such street, alley or other public way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

Section 2.05 AR AGRICULTURAL/RURAL RESIDENTIAL DISTRICT

A. Statement of Purpose

This district is established to conserve, stabilize, enhance and develop farming and related resource utilization activities, to provide for non-farm development in a manner harmonious to the preservation of farming activities, to minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these farming and related resource utilization activities, and to prohibit uses of parcels, lots, buildings and structures which require public facilities and services of a different type and quantity than those normally required by these farming and related resource utilization activities. The district, while preserving areas primarily for agricultural uses, would also accommodate low density single-family housing as well as the preservation of natural open space lands.

In addition, the district is intended to support the Bay County Farmland Development Rights Ordinance, Ordinance No. 49, and declare the Township's support of local landowners who desire to participate in the Bay County Farmland Preservation Program.

B. Principal Permitted Uses

- 1. Adult foster care homes, family
- 2. Adult foster care homes, small group
- 3. Cemeteries
- 4. Day care homes, family
- 5. Day care homes, group
- 6. Dwellings, single-family detached
- 7. Forestry and wildlife preserves

8. General farming including livestock and poultry raising, dairying, horticulture, farm forestry, truck gardens, tree farms, sod farms, and similar bona fide agricultural enterprises
9. Places of worship
10. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
11. Publicly owned and operated facilities and municipal buildings
12. Recreation facilities, public
13. Riding stables, private
14. Roadside stands
15. Schools
16. Specialty farms
17. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above principal permitted uses.
18. Accessory buildings and uses customarily incidental to the above principal permitted uses.

C. Uses Permitted after Special Use Approval

The following uses may be permitted by special use approval in accordance with the process outlined in Section 4.01 and the provisions outlined in Article IV of this Zoning Ordinance.

1. Adult foster care homes, large group
2. Agricultural equipment sales and service
3. Agricultural tourism businesses including cider mills, hay rides, "u-picks," children's discovery farms, petting zoos, and corn mazes
4. Agricultural storage facilities
5. Agricultural supply sales
6. Airports/landing fields
7. Auction sales establishments

8. Bed and breakfast establishments
9. Business schools, colleges and private schools operated for profit
10. Clinics, human and veterinary
11. Clubs
12. Communication towers
13. Extraction operations, sand and borrow pits
14. Facilities used in the research and testing of agricultural products and techniques
15. Intensive livestock operations
16. Kennels
17. Livestock transportation facilities
18. Migratory labor camps
19. Mini-warehouses
20. Nursery (plant materials)
21. Penal institutions
22. Recreation facilities, private outdoor, excluding miniature golf courses, go-cart tracks, batting cages, basketball courts, and tennis/racquet clubs
23. Riding stables, public
24. Wind energy conversion systems, on-site
25. Wineries
26. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above uses permitted after special approval.
27. Accessory buildings and uses customarily incidental to the above uses permitted after special approval.

D. Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Section 2.11, Schedule of Regulations.

Section 2.06 **R1** **MEDIUM DENSITY RESIDENTIAL DISTRICT**

A. Statement of Purpose

The R1, Medium Density Residential District has been established to provide an area for residential development at densities slightly higher than those allowed within the AR District. However, it is the intent of the District to maintain a predominantly rural environment consistent with the existing character of the unincorporated community of Crump. Lots must be of sufficient size to permit the use of septic tanks and drainfields and the use of on-site wells of safe water quality, as public sanitary sewer and water facilities are not planned to be extended in the foreseeable future. By providing this residential district, pressure for development of single-family residences in the AR District is reduced.

B. Principal Permitted Uses

1. Adult foster care homes, family
2. Day care homes, family
3. Dwellings, single-family detached
4. General farming including livestock and poultry raising, dairying, horticulture, farm forestry, truck gardens, tree farms, sod farms, and similar bona fide agricultural enterprises
5. Recreation facilities, public
6. Riding stables, private
7. Specialty farms
8. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above principal permitted uses.
9. Accessory buildings and uses customarily incidental to the above principal permitted uses.

C. Uses Permitted after Special Use Approval

The following uses may be permitted by special use approval in accordance with the process outlined in Section 4.01 and the provisions outlined in Article IV of this Zoning Ordinance.

1. Adult foster care homes, large group
2. Adult foster care homes, small group
3. Bed and breakfast establishments
4. Cemeteries
5. Day care homes, group
6. Dwellings, two-family attached
7. Places of worship
8. Publicly owned and operated facilities and municipal buildings
9. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
10. Schools
11. Wind energy conversion systems, on-site
12. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above uses permitted after special approval.
13. Accessory buildings and uses customarily incidental to the above uses permitted after special approval.

D. Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Section 2.11, Schedule of Regulations.

A. Statement of Purpose

The R2, High Density Residential District has been established to provide for more intensive residential use of land. A variety of dwelling types are accommodated including: townhouses, duplexes, row houses, terrace and garden apartments, condominiums and manufactured home parks. This district is to be used only in those areas of the Township which can be adequately served public water and wastewater treatment systems or private, on-site water and wastewater treatment systems. By providing for higher intensity development, open space and natural features can be preserved for visual relief and enhancement.

B. Principal Permitted Uses

1. Adult foster care homes, family
2. Day care homes, family
3. Dwellings, multiple-family attached
4. Dwellings, single-family detached
5. Dwellings, two-family attached
6. Recreation facilities, public
7. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above principal permitted uses.
8. Accessory buildings and uses customarily incidental to the above principal permitted uses.

C. Uses Permitted after Special Use Approval

The following uses may be permitted by special use approval in accordance with the process outlined in Section 4.01 and the provisions outlined in Article IV of this Zoning Ordinance.

1. Adult foster care homes, large group
2. Adult foster care homes, small group
3. Cemeteries
4. Clinics, human and veterinary
5. Clubs

6. Convalescent homes, nursing homes, home for the aged, housing for the elderly, assisted living, and similar elderly care centers
7. Day care homes, group
8. Hospitals
9. Manufactured home parks
10. Places of worship
11. Publicly owned and operated facilities and municipal buildings
12. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
13. Schools
14. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above uses permitted after special approval.
15. Accessory buildings and uses customarily incidental to the above uses permitted after special approval.

D. Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Section 2.11, Schedule of Regulations.

Section 2.08  **COMMERCIAL DISTRICT**

A. Statement of Purpose

The intent of this district is to provide for areas that are designed for the commercial needs that appeal to a wider community interest. The general character of this district comprises a broad range of retail and service uses, entertainment uses, community facilities, and general office uses. The provisions of this district are intended to encourage general commercial development to locate along major arteries particularly adjacent to major intersections where such development could most adequately serve the needs of the community's residents and those of the traveling public, without excessive quantities of strip development. The district discourages encroachment by industrial, residential or other uses considered capable of adversely affecting the general business characteristics of this district.

B. Principal Permitted Uses

1. Agricultural equipment sales and service
2. Agricultural supply sales
3. Bed and breakfast establishments
4. Cemeteries
5. Clinics, human and veterinary
6. Clubs
7. Day care centers
8. Laundromats
9. Nursery (plant materials)
10. Offices
11. Personal service establishments
12. Places of worship
13. Publicly owned and operated facilities and municipal buildings
14. Recreation facilities, private indoor
15. Recreation facilities, public
16. Restaurants, excluding drive-in and carry-out restaurants
17. Retail sales establishments
18. Schools
19. Theaters, assembly halls, concert halls or similar places of assembly
20. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above principal permitted uses.
21. Accessory buildings and uses customarily incidental to the above principal permitted uses.

C. Uses Permitted after Special Use Approval

The following uses may be permitted by special use approval in accordance with the process outlined in Section 4.01 and the provisions outlined in Article IV of this Zoning Ordinance.

1. Agricultural storage facilities
2. Auction sales establishments
3. Automobile detailing stations, automobile service stations, automobile service repair stations and automobile wash stations
4. Bars and lounges
5. Business schools, colleges and private schools operated for profit
6. Contractor yards, lumber yards and building material storage and sales
7. Convalescent homes, nursing homes, home for the aged, housing for the elderly, assisted living, and similar elderly care centers
8. Fireworks sales
9. Hospitals
10. Hotels or motels
11. LP gas and fuel oil dealers
12. Mini-warehouses
13. Mortuary establishments
14. Outdoor display and sales of garden supplies, lawn furniture, playground equipment, home equipment, garages, sheds, manufactured homes, modular homes, swimming pools, and similar products
15. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
16. Recreation facilities, private outdoor
17. Residential uses, including those accessory to a permitted use in the C District
18. Restaurants, drive-in and carry-out

19. Showroom and/or outdoor sales of new and second-hand automobiles, boats, recreational vehicles, motor homes, snowmobiles, trucks and trailers, and similar products
20. Wind energy conversion systems, on-site
21. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above uses permitted after special approval.
22. Accessory buildings and uses customarily incidental to the above uses permitted after special approval.

D. Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Section 2.11, Schedule of Regulations.

Section 2.09 **I** **INDUSTRIAL DISTRICT**

A. Statement of Purpose

The I, Industrial District is established to provide for light, primary industrial uses. Provision of this District ensures that these essential industrial facilities are kept from encroaching in areas of districts where they would be incompatible. All activities carried on within the Industrial District shall be subject to limitations placed upon the amount of noise, smoke, glare, traffic and industrial effluent which shall be produced as a result of this activity. It is the intent of this section that more than one industrial use or building may exist on a single parcel, and that said parcel shall meet the necessary parking requirements for all uses present. A parcel with more than one use or building shall be treated as a single parcel for the purposes of road frontage.

B. Principal Permitted Uses

1. Agricultural storage facilities
2. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of a similar nature
3. Auction sales establishments
4. Automobile detailing stations, automobile service stations, automobile service repair stations and automobile wash stations
5. Central dry cleaning or laundry plants, cleaning, and dyeing works, and carpet or rug cleaning
6. Contractor yards, lumber yards and building material storage and sales

7. Facilities used in the research and testing of agricultural products and techniques
8. Laboratories including experimental, film, and testing
9. Livestock transportation facilities
10. LP gas and fuel oil dealers
11. Manufacture, compounding, processing, packaging, treating and assembling from previously prepared materials, such as canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi- precious metals or stones, shell, textiles, grains, tobacco, wax, wood and yarns, in the production of:
 - i. Chemical products such as plastics, perfumes and synthetic fibers
 - ii. Clothing
 - iii. Engineering, measuring, optic, medical, lenses, photographic and similar instruments
 - iv. Food products including meat, dairy, fruit, vegetable, grain, bakery, confectionery, beverage and kindred foods but not including abattoirs and mushroom farms
 - v. Furniture and fixtures
 - vi. Jewelry
 - vii. Pottery and ceramics using kilns fired by electricity or gas only
 - viii. Printing and publishing
 - ix. Tool, die, gage and machine shops manufacturing small parts
12. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products
13. Manufacture or assembly of electrical appliances, electronic instruments and devices (excluding large stampings)
14. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like
15. Mini-warehouses
16. Municipal uses such as water treatment plants, public works garages, and all other municipal buildings and uses, including outdoor storage

17. Printing, lithographic, blueprinting and similar uses
18. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operating requirements necessitate the location of such facilities within the district
19. Publicly owned and operated facilities and municipal buildings
20. Research oriented and light industrial park uses
21. Warehousing and material distribution centers
22. Wholesale of goods, such as, but not limited to, pharmaceuticals, bakery, and dairy products, clothing, dry goods, hardware, household appliances, office and business machinery, industrial machines
23. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above principal permitted uses.
24. Accessory buildings and uses customarily incidental to the above principal permitted uses.

C. Uses Permitted after Special Use Approval

The following uses may be permitted by special use approval in accordance with the process outlined in Section 4.01 and the provisions outlined in Article IV of this Zoning Ordinance.

1. Adult entertainment facilities
2. Airports/landing fields
3. Communication towers
4. Composting facilities
5. Extraction operations, sand and borrow pits
6. Fireworks manufacturing
7. Gas and oil processing facilities
8. Heavy equipment sales, service and rental
9. Junkyards
10. Penal institutions

11. Sanitary landfills
12. Smelting, stamping, rolling, plating, refining, and forging of metal
13. Truck stops, truck terminals
14. Wind energy conversion systems, on-site
15. Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the above uses permitted after special approval.
16. Accessory buildings and uses customarily incidental to the above uses permitted after special approval.

D. Required Conditions.

1. All activities and uses within the District shall conform to, and demonstrate compliance with at the time of site plan review, the performance standards of Section 3.15 of this Ordinance.
2. All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than twenty-five (25) feet from any property line. All such outdoor storage shall be screened from the public right-of-way and any adjacent residential property by a solid wall or fence with a minimum height of six (6) feet or higher as determined by the Planning Commission.

E. Area and Size Requirements.

Height, bulk, density, and area requirements, unless otherwise specified, are as provided in Section 2.11, Schedule of Regulations.

Section 2.10 USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. The uses are listed in Section 2.05 through Section 2.09 and should be consulted as additional information is provided and as certain conditions may apply. If there are any conflicts between this table and the uses listed in Section 2.05 through Section 2.09, the latter will control.

| RURAL AND RESIDENTIAL USES | AR | R1 | R2 | C | I |
|--|-----------|-----------|-----------|----------|----------|
| Adult foster care homes, family | P | P | P | | |
| Adult foster care homes, large group | S | S | S | | |
| Adult foster care homes, small group | P | S | S | | |
| Day care homes, family | P | P | P | | |
| Day care homes, group | P | S | S | | |
| Dwellings, multiple-family attached | | | P | S | |
| Dwellings, single-family detached | P | P | P | S | |
| Dwellings, two-family attached | | S | P | S | |
| Farming | P | P | | | |
| Forestry and wildlife preserves | P | | | | |
| Intensive livestock operations | S | | | | |
| Manufactured home parks | | | S | | |
| Migratory labor camps | S | | | | |
| Riding stables, private | P | P | | | |
| Roadside stands | P | | | | |
| Specialty farms | P | P | | | |
| COMMUNITY AND RECREATION USES | AR | R1 | R2 | C | I |
| Airports/landing fields | S | | | | S |
| Business schools, colleges and private schools operated for profit | S | | | S | |
| Cemeteries | P | S | S | P | |
| Clubs | S | | S | P | |
| Communication towers | S | | | | S |
| Composting facilities | | | | | S |
| Convalescent homes, nursing homes, home for the aged, housing for the elderly, assisted living, and similar elderly care centers | | | S | S | |
| Day care centers | | | | P | |
| Hospitals | | | S | S | |
| Municipal uses such as water treatment plants, public works garages, and all other municipal buildings and uses, including outdoor storage | | | | | P |
| Penal institutions | S | | | | S |
| Places of worship | P | S | S | P | |
| Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (excluding service or storage yards) | P | S | S | S | |
| Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations | | | | | P |
| Publicly owned and operated facilities and municipal buildings | P | S | S | P | P |
| Recreation facilities, public | P | P | P | P | |
| Schools | P | S | S | P | |
| Wind energy conversion systems, on-site | S | S | | S | S |

| COMMERCIAL AND OFFICE USES | AR | R1 | R2 | C | I |
|---|-----------|-----------|-----------|----------|----------|
| Adult entertainment facilities | | | | | S |
| Agricultural equipment sales and service | S | | | P | |
| Agricultural storage facilities | S | | | S | P |
| Agricultural supply sales | S | | | P | |
| Agricultural tourism businesses | S | | | | |
| Auction sales establishments | S | | | S | P |
| Automobile detailing stations, automobile service stations, automobile service repair stations and automobile wash stations | | | | S | P |
| Bars and lounges | | | | S | |
| Bed and breakfast establishments | S | S | | P | |
| Clinics, human and veterinary | S | | S | P | |
| Contractor yards, lumber yards and building material storage and sales | | | | S | P |
| Fireworks sales | | | | S | |
| Hotels or motels | | | | S | |
| Kennels | S | | | | |
| Laundromats | | | | P | |
| Livestock transportation facilities | S | | | | P |
| LP gas and fuel oil dealers | | | | S | P |
| Mini-warehouses | S | | | S | P |
| Mortuary establishments | | | | S | |
| Nursery (plant materials) | S | | | P | |
| Offices | | | | P | |
| Outdoor display and sales of garden supplies, lawn furniture, playground equipment, home equipment, garages, sheds, manufactured homes, modular homes, swimming pools, and similar products | | | | S | |
| Personal service establishments | | | | P | |
| Recreation facilities, private indoor | | | | P | |
| Recreation facilities, private outdoor, excluding miniature golf courses, go-cart tracks, batting cages, basketball courts, and tennis/racquet clubs | S | | | | |
| Recreation facilities, private outdoor | | | | S | |
| Restaurants, excluding drive-in and carry-out restaurants | | | | P | |
| Restaurants, drive-in and carry-out | | | | S | |
| Retail sales establishments | | | | P | |
| Riding stables, public | S | | | | |
| Showroom and/or outdoor sales of new and second-hand automobiles, boats, recreational vehicles, motor homes, snowmobiles, trucks and trailers, and similar products | | | | S | |
| Theaters, assembly halls, concert halls or similar places of assembly | | | | P | |
| Wineries | S | | | | |

| INDUSTRIAL USES | AR | R1 | R2 | C | I |
|--|-----------|-----------|-----------|----------|----------|
| Assembly | | | | | P |
| Central dry cleaning or laundry plants, cleaning, and dyeing works, and carpet or rug cleaning | | | | | P |
| Extraction operations, sand and borrow pits | S | | | | S |
| Facilities used in the research and testing of agricultural products and techniques | S | | | | P |
| Fireworks manufacturing | | | | | S |
| Gas and oil processing facilities | | | | | S |
| Heavy equipment sales, service and rental | | | | | S |
| Junkyards | | | | | S |
| Laboratories including experimental, film, and testing | | | | | P |
| Manufacturing | | | | | P |
| Printing, lithographic, blueprinting and similar uses | | | | | P |
| Research oriented and light industrial park uses | | | | | P |
| Sanitary landfills | | | | | S |
| Smelting, stamping, rolling, plating, refining, and forging of metal | | | | | S |
| Truck stops, truck terminals | | | | | S |
| Warehousing and material distribution centers | | | | | P |
| Wholesale of goods | | | | | P |
| P = Principal Permitted Use S = Use Permitted after Special Use Approval | | | | | |

Section 2.11 SCHEDULE OF REGULATIONS

A. Purpose.

It is the purpose of the Zoning Ordinance to regulate the size, bulk, height and types of uses and structures in various districts to protect the general health, safety, and welfare of residents living or working within such districts. The following Schedule of Regulations stipulates the minimum allowable areas for land and buildings in each district as defined in this Ordinance.

B. Schedule of Regulations.

The following regulations regarding lot sizes, building heights, lot coverage, yards, setbacks, building size, and densities apply within the zoning districts as indicated. 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 hereby established for the district in which such building is located.

| ZONING DISTRICT | MINIMUM LOT SIZE <i>Footnote (1)</i> | | MAXIMUM BUILDING HEIGHT <i>Footnote (2)</i> | | MINIMUM YARD SETBACKS <i>Footnotes (1),(3)</i> | | | MINIMUM FLOOR AREA PER DWELLING UNIT (Sq. Ft.) | MAXIMUM BUILDING COVERAGE OF LOT (%) |
|--|---|---------------------------------|--|---------------------------|---|---------------------------|---------------------------|---|--------------------------------------|
| | Area (Ac.) | Width (Ft.) | Stories | Feet | Front (Ft.) | Side (Ft.) | Rear (Ft.) | | |
| AR, Agricultural/Rural Residential | 2 | 200 | 2 | 35 | 25 | 10 <i>Footnote (4)</i> | 25 | 575 | 35 |
| R1, Medium Density Residential | 0.75 | 150 | 2 | 25 | 15 | 10 <i>Footnote (4)</i> | 15 | 575 | 35 |
| R2, High Density Residential | 0.75 <i>Footnotes (5),(6)</i> | 150 <i>Footnotes (5),(6)</i> | 3 <i>Footnote (6)</i> | 40 <i>Footnote (6)</i> | 25 <i>Footnote (6)</i> | 15 <i>Footnote (6)</i> | 25 <i>Footnote (6)</i> | 575 <i>Footnote (7)</i> | 35 <i>Footnote (6)</i> |
| C, Commercial | <i>Footnote (8)</i> | <i>Footnote (8)</i> | 2 | 25 | -- | -- | -- | -- | -- |
| I, Industrial | <i>Footnote (8)</i> | <i>Footnote (8)</i> | 2 | 30 | -- | -- | -- | -- | 50 |
| <i>See Section 2.11,C for footnotes to schedule of regulations</i> | | | | | | | | | |

C. Footnotes to Schedule of Regulations.

1. All publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations necessary to provide essential services to the area by governmental units or public utilities will be

permitted on lots having a minimum lot size of 21,780 square feet and shall maintain a setback of twenty-five (25) feet from all property lines.

2. Maximum height of farm buildings shall not exceed forty (40) feet, except those structures such as silos, grain legs and storage bins, which may not exceed one hundred and twenty-five (125) feet.
3. Permitted encroachments on setback space. Outside staircases, balconies, belt courses, sills, lintels, cornices, eaves, gutters, or any structural feature extending thirty (30) inches or more above grade may project into required front, rear and side setbacks by not more than two (2) feet. Structural features such as unwallled porches, patios, or terraces which extend less than thirty (30) inches above grade may project into required front, side and rear setbacks to a point no closer than five (5) feet from any property line.
4. Walls containing windows or doors which face a side lot line shall maintain a minimum setback distance of ten (10) feet from said line; walls which contain no openings facing a side lot line shall maintain a minimum setback distance of five (5) feet from said line.
5. A multiple family development shall maintain a minimum lot width of one hundred fifty (150) feet and shall maintain a total lot size of not less than 10,890 square feet for each unit.
6. A manufactured home park shall be located on a property having a minimum lot size that meets the administrative rules of the Michigan Mobile Home Commission.
7. The minimum floor area for multiple-family dwelling units shall be as follows:

| | |
|---------------------|-----------------|
| Efficiency Unit | 350 square feet |
| One Bedroom Unit | 500 square feet |
| Two Bedroom Unit | 650 square feet |
| Three Bedroom Unit | 800 square feet |
| Additional Bedrooms | 150 square feet |
8. The minimum lot area and minimum lot width shall be determined on the basis of required off-street parking, loading, screening, and yard setbacks as provided herein for the respective uses.

ARTICLE III
GENERAL PROVISIONS

Section 3.01 EFFECT OF ZONING

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Section 3.02 NUMBER OF RESIDENCES ON A LOT

Not more than one single-family dwelling unit shall be located on a lot, nor shall a single-family dwelling unit be located on the same lot with any other principal building or structure use, except as otherwise permitted in this Ordinance or on farms for seasonal agricultural workers.

Section 3.03 NON-CONFORMING USES

- A. Intent. The intent of this section is to regulate the continued use of land, structures and buildings, which were lawful uses prior to the enactment of this Ordinance. The Township, by adopting this section, intends to gradually eliminate nonconforming buildings and uses of land by limiting changes of use and structural alterations, so that the life of a nonconforming use would not be prolonged or enlarged.

- B. Non-Conformance Regulated. Any lawful use of the land or buildings existing at the date of passage of this Ordinance and located in a district in which it would not be permitted as a new use under the regulations of this Ordinance, is hereby declared to be a “non-conforming use” and not in violation of this Ordinance, provided, however, that a non-conforming use shall be subject to, and the owner comply with, the regulations in this Section.

- C. Non-Conforming Uses of Land. Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:
 - 1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

 - 2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.

 - 3. If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) months and evidence shows that the owner intended to abandon the owner's rights to such non-conforming use, such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. For the purposes of this section, the term “ceases” shall mean a stoppage, abandonment, or discontinuance of a use, a substantial reduction of a use, or a change to another use.

The cancellation of utility service, expiration of licensure or insurance, liquidation or removal of furnishings, equipment or inventory, stoppage of mail service, or a significant reduction in occupation, business hours, customers, or sales shall serve as evidence of cessation.

4. No structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

D. Non-Conforming Uses of Structures. If lawful use involving individual structures, or of structure and premises in combination, exists at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. If any such non-conforming use of a structure ceases for any reason for a period of more than twelve (12) months and evidence shows that the owner intended to abandon the owner's non-conforming rights, such use shall conform to the regulations specified in this Ordinance for the district in which such use is located. For the purposes of this section, the term "ceases" shall mean a stoppage, abandonment, or discontinuance of a use, a substantial reduction of a use, or a change to another use. The cancellation of utility service, expiration of licensure or insurance, liquidation or removal of furnishings, equipment or inventory, stoppage of mail service, or a significant reduction in occupation, business hours, customers, or sales shall serve as evidence of cessation.
3. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

E. Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. If any such non-conforming structure ceases being used for any reason for a period of more than twelve (12) months and evidence shows that the owner intended to abandon the owner's non-conforming rights, any subsequent use of such structure shall conform to the regulations specified by this Ordinance for the district in which such structure is located. For the purposes of this section, the term "ceases" shall mean a stoppage,

abandonment, or discontinuance of a use, or a substantial reduction of a use. The cancellation of utility service, liquidation or removal of furnishings, equipment or inventory, stoppage of mail service, or a significant reduction in occupation, business hours, customers, or sales shall serve as evidence of cessation.

F. Non-Conforming Lots of Record.

1. In any district, a structure and accessory building may be erected on a lot which fails to meet the district requirements for bulk regulations, provided that said lot existed at the effective date of this Ordinance or any affecting amendment. However, the proposed structure and accessory building must still meet the yard dimensions and requirements for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals.
2. If two or more vacant lots or combinations of vacant lots and portions of vacant lots with continuous frontage in single ownership are of record at the time of passage 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 lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

G. Repairs and Maintenance.

1. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty (20) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.
2. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

H. Replacement of Non-Conforming Structures.

1. If a structure, conforming as to use in the district in which it is located but occupying a lot with insufficient area and/or setbacks, is destroyed by any cause whatsoever, the owner shall be permitted to replace or restore the structure provided the replaced or

restored structure covers no greater area (in the case of insufficient lot size) than the original and the replaced or restored structure causes no greater encroachment on setback areas (in the case of insufficient setbacks) than the original.

2. If a structure, specifically designed for a use non-conforming in the district in which any structure is located, is destroyed by any cause whatsoever, the owner shall be permitted to replace or restore the structure provided the cost of such replacement or restoration is less than the cost (not including land cost) of building an equal structure in a district in which such use is permitted and provided, also, that the cost of redesigning the structure for a use permitted in the district in which it is located would be greater than replacing or restoring it to its original design. Where, owing to exceptional and extraordinary circumstances, enforcement of the provisions of this paragraph would result in practical difficulties, the Board of Appeals may waive such provisions and authorize replacement or restoration of the structure in its original design and location. In any case, however, the restored or replaced structure shall afford no greater floor area nor occupy greater ground area than the original structure.

- I. Change of Tenancy or Ownership. There may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

Section 3.04 TEMPORARY STRUCTURES

A. Temporary Dwellings.

1. No cabin, garage, cellar, or basement, or any temporary structure, whether of a fixed or movable nature, may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except as provided in this Section. Recreational vehicles shall not be used for living or for housekeeping purposes when parked or stored in any location not approved for such use, unless approval is granted by the Planning Commission.
2. If a dwelling is destroyed or is damaged by a natural or man-made event, such as fire, flood, long-term vacancy, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a mobile home approved by the Zoning Administrator may be moved onto the lot after obtaining a permit for use as a temporary dwelling during replacement or repair of the permanent dwelling. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located, and shall be connected to water supply and sewage disposal systems approved by the Bay County Health Department.
3. The Planning Commission may establish a reasonable date for removal of the temporary dwelling, said date not to exceed one (1) year from the date of issuance of said permit which shall not be subject to renewal. The temporary dwelling shall be removed from the lot within thirty (30) days of the date of occupancy of the replaced or repaired dwelling with the date of occupancy to be as listed on the certificate of occupancy. A performance bond may be required by the Township Board in accordance with Section 3.26 to insure removal of the temporary dwelling.

- B. **Temporary Structures, Other Than Dwellings.** Temporary buildings and/or structures (i.e. concrete batch plants, tool sheds, storage structures, etc.) may be used as construction facilities provided that a permit for such use is obtained from the Planning Commission. Prior to permit issuance, a site plan will be submitted to the Planning Commission for review. The Planning Commission shall, in each case, establish a definite time limit on the use of such facilities, limits on the uses to which such facilities may be put, any other conditions deemed necessary to protect adjoining properties, public health and safety or general welfare, and a date by which such facilities are to be removed from the premises. In accordance with Section 3.26, the Township Board may require posting of a bond or other acceptable security, payable to Township, in an amount or of a value as the Township Board may determine in its sole discretion.
- C. **Temporary Residential Construction Structures.** Temporary buildings and/or structures may be used as construction facilities provided that a permit is obtained for such use from the Zoning Administrator. The Zoning Administrator shall in each case establish a definite time limit on the use of such facilities, limits on the uses to which such facilities may be put, and a date by which such facilities are to be removed from the premises.

Section 3.05 GENERAL EXCEPTIONS TO AREA, HEIGHT AND USE

- A. **Essential Services.** Essential Services, as defined in Article VII, shall be permitted as authorized and regulated by law and other ordinances of the Township. It is the intention of this Section to exempt such essential services from the application of this Zoning Ordinance.
- B. **Voting Place.** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- C. **Height Limit.** The height limitations of this Ordinance shall not apply for chimneys, church spires, flagpoles, public monuments or television and amateur radio operator antennae for personal use of normal or customary height; provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a use permitted after special use approval.
- D. **Lots Adjoining Alleys.** In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this Ordinance, one-half the width of such alley abutting the lot shall be considered as part of such lot.
- E. **Access Through Yards.** For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement serving the like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this chapter not be considered to be a structure, and shall be permitted in any required yards.

Section 3.06 VISIBILITY AT INTERSECTIONS

- A. Corner Lots. On a corner lot in any zoning district no fence, wall, hedge, screen, structure, or planting shall be placed in such manner as to materially impede the vision between the height of two and one-half (2 ½) feet and ten (10) feet above the average centerline grades of the intersecting streets in the area bounded by the street right-of-way lines of such corner lots and the line joining points along said street lines twenty-five (25) feet from their point of intersection as measured along the street right-of-way lines.
- B. Driveways. At any driveway in any zoning district no fence, wall, hedge, screen, structure, or planting shall be placed in such manner as to materially impede the vision between the height of two and one-half (2 ½) feet and ten (10) feet above the average centerline grades of the of the intersecting street and driveway in the area bounded by the street right-of-way line and the driveway and the line joining points along said street line and edge of the driveway ten (10) feet from their point of intersection.

Section 3.07 HOME OCCUPATIONS

A home occupation may be permitted accessory to a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:

- A. The home occupation shall be clearly incidental and subordinate to the principal use of the premises for residential purposes. The exterior appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would substantially alter the premises' residential character.
- B. The home occupation shall be conducted by the person or persons occupying the premises as their principal residence. Not more than one (1) person outside of the family shall be engaged in such operation.
- C. A home occupation shall be conducted within the dwelling unit or within a building accessory thereto. Not more than twenty five (25) percent of the area of the dwelling unit or accessory structure may be used for purposes of the home occupation.
- D. No occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations or electrical disturbance. There shall be no discharge of polluting materials, fluids or gases into the ground or surface water, soil or atmosphere.
- E. No article shall be sold or offered for sale on the premises except such as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
- F. Vehicular and pedestrian traffic generated by the home occupation shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off-street.

- G. Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.
- H. A permit must be obtained from the Zoning Administrator prior to the establishment of any home occupation. Fees for such permits shall be established by resolution of the Township Board.
- I. The following occupations and occupations similar in nature, shall not be permitted as home occupations:
 - 1. Automobile repair or manufacture.
 - 2. Food service establishments or restaurants, not including catering businesses.
 - 3. Medical or veterinary offices.
 - 4. Refuse hauling.
 - 5. Small engine or appliance repair.
 - 6. Tool and die.
 - 7. Trade shops for contractors, such as but not limited to, electricians, plumbers, and welders.

Section 3.08 TRANSIENT AMUSEMENT ENTERPRISES

Transient amusement enterprises are permitted for a limited and specific period of time in accordance with the special land use provisions of this Zoning Ordinance and the use classification pertaining to the particular district. In addition to the above-required findings, the Planning Commission and Board of Trustees must permit such transient amusement enterprises only upon a finding that the location of the activities will not adversely affect adjoining properties or the public health, safety, or general welfare. Posting of a bond or other security payable to the Township in an amount determined to hold the Township free and harmless of all costs or liabilities incident to the enterprises may be required. The Planning Commission and Board of Trustees must issue the special land use permit for a specific named purpose and for a specific period of time. The permit is temporary and valid just for that period of time and is not renewable or transferrable.

Section 3.09 REQUIRED FRONTAGE ON A ROAD

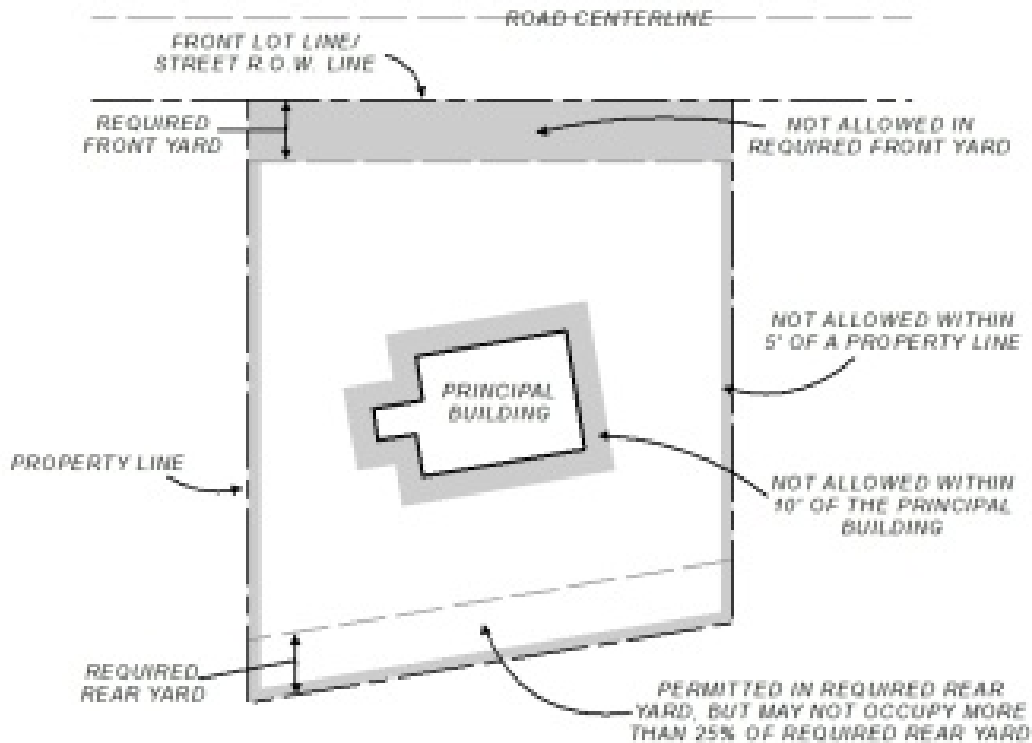
No lot shall be created unless said lot fronts upon a public street, or a private road established in accordance with Section 3.27, and contains the required street frontage for its zoning district.

Section 3.10 ACCESSORY BUILDINGS

Accessory buildings, **except those in conjunction with farms or as otherwise permitted in this Ordinance**, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- B. No accessory building shall be located within the required front yard setback noted in Section 2.11.
- C. Accessory buildings shall not occupy more than twenty (25) percent of a required rear yard.
- D. No detached building accessory to a residential building shall be located closer than ten (10) feet to any main building nor shall it be located closer than five (5) feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or a public right-of-way.
- E. No detached accessory building in the AR, R 1 or R-2 Districts shall exceed one (1) story or eighteen (18) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in such districts, subject to the Planning Commission review and approval.
- F. When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. A building accessory to a residential building shall in no case be located nearer than ten (10) feet to a street right-of-way line.
- G. Automobiles, buses, mobile homes, semi-tractor trailers, truck bodies, or similar portable units shall not be used as accessory buildings.

**ACCEPTABLE LOCATIONS
FOR ACCESSORY BUILDINGS**



Section 3.11 ANIMALS

A. Class I Animals. Class I animals may be maintained in the AR and R-1 Districts, provided, however, that Class I animals shall not be permitted on a premises having less than one and one half (1½) acres; one Class I animal unit shall be permitted on a premises having one and one half (1½) acres or more; and one additional Class I animal unit shall be permitted per each full acre on a premises in excess of one and one half (1½) acres. Lots of forty (40) acres or more in size are exempt from this requirement.

1. Class I animal units consist of the following:

| <u>Animal</u> | <u>Animal Unit</u> |
|---|--------------------|
| Cattle/ Buffalo/ Horse/ Mule/ Llama | 1 |
| Horse (34 inches or less at withers)/ Burro/ Donkey | 0.5 |
| Swine/ Ostrich | 0.5 |
| Goat/ Sheep | 0.5 |
| Other livestock weighing in excess of 75 pounds | 1 |

2. A fence shall be constructed of sufficient materials and height to prevent Class I animals from leaving the site unattended.

3. Any structure erected for the purpose of housing Class I animals shall be located no less than twenty-five (25) feet from any lot line.

B. Class II Animals. Class II animals may be maintained in the AR and R-1 Districts, provided, however, that Class II animals shall not be permitted on a premises having less than one and one half (1½) acres; one Class II animal unit shall be permitted on a premises having one and one half (1½) acres or more, and one additional Class II animal unit shall be permitted for each full acre on a premises in excess of one and one half (1½) acres. Lots of forty (40) acres or more in size are exempt from this requirement.

1. Class II animal units consist of the following:

| <u>Animal</u> | <u>Animal Unit</u> |
|--|--------------------|
| Poultry (Chickens/Turkeys/Pheasants/Geese/Ducks) | 50 |
| Mink/Rabbits and similar fur bearing animals | 50 |
| Other animals weighing less than 75 pounds | 25 |

2. A fence shall be constructed of sufficient materials and height to prevent Class II animals from leaving the site unattended.

3. Any structure erected for the purpose of housing Class II animals shall be located no less than twenty-five (25) feet from any lot line.

C. Class III Animals. Domesticated animals kept for pets like dogs and cats, may be maintained in any zoning district, subject to the following conditions:

1. The keeping of six (6) or fewer Class III animals is generally considered to have minimal nuisance value, and no site improvement or method of housing said pets is required. However, this does not set aside requirements to comply with county or state regulations regarding licensure, personal liability, and freedom to leave the property.

2. The keeping of more than six (6) but not more than ten (10) Class III animals six (6) months old or older requires the following site improvements and housing requirements according to Bay County kennel rules:

i. A fence shall be constructed of sufficient materials and height to prevent Class III animals from leaving the site unattended.

ii. Any structure erected for the purpose of housing Class III animals shall be located no less than twenty-five (25) feet from any lot line.

3. This Section shall not apply to the boarding, breeding, or care of domestic animals for profit, which shall be subject to all applicable regulations for Kennels in this Ordinance.

D. Class IV Animals, as defined in this Ordinance, shall be prohibited in Garfield Township.

- E. **Where Class I or Class II animals are kept as part of a farming operation as defined in 1981 PA 83, those animals are exempt from the requirements of this Section so long as the farming operation is conducted consistent with a GAAMP as adopted and published by the Michigan Department of Agriculture, or its successor, and as amended from time to time.**

Section 3.12 RESIDENTIAL FENCES

The term "residential fence" as employed herein shall include any barrier constructed, assembled, arranged, placed, or otherwise erected by employing wood, woven wire, chain link, masonry, metal, plastic, or similar materials, or any combination thereof, for purposes of enclosing property and/or providing privacy to specific areas within property boundaries in any zoning district where single-family dwellings are permitted or on lots in non-residential districts which are used for residential purposes. Such fences shall be subject to the following regulations:

- A. The erection, construction, or alteration of any fence shall be approved by the Zoning Administrator as to its conforming to the requirements of the zoning district in which it is located and to the requirements of this Section.
- B. All residential fences shall be constructed of good quality materials ordinarily and customarily used for fencing; and, shall have the finished side facing away from the interior of the lot and the pole side facing the interior of the lot.
- C. Fences which enclose and/or are within a side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground.
- D. Any fence in a front yard shall not exceed four (4) feet in height, as measured from the surface of the ground, shall have see-through qualities equivalent to a split rail fence, and shall extend no closer than five (5) feet to the road right-of-way line.

Section 3.13 DRIVEWAY CONSTRUCTION STANDARDS

- A. Driveways shall be drained so as to dispose of surface water in the driveway in such a way as to preclude drainage of water onto adjacent property.
- B. Any driveway in excess of one hundred fifty (150) feet in length from their intersection with a public or private road to its terminus shall be constructed and maintained in conformity with the following standards to assure adequate and safe access by emergency response vehicles:
 - 1. Any cul-de-sac or intersection shall be constructed in conformity with the Bay County Road Commission standards for plat road development which are then in existence.
 - 2. A driveway shall have a minimum of twenty (20) feet of clearance in width and twelve (12) feet of base down the center for its full length.
 - 3. All trees and brush shall be cleared to a minimum height of fourteen (14) feet along each side of a driveway for its full length.

4. All stumps and other obstructions to safe and unobstructed travel by emergency response vehicles shall be removed from the driveway.
5. A driveway shall be constructed with materials, including installation of sand and stone base, sufficient to support a thirty (30) ton emergency response vehicle.
6. A driveway shall be continuously maintained to conform to these standards and to assure access by emergency response vehicles.
7. If any driveway contains a curve bearing an arc in excess of ten (10) degrees, a minimum width of forty (40) feet shall be maintained at the area of such curves to assure emergency response vehicles are able to safely traverse the curve.

Section 3.14 EXTERIOR LIGHTING

All outdoor lighting for uses other than single-family and two-family dwellings shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts, adjacent residences, and public rights of way. In no instance shall a light pole exceed a height of twenty-five (25) feet, measured from grade.

Section 3.15 PERFORMANCE STANDARDS

- A. **Smoke.** No person or entity shall emit or cause to be emitted into the atmosphere from any air contamination source of emission whatsoever any air contaminant which is of such a shade or density as to obscure an observer's vision to a degree in excess of 20 percent opacity or number 1 on the Ringelmann Chart.
- B. **Glare, Heat and Other Emissions.** In no case shall such emission endanger human health, cause damage to vegetation or property, interfere with the normal operation of equipment or instruments or interfere with the reasonable use and enjoyment of property located outside the lot on which a use is operated. Any operation producing intense glare or heat shall be performed within a completely enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line.
- C. **Radioactive Materials.** The airborne emission of radioactive material shall comply with the latest provisions of the State of Michigan Rules and Regulations pertaining to Radiation Control as well as any applicable Federal regulations.
- D. **Fire and Explosive Hazards.** In any zoning district, all uses shall comply with the applicable standards set for in the rules and regulations of the National Fire Protection Association and applicable State of Michigan rules and regulations.
- E. **Underground and Above Ground Storage Tanks.** In any zoning district, all uses shall comply with applicable State of Michigan rules and regulations.
- F. **Noise.** The standards of the Bay County Noise Control Ordinance and subsequent amendments thereto shall apply.

- G. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the lot on which the use is located. Vibrations from temporary construction and vehicles which leave the lot (such as trucks, trains, airplanes and helicopters) are excluded.
- H. Outdoor storage and waste disposal. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

Section 3.16 PONDS

- A. The regulations set forth in this section are designed to provide for the regulation of ponds and to specify the conditions and circumstances under which such ponds may be developed to protect the health, safety, and general welfare of the residents of the community, preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse effect upon the existing aesthetic character of the Township.
- B. General provisions.
 - 1. It shall be unlawful for any person, firm, corporation, or partnership, or other organization or entity to construct a pond within the Township without first securing a permit from the Zoning Administrator as stipulated in this Section.
 - 2. Water shall be maintained in all pond excavations.
 - 3. If the applicant intends to remove topsoil, sand, gravel or other materials from the land upon which the pond is to be constructed, he shall first obtain a special approval use permit from the Planning Commission and shall also comply with the requirements of Section 4.25 of this Ordinance.
- C. Application and review procedures.
 - 1. Application shall be made to the Zoning Administrator. Applications shall contain the following information:
 - i. Name and address of the applicant.
 - ii. Legal description of the property upon which the pond will be established.
 - iii. A drawing of the land on which the proposed pond shall be constructed which includes the placement of all residences and outbuildings, the location of any existing wells and the location of all septic systems and leech fields.

- iv. The drawing shall include the placement of the proposed pond on the premises, the proposed depth of the pond in detailed increments of ten (10) feet and the height of all embankments.
 - v. The distance from any existing ponds and adjacent properties.
 - vi. The proposed location(s) of the excavated materials which are to be redistributed on-site.
2. Evidence shall also be presented at the time of application that all local and state permits were received.
- D. Private ponds shall be permitted as an accessory use provided they meet the following requirements:
- 1. The setback distance for the pond shall be a minimum of twenty five (25) feet from any property line. A pond may cross a property line only when all properties are owned by the applicant or upon submittal of an easement reviewed and accepted by the Zoning Administrator allowing such occupation.
 - 2. There shall be a distance of not less than twenty five (25) feet between the outside edge of the pond and any building.
 - 3. There shall be a distance of not less than two hundred (200) feet from any overhead transmission lines.
 - 4. No pond shall be located within the right-of-way of a County drain.
- E. Limitations.
- 1. Construction of a pond shall be completed within twelve (12) months of the issuance of the permit. Extensions may be granted by the Zoning Administrator for cause shown.
 - 2. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the Township or by other public agencies having jurisdiction.
 - 3. All health and safety provisions contained in this Ordinance shall be superseded by any local, state or federal regulations that are more stringent than provided herein. The provisions of this Ordinance shall prevail in all cases where this ordinance is more stringent than other local, state and federal regulations.
- F. Fees required. Fees for the review of applications for the purpose of obtaining a construction permit for a pond shall be established by resolution of the Township Board. In accordance with Section 3.26, a performance bond in an amount set by the Township Board shall be submitted by the applicant prior to a permit being issued.

G. Exemptions.

1. Ponds which are constructed for the sole purpose of agriculture, including irrigation ponds, livestock ponds, and aquaculture ponds are exempted from the requirements of this Section.
2. Drainage retention ponds approved as part of a site plan shall be exempt from the requirements of obtaining a pond permit.

Section 3.17 STORAGE OF RECREATIONAL EQUIPMENT

Storage of such recreational equipment, when permitted in a commercial district as a principal use of lot, shall have a gravel surface and be treated regularly to prevent erosion and blowing of dust. The storage area shall be fenced for security purposes.

Section 3.18 SWIMMING POOLS

It shall be unlawful for any person, firm, corporation, or partnership, or other organization or entity to construct an in-ground swimming pool within the Township without first securing all necessary permits under the applicable building and electrical codes from the agency that enforces those codes in the Township.

Section 3.19 CONDOMINIUM REGULATIONS

- A. A site plan for a condominium project shall include the documents and information required by Section 66 of the Condominium Act, Public Act 59 of 1978, as amended, as well as the requirements of this Section.
- B. The building site for each site condominium unit shall comply with all applicable provisions of this Ordinance, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side and rear yards shall be determined by measuring the distance from the equivalent front, side, or rear yard boundaries of the building site to the closest respective front, side or rear boundary of the building envelope.
 1. "Building envelope" means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.
 2. "Building site" means either:
 - i. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or

- ii. The area within the condominium unit taken together with any contiguous and appurtenant limited common element. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard, and density requirements) or with other applicable laws, ordinance or regulations, a "building site" shall be considered to be the equivalent of a "lot."
- 3. "Site condominium unit" means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

Section 3.20 SOLAR COLLECTORS

Solar collector panels, may be permitted in any zoning district, subject to the following criteria:

- A. All necessary permits under the applicable building and electrical codes must be secured from the agency that enforces those codes in the Township prior to all installations.
- B. All installations shall comply with all accessory use, height, bulk, and setback requirements of the district; except that flush mounted wall or roof solar collectors are permitted.
- C. All installation shall be located to prevent the obstruction of sunlight on adjoining property.
- D. All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.

Section 3.21 OUTDOOR FURNACES

- A. Purpose. The general purpose and intent of these regulations is to regulate the establishment of outdoor furnace systems (solid fuel external heating devices) with regard to the development and location requirements for an outdoor furnace, a self-contained unit designated to provide heat to a building or structure, located outside of that building or structure. Also, it is the purpose and intent of these regulations to insure the safety of such devices and that the environmental impacts are taken into consideration, particularly concerning the production of offensive odors and the potential health effects of uncontrolled emissions. Furthermore, it is the intent to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and are not detrimental to the health, safety and general welfare of Township residents. It is the further purpose and intent of these regulations to:
 - 1. Provide for the appropriate location and development criteria for outdoor furnace systems within the Township; and
 - 2. Allow the location of outdoor furnace systems within restricted areas; and
 - 3. Minimize the adverse effects of such facilities through careful design and location criteria; and

4. Protect the character of individual properties throughout the Township from the effects of outdoor furnace system facilities; and
5. Promote the public health, safety, and welfare.

B. Definitions.

1. **Chimney:** Flue or stack that carries off exhaust from an outdoor furnace firebox or burn chamber.
2. **EPA:** The United States Environmental Protection Agency.
3. **Firewood:** Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three (3) inches in diameter, including untreated lumber.
4. **Fuel (Solid):** The materials used for combustion purposes in an outdoor furnace which may include, coal, corn, firewood and wood pellets.
5. **Outdoor Furnace:** Any device, contrivance or apparatus or any part thereof which is installed, affixed or situated out-of-doors for the primary purpose of the combustion of fuel from which heat or energy is derived and intended to be directed by conduit or other mechanism into any interior space for the supply of heat or energy, including but not limited to combination fuel furnaces or boilers which burn solid fuel. An Outdoor Furnace may also be referred to as an Outdoor Wood Furnace, Outdoor Wood Boiler or Outdoor Wood-fired Hydronic Heater.
6. **Untreated Lumber:** Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint, varnishes, resins or other substance.
7. **Treated Lumber:** Lumber/wood that has been milled and treated or combined with a preservative product.

C. Applicability. This Section applies to all outdoor furnaces within the Township, as defined in Subsection B.

D. Regulations. An outdoor furnace may be installed and used only in accordance with all of the following provisions:

1. The outdoor furnace shall be installed and used only on property zoned AR District.
2. The outdoor furnace shall be located at least two hundred (200) feet from the nearest building which is not on the same property as the outdoor furnace.

3. An outdoor furnace shall not be erected unless all applicable building and mechanical permits have been issued to the owner or occupant of the property. The permit fees for an outdoor furnace shall be set by the Township Board.
 4. Only firewood, untreated lumber, coal, corn and wood pellets are permitted to be burned in any outdoor furnace. The burning of any other materials in an outdoor furnace is expressly prohibited (i.e., trash, plastics, rubber, foam, synthetic fabrics and materials, PVC and ABC products, polystyrene products, any flammable liquid or gas material, household garbage, treated wood and/or wood products, composite wood products, plywood, leaves, paper products, cardboard).
 5. The owner shall obtain the applicable zoning and construction permits (the later pursuant to the Michigan Residential Code; Section 105.2) for applicable building, electrical, mechanical and plumbing permits, which shall be required prior to the installation of an outdoor furnace system.
- E. Right of Entry and Inspection. Any authorized officer, agent, employee or representative of Garfield Township may inspect any property for the purpose of ascertaining compliance with the provisions of this Section.

Section 3.22 SIGNS

- A. Findings. The Township Board of Trustees finds as follows:
1. Exterior signs have a substantial impact on the character and quality of the environment.
 2. Signs provide an important medium through which individuals may convey a variety of messages.
 3. Signs that are too large or poorly designed or poorly built or too numerous can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
 4. The Township's zoning regulations have historically included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the Township and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the Township has had a positive impact on traffic safety and the appearance of the community.
- B. Purpose. It is not the intent of this Section to regulate the message displayed on any sign, nor to regulate any building design or any display not defined as a sign, or to regulate any sign that cannot be viewed from outside of a building. Rather, the purpose of this Section is to

1. encourage the effective use of signs as a means of communication.
2. maintain and enhance the aesthetic environment of the Township and the Township's ability to attract sources of economic development and growth.
3. eliminate and minimize physical and visual clutter.
4. preserve, promote, and improve pedestrian and traffic safety;
5. minimize the possible adverse effects of signs on nearby public and private property;
6. enable the fair and consistent enforcement of these sign regulations.
7. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the Township in order to promote the public health, safety and welfare.
8. Improve the visual appearance of the Township while providing for effective means of communication, consistent with constitutional guarantees.

C. Effect. A sign may be erected, mounted, displayed or maintained in the Township if it complies with these regulations. The effect of this Section 3.22, as more specifically set forth herein, is to:

1. Allow a wide variety of sign types in various zoning districts, and a more limited variety of signs in some districts, subject to the standards set forth in this Section 3.22.
2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with this Section 3.22.
3. Provide for temporary signs in limited circumstances.
4. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment, would be contrary to this Section's purpose and the Township's findings and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
5. Provide for the enforcement of the provisions of this Section 3.22.

D. Definitions. As used in this Section 3.22, the following terms have the following meanings:

Abandoned sign. A sign that was lawfully erected on the property in conjunction with a particular use but where that use has been subsequently discontinued for a period of 30 days or more; or a lawfully erected temporary sign where the time period allowed for display of the sign has expired.

Animated sign. Any sign or permanent structure that uses movement, projection, or change of lighting or other electrical impulses to depict action or create a special effect. Variable display signs, beacons and moving message boards are considered to be animated signs.

Banners, pennants, festoons and balloons. Any sign of fabric or other flexible material that is permanently mounted to a pole, enclosed in a frame, or otherwise mounted to allow movement caused by wind. Flags are not considered banners.

Building marker. Any sign indicating the name of a building or date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material which is architecturally compatible with the building.

Canopy sign. Any sign that is a part of, attached to, or made up of an awning, canopy, or other protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

Commercial message. Any sign wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity.

Construction sign. A sign conveying information about a building project, such as the name and use of the building being constructed, and the names of architects, engineers, contractors, and other persons involved with the construction project.

Dilapidated sign. Any sign that is structurally unsound, has defective parts, or is in serious need of painting or other maintenance.

Directional sign. A permanent sign erected for or by a public entity for purposes of identification, direction or public safety.

Directory sign. A sign providing orientation within an office or commercial subdivision, listing such information as on-site businesses and other tenants and their respective activities.

Electronic message display. Any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electronic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

Flag. Any fabric or bunting containing distinctive colors, patterns or symbols that is used as a symbol of a governmental, commercial or non-commercial entity.

1. Commercial flag means any flag which displays a commercial name, message, logo or symbol.
2. Decorative flag means any flag which displays any holiday or seasonal insignia, design or the like which does not include any commercial name, message, logo or symbol.
3. Non-commercial/government/civic flag means any flag displaying a name, message, logo or symbol of any governmental, religious, civic or non-profit agency.

Freestanding sign. Any sign supported by a structure or support that is anchored in the ground and that is independent of any building or other structure.

Front façade. The front elevation of a building that faces the front property line, as recorded on the plat or site plan. If a structure is located on a corner parcel, the side which includes the primary entrance is considered the front facade. If a structure located on a corner parcel contains a primary entrance on more than one side, the longer side with a primary entrance is considered the front facade.

Illegal sign. Any sign which is a prohibited sign or does not comply with the requirements established herein, is not a lawful nonconforming sign, and is not exempted by law from the requirements established herein.

Illuminated sign (internally). Any sign that transmits light through its face or any part thereof.

Incidental sign. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "exit", "loading only", "no trespassing", "no hunting", "phone", "ATM", etc.

Inflatable sign. Any sign that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Marquee sign. Any sign attached to, or made part of, a marquee or other permanent roof-like structure that projects beyond a building face and is not supported from the ground.

Menu board. A structure primarily that displays menu items and prices for such items in conjunction with a restaurant utilizing drive-through or curbside service.

Non-commercial. Not naming, advertising or calling attention to a business or commercial product, service or activity. However, where the name of a business is merely incidental to the primary purpose of a sign displayed on residential property, such as may be the case with a real estate sign or baby announcement, such sign is deemed non-commercial.

Nonconforming sign or sign structure. Any existing, permanent sign or sign structure which does not conform to the provisions of this Section 3.22, but was lawfully erected and complied with the sign regulations in effect at the time it was erected.

Painted wall sign. Any sign or display painted directly on any exterior surface, exclusive of window or door glass areas.

Pennant. See definition of "banners, pennants, festoons, and balloons."

Permanent sign. Any sign that is intended for other than temporary use or a limited period. A permanent sign is generally affixed or attached to the exterior of a building, or to a pole or other structure, by adhesive or mechanical means, or is otherwise characterized by construction materials, a foundation or anchoring indicative of an intent to display the sign for more than a limited period.

Political preference sign. Any temporary sign erected on private property for the purpose of supporting a political candidate, stating a position regarding a political issue, or similar purpose.

Portable sign. Any sign designed or intended to be readily relocated, and not permanently affixed to the ground or to a structure. Portable signs include such signs as a sidewalk sign; A-frame sign; or any sign attached to or painted on a vehicle or trailer parked and visible from the public right-of-way for more than two consecutive hours or more than four total hours between sunrise and sunset. For the purposes of this Section 3.22, portable signs are not considered permanent signs. Real estate signs and other temporary signs which are otherwise provided for in this Section 3.22 are not considered portable signs for purposes of this Section 3.22.

Projecting sign. Any sign, other than a wall sign, whose leading edge extends beyond the building or wall to which it is affixed, forming an angle with said building or wall.

Public right-of-way/public way. A strip of ground dedicated for public use, usually for a public street, public infrastructure, or waterway. For the purposes of this Section 3.22, such rights-of-way are considered to extend a minimum of ten feet from the edge of pavement, or to the dedicated right-of-way boundary, whichever is further.

Real estate sign. A temporary sign advertising the real property upon which the sign is located for rent, lease, or sale.

Roof line. The highest horizontal point of the wall visible to the public, excluding any architectural feature which extends above such apparent horizontal roof line if such feature is fully enclosed and considered an integral part of the occupied space (such as an atrium or high ceiling).

Roof sign. Any sign erected wholly or partially above the roof line of the roof to which it is attached.

Scoreboard. A structure located within an athletic field, displaying changing scores and related information; or additional content, including but not limited to the names and logos of any sponsors.

Sign. Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person or entity, or to communicate information of any kind.

Sign administrator. The person designated by the Township Supervisor as the staff member assigned to oversee the enforcement and interpretation of this article.

Sign area. The square foot area enclosed by the perimeter of the sign face. With respect to signs that are composed of individual symbols, letters, figures, illustrations, messages, forms, or panels, sign area shall be considered to include all such components together with their background, surrounding frame, and any "cutouts" or extensions. The sign area does not include any supporting structure or bracing.

Sign face. The entire area of a sign upon, against, or through which sign copy is placed.

Sign Height. The height of a sign is the vertical distance from normal grade to the highest point of the sign. Any berming or filling or excavating solely for the purpose of locating the sign, must be computed as a part of the sign height.

Sign structure. Any structure that supports, has supported, or is capable of supporting a sign, including any decorative cover for the sign structure. This definition does not include a building, fence, wall, or earthen berm.

Snipe sign. Any sign that is affixed by any means to trees, utility poles, fences or other objects, where the sign does not qualify as an incidental sign allowed pursuant to Section 3.22(G).

Subdivision. The division of land into smaller tracts for any planned, self-contained residential or office development which, for the purpose of this Section 3.22, meets one or both of the criteria as listed below:

1. Such division of land shall abut directly on an arterial street or collector street; or
2. Such division of land shall initially consist of a minimum of 25 acres or shall create 25 or more individual lots.

Subdivision sign. Any sign located at the entrance to a subdivision as defined in this Section 3.22, for the purpose of identifying the subdivision.

Subdivision temporary development sign. Any temporary sign for the purpose of advertising the sale of lots and the development of the subdivision. For purposes of this Section 3.22, such signs shall not be classified as the same as a construction sign.

Swinging sign. Any sign installed on an arm, mast, or similar appendage that is not also permanently fastened to an adjacent wall or upright pole.

Temporary sign. Any sign that is intended for temporary use and a limited period, as allowed by this Section 3.22.

Tubular lighting. Lighting, such as but not limited to neon, gas, fiber optics, or other similar forms of lighting, installed on an exterior building facade, canopy, awning, architectural feature or any other structural component of the building outside the area of any allowable wall signs, for the purpose of drawing visual attention to the business.

Two sign faces. Any sign constructed on a single set of supports, with messages visible on either side, or a "V" type sign with a common support in the center of the "V".

Wall sign. Any sign, other than a projecting sign, that is attached to or painted on any wall of any building, awning or canopy and projects from the plane of the wall, canopy or awning less than 12 inches. This definition does not include freestanding walls or multiple sign surfaces.

Window sign. Any sign, graphic, or interior design element placed inside the window or upon the window pane, used to advertise, announce, or identify a person or entity, or to communicate information of any kind, or to draw visual attention to the business or use, and which is visible from the public right-of-way. For purposes of this Section 3.22, window signs may be permanent or temporary and are subject to applicable provisions herein.

E. General Provisions.

1. Nonconforming signs.
 - a. A nonconforming sign or sign structure, as defined herein, may continue subject to the conditions noted below. When the use of a property on which a nonconforming sign is located changes (including but not limited to the redevelopment of the site or a change in the use of the business), the signs on that property must be brought into compliance with the provisions of this article.
 - b. A nonconforming sign may not (i) be structurally altered so as to prolong the life of the sign, or (ii) be revised to change the shape, size, type, or design of the sign.
 - c. A non-conforming sign may not be re-built after damage or destruction if the estimated cost to re-build it is more than 50% of the replacement cost as determined by the agency that enforces the building code in the Township.
2. Calculations-measurement standards. The following principles control the computation of sign area and sign height:
 - a. Computation of the area of individual signs. The sign area is determined by computing the area of the smallest square, rectangle, circle or triangle that will encompass the extreme limits of the sign face, including any open areas within the sign face (see definition, sign area).
 - b. Computation of area of multi-faced signs. The sign area for a sign with more than one face is computed by adding together the area of all sign faces, except where otherwise provided herein for temporary signs in residential districts.
 - c. Computation of height. Sign height is measured from the average level of the grade below the sign to the topmost point of the sign. Average grade shall be the lower of existing grade prior to construction or newly established grade after construction. Any berming, filling, or excavating solely for the purpose of locating the sign, shall be computed as part of the sign height.
3. Design, construction and maintenance of signs. All signs must be designed, constructed, and maintained in accordance with the following standards:
 - a. General provisions. All signs must comply with applicable provisions of applicable building and electrical codes. Except for banners, flags, pennants, temporary signs and window signs allowed hereunder, all signs must be constructed of permanent materials that are permanently attached to the

ground or a structure. All signs must be maintained in good structural condition, in compliance with all applicable codes.

- b. Spacing. All permanent freestanding signs on any premises must be spaced at minimum 200-foot intervals along each public way that views the premises, unless otherwise provided for by this Section 3.22.
- c. Sight distance triangle. All entrance signs and freestanding signs located near the corners of an intersection, must be located outside of the sight distance triangle. Such triangle is measured at a distance of 35 feet running parallel along each leg of the road or driveway pavement surfaces and connecting them to form a triangular area. This area shall be free of any permanent or temporary signs that may inhibit a clear sight visibility for motorists.
- d. Sign illumination. Sign illumination may only be achieved through the following standards:
 - (i) A white, steady, stationary light of reasonable intensity that is directed solely at the sign may be used. The source of the light must be enclosed and directed to prevent the source of light from shining onto traffic or residential property. The light source shall be shielded from adjacent buildings and streets, and may not cause glare or other nuisances to adjacent land uses.
 - (ii) Internal illumination shall provide steady, stationary lighting through translucent materials.
 - (iii) If the sign or sign structure is internally illuminated or back lit by any means, the entire lighted area shall be included within the allowable signage calculation for the site. This standard shall also apply to signs affixed to any portion of a building as an architectural feature, such as but not limited to, awnings, canopies or roof lines.
 - (iv) All electrical service to ground mounted signs shall be placed underground. Electrical service to other signs shall be concealed from public view.
- e. Setback. All permanent signs must be set back at least five feet from the street right-of-way, unless otherwise specified by this Section 3.22. No permanent sign shall be located within a public utility or drainage easement, without written approval from the affected agencies. Temporary signs must be located at least ten feet from the back of the street curb, edge of pavement or stabilized shoulder, unless a greater distance is required to remove such sign from the

street right-of-way or sight distance triangle. No temporary signs are permitted within any median which is within a public right-of-way.

f. Design. The various parts of a sign must be compatible in design quality. Signs may not be in the shape of a commercial sponsor name or motif (e.g., soda bottles, hamburgers, boot, etc.).

4. Any commercial sign may be covered or replaced with a non-commercial message.

5. No sign may be erected unless it is expressly authorized by this Ordinance.

F. Prohibited signs. Except as otherwise authorized by this Section 3.22, the following signs are prohibited, and may neither be erected nor maintained:

1. Banners, pennants, festoons, and balloons, except for those otherwise provided for in this Section 3.22.

2. Swinging signs.

3. Snipe signs.

4. Animated signs of any type, other than those showing only time and temperature or operated by a governmental entity.

5. Any sign erected in a public right-of-way, except for signs placed by or on behalf of a governmental entity.

6. Roof signs, or signs extending beyond the main roof line. But such a sign may be mounted on an architectural feature extending beyond the roof line if such feature is fully enclosed and reasonably considered an integral part of the occupied space, such as an atrium or high ceiling.

7. Abandoned or dilapidated signs.

8. Portable signs.

9. Inflatable signs.

10. Projecting signs.

11. Any tubular lighting used to outline the exterior of a building, canopy, awning or structure, and not included in the measurable area of the sign face.

12. Any internally illuminated sign, unless otherwise specifically allowed in this Section 3.22.

13. Marquee signs.

14. Any commercial sign located in a residential district not otherwise provided for in this Section 3.22.
15. Any sign that obstructs free ingress or egress through a required door, window, fire escape or other required exit way.
16. Any sign which by reason of its location, position, size, shape or color may obstruct, impair or otherwise interfere with the view of, or be confused with, any traffic control sign or signal erected by a public authority.
17. Any sign which by reason of its location, position, size, shape, materials or other physical characteristics poses a safety hazard to drivers, pedestrians or residents.
18. Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court.
19. Any other sign not specified in Subsection (G) herein and which is not a lawful nonconforming sign.
20. Electronic message display signs.

G. Allowable signs by zoning district. All signs designated in this subsection must conform to the standards established herein, in addition to those applicable standards set forth elsewhere in this Section 3.22.

1. Signs allowed in all zoning districts. The signs listed below are allowed in all zoning districts if on private property (unless otherwise provided); if maintained in a manner that does not create a safety hazard; and if the specific specifications set forth for each type of sign listed below are complied with wherever such a sign is erected, displayed or maintained.
 - a. An official sign or notice issued or required to be displayed on private property by any court, public agency, or public office, whether permanent or temporary.
 - b. A traffic, directional, warning or information sign authorized by any public agency, whether permanent or temporary.
 - c. A private street or road name sign located at an intersection that does not exceed two square feet per face and does not advertise any commercial name, message or logo.
 - d. Incidental signs not exceeding two square feet in area per face. Such signs proclaiming "no trespassing", "no hunting", "no parking", "entrance", "exit", "loading only", "phone", "ATM" and the like are considered incidental to the use of property.

- e. Temporary window signs that do not exceed 25 percent of the area of the window or any glass door to which they are attached. All window signs must be in conformance with all applicable building and electrical codes.
- f. Permanent window signs that do not exceed ten percent of the area of the window or any glass door to which they are attached. All window graphics signs must be in conformance with all applicable building and electrical codes.
- g. Signs denoting a property as historic. Such signs shall be authorized by the governing state or local Historic Commission (or its equivalent) and may not exceed 16 square feet per face nor exceed 9 feet in height.
- h. Non-commercial flags/government flags/civic flags, limited to 60 square feet per face.
- i. Decorative flags (non-commercial). One decorative flag, whether temporary or permanent, may be displayed on any lot provided that it does not contain any commercial message, logo or symbol. No flag pole may exceed 30 feet in height.
- j. Building marker. Any permanent building marker must be limited to four square feet of sign face and composed of materials compatible to the identified building.
- k. Holiday/seasonal. Temporary signs or displays of a seasonal or holiday occasion may be displayed on any lot for periods of up to 60 days before and after the holiday occasion, provided that they do not contain any commercial message or logo and do not create a sight visibility hazard.
- l. Non-commercial art. Any outdoor artwork, mural, sculpture and the like may be displayed on a lot, provided that it does not contain any commercial message or logo and does not create a sight visibility hazard.
- m. Real estate signs. Freestanding real estate signs may be erected for any property that is offered for sale, rent or lease. The area for such signs shall count toward the total allowable area for temporary signs on the property and must comply with other applicable size and height restrictions for temporary signs. Open house notification may be incorporated within the maximum sign area of the real estate sign or on a separate sign, provided that if such notification is on a separate sign, it shall also count toward the allowable area for temporary signs on the property. The signs shall not be located within a public right-of-way and shall not create any sight visibility hazard.

2. Signs permitted in all residential districts (AR, R-1, R-2):

- a. Signs listed in Subsection G(1) herein.
- b. Residential subdivision signs. Such signs may be located at any primary entrance to a development as identified on a site plan approved by the planning commission. The signs shall be located on private property and may be within any platted sign or landscape easement or within the common open space. Such signs shall be maintained by an established property owners' association.

Specifications: Sign area - 120 square feet per sign maximum per entrance, which may be divided among not more than two freestanding sign faces (but no single sign face shall exceed 60 square feet); with a maximum placement at three entrances per subdivision; sign height - six feet maximum; setback - ten feet minimum.

- c. Subdivision temporary development sign. One sign may be erected on-site for the purpose of advertising the development of a subdivision and the sale of included lots. The sign may remain until sale of all subdivision lots is completed. No other temporary development signs are allowed, including individual builder signs. The names of participating builders may be included on the subdivision temporary development sign.

Specifications: Sign area - 32 square feet per sign maximum, on one sign face; sign width - ten feet maximum; sign height - six feet maximum.

- d. Permanent residential subdivision informational sign. One such sign may be erected by the homeowners' association for the purpose of displaying information regarding the association. The sign must be located on dedicated common open space or private property only and maintained by a private homeowners' association.

Specifications: Sign area - 20 square feet maximum, which may be divided by two sign faces; sign height - six feet maximum.

- e. Bed and breakfast lodge sign. One identification sign may be erected at the entrance to a permitted bed and breakfast lodge for the purpose of identifying the use. The sign must be compatible in design with the historic elements of the site and may not be internally or externally illuminated.

Specifications: Sign area - Eight square feet total, to be contained on a maximum of two sign faces, no one sign face may contain more than four square feet; sign height - six feet maximum.

- f. Residential personal identification signs. One personal identification sign per residence not to exceed two square feet shall be allowed; except that

residential tracts of ten acres or more are allowed two such sign faces not to exceed 20 square feet per face.

- g. Temporary signs. In addition to the other signs identified in this subsection, temporary, freestanding, non-commercial signs may be posted on any lot in a residential district at any given time. This category includes, but is not limited to: real estate signs; political preference signs; garage sale signs; non-commercial baby announcements; lost pet signs; social/special event announcements; or any other non-commercial messages. Any such signs announcing a social/special event must be removed within 48 hours after the event ends. Home occupation or contractor signs must be considered commercial signs, and are not allowed within any residential district.

Specifications: Sign area for lots of five acres or less - 20 square feet maximum, which may be divided into a maximum of five signs, but no single sign may exceed eight square feet in area; sign area for lots exceeding five acres - 32 square feet, maximum, which may be contained on one sign or multiple signs; sign height for all lots - six feet, maximum. Where a temporary sign contains two back-to-back sign faces, the sign area must be computed using only one of the sign faces.

- h. One awning, canopy, or wall sign for each wall having an individual public means of access identifying a park, church, public building, other authorized use or lawful non-conforming use so long as the sign does not exceed 40 square feet in sign area.
- i. One freestanding or monument sign for each street frontage identifying a park, church, public building, other authorized use or lawful non-conforming use subject to the following:

- (i) Monument signs may not be more than 6 feet in height.
- (ii) Freestanding signs may not be more than 15 feet in height.
- (iii) Freestanding or monument signs may not exceed 1 square foot in sign area for each 5 feet of street frontage, yet no sign may exceed 50 square feet in sign area.

3. Signs allowed in Commercial and Industrial Districts (C, I):

- a. Signs listed in Subsection G(1) herein.
- b. Freestanding signs specified in this subsection. The size of the support structure for any freestanding sign may not exceed the sign face by more than 100 percent. Such signs may not be internally illuminated.

- (i) Office subdivision signs. Such signs shall be located at the primary entrance(s) to the development. The signs may be located in a joint user access easement or private platted sign easement abutting the nearest public road, if such easement is specifically approved by the planning commission prior to construction.

Specifications: Sign area - 160 square feet, maximum, which may be divided by a maximum of four sign faces (no single sign face shall exceed 80 square feet); sign height - six feet, maximum; sign structure width - 20 feet, maximum, for each sign face, or 40 feet, maximum, for single-faced signs which are set back a minimum of 100 feet from the right-of-way.

- (ii) Directory signs. Such signs shall be located at driveway intersections within a development, and shall be limited to one freestanding sign per driveway entrance from a public street. The signs may be located in a joint user access easement or private platted sign easement abutting the nearest public road, if specifically approved by the planning commission prior to construction.

Specifications: Sign area - 16 square feet, maximum; sign height - six feet, maximum.

- (iii) Other permanent signs. Such signs shall be limited to two freestanding sign faces per road frontage, up to a maximum of four sign faces on a property with multiple entrances.

Specifications: Sign height - 6.5 feet, maximum; sign structure width - 20 feet, maximum; sign area - businesses less than 10,000 square feet (of gross square footage): 80 square feet total, to be contained on a maximum of two sign faces, no one sign face containing more than 40 square feet; businesses of 10,000 to 100,000 square feet (of gross square footage): 160 square feet total, to be contained on a maximum of four sign faces, no one sign face containing more than 80 square feet; businesses over 100,000 square feet (of gross square footage): 250 square feet total, to be contained on a maximum of four sign faces, no one sign face containing more than 125 square feet.

- (iv) Temporary signs, including banners. Temporary freestanding signs limited to two per lot at any given time. Such signs include but are not limited to construction signs, political preference signs, notices such as "now hiring" or "grand opening," and social/special event announcements. One real estate sign may be maintained while the property is available for sale or while 10% or more of the rentable space

is available for lease. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Other temporary freestanding signs shall be limited to a period of not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

Specifications: Sign area - 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height - six feet, maximum.

- (v) Gasoline trade signs. Petroleum product pumps and dispensers that are within view of a public way shall be allowed to display only that information required by law on gasoline trade signs, along with the brand name and type of product being dispensed.

- (A) Freestanding signs. Premises that dispense retail bulk petroleum products by pump shall be allowed to display the pricing of such products within a single freestanding sign.

Specifications: Sign area - 120 feet, maximum, which may be divided by a maximum of two sign faces (no single sign face shall exceed 60 square feet); sign height - six feet.

- (B) Canopy signs. When an enclosed principal structure exists, all canopy signs shall be calculated and deducted from the total allowable wall sign area. In the absence of an enclosed principal structure, for the purposes of this subsection, canopy signage shall be allowed in addition to the allowable freestanding sign. With the exception of the measurable area for placement of the canopy sign, no internal illumination or back lighting of the outside canopy area or canopy roof line shall be allowed.

Specifications: Sign area - 30 square feet, maximum divided between not more than three canopy signs (no single sign shall exceed ten percent per facade).

- (C) Gasoline pump identification signs. For the purpose of identifying the brand of gasoline, each pump facade shall be allowed one sign not to exceed two square feet mounted on the pump facade. No other commercial advertising shall be displayed.

(vi) Wall signs. Wall signs shall be mounted in a flat fashion, shall be limited to ten percent of the building elevation at which they are installed, and shall not be internally illuminated. For the purposes of this Section 3.22, painted wall signs and canopy signs shall be calculated and deducted from the total allowable wall sign area. In no event shall canopy signage exceed 30 square feet.

(A) One-story building (any) or multistory building with single tenant. The primary entrance to the enclosed space shall be considered the front facade.

Specifications: Sign area - One square foot of signage per linear foot of front facade space used in the building, maximum, provided that no single sign shall exceed 60 square feet with a total signage limitation of three signs and 180 square feet per business.

(B) Multistory building with multiple tenants.

Specifications: Sign area - Total sign area is limited to 40 square feet, using a maximum of three wall signs.

(C) Retail or service use/individual principal entrance. The primary entrance to the occupied space shall be considered the front facade.

Specifications: Sign area - One square foot of signage per linear foot of front facade space for the building, maximum, provided that no single sign shall exceed 90 square feet, with a total signage limitation of three signs and 270 square feet per business.

(D) Retail or service use/common principal entrance. Each business, of a retail or service nature, sharing a common entrance shall be allowed to have at least one wall sign.

Specifications: Sign area - 20 square feet per sign, maximum.

(E) Office use. Wall signs for this use shall not be internally illuminated.

(1) One-story building (any) or multistory building with single tenant. The primary entrance shall be considered the front facade.

Specifications: Sign area - One square foot of signage per linear foot of the front facade space for the building, maximum, provided that no single sign shall exceed 60 square feet, with a total signage limitation of three signs and 180 square feet per business.

- (2) Multistory building with multiple tenants or service/institution uses. Wall signage shall be used for building identification only, not to identify individual tenant businesses or institutions.

Specifications: Sign area - Total sign area is limited to 40 square feet using a maximum of three wall signs.

- (vii) Athletic field signs (temporary). Such signs shall be limited to 60 square feet each; shall not be visible from a public road; shall be mounted to the interior athletic field fence in a safe and secure manner; and shall be erected at the beginning of the athletic season and removed within seven days of the final season game.
- (viii) Scoreboards.
- (ix) Commercial flags/non-governmental flags. Non-governmental flags are considered signs subject to the provisions of this section, as applied to freestanding signs. The total area of the flag shall be doubled (considering both flag faces and height) and this amount deducted against the allowable freestanding sign area for the site. A flag and a freestanding sign combination is permissible only in those circumstances where the total area of both the flag (doubled) and the freestanding sign do not exceed the total allowable area for freestanding signs on the site.

Specifications: Sign area - No flag shall exceed 24 square feet per face; flag pole height - 30 feet, maximum.

- (x) Menu boards, as defined herein, for use in conjunction with a restaurant providing drive-through or curb-side service, provided that:
 - (A) Such structures are included in the development site plan as approved by the planning commission and shall be contained within the buildable area of the site.
 - (B) Restaurants providing drive-through but not curb-side service may have no more than two menu boards per drive-through

lane, not to exceed six feet in height and 30 square feet in total size per menu board.

(C) Restaurants providing curbside service may have no more than one menu board per bay, not to exceed six square feet per sign face for each menu board.

(xi) Decorative pennants. Decorative pennants may be displayed on light poles within a planned commercial retail development. Such pennants shall not contain any name, logo or message.

H. Administration and enforcement.

1. Regulatory enforcement. The sign administrator (and his or her designees) are authorized and directed to enforce all of the provisions of this Section 3.22. This authority empowers such individuals to perform any necessary inspections, including entering upon private property upon due notice and as allowed by law, and to issue related citations for the enforcement of this Section 3.22.
 - a. Violation notice. The sign administrator must order the removal of any sign erected or maintained in violation of this Section 3.22, providing ten days' written notice to the owner of the premises upon which the offending sign is located to achieve compliance with this Section 3.22. If, after ten days, the property owner has failed to achieve compliance with this Section 3.22, the Township may pursue all available remedies. When good faith efforts to bring the sign into compliance have begun within ten days of notice of violation, the sign administrator may extend the time period for compliance to a period not to exceed 30 days.
 - b. Impoundment/disposal of signs. The sign administrator and their designees have the authority to remove without notice any illegal sign on public property or a public right-of-way, or any illegal sign attached to trees, fences, posts, utility poles or other natural features. Such signs shall be considered litter and shall be subject to disposal.
2. Letter of compliance. Prior to erecting or displaying a sign, a property owner or the owner's agent may submit a written request to the sign administrator for verification that the sign as proposed complies with the requirements of this Section 3.22. The sign administrator may require that any person requesting such verification complete such forms or submit such information as may be needed by the sign administrator to make the determination.

Section 3.23 OFF-STREET PARKING AND LOADING

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, except as otherwise provided, off-street parking and loading spaces according to the requirements of this Section. No parking or loading area or space which exists at the time of the adoption of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.

A. General Off-Street Parking Requirements

1. Any area once designated as required off-street parking shall never be changed to any other uses unless and until equal required facilities are provided elsewhere. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building, shall not be reduced to an amount less than would be required in this Section for such building or use.
2. Required residential off street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
3. Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
4. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, in cases of dual functioning of off-street parking where operating hours do not overlap, the Planning Commission may grant an exception.
5. Required off-street parking shall be for the use of occupants, employees, visitors and patrons, and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale or the repair of vehicles is prohibited.
6. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
7. For uses not specifically mentioned in this Section, off-street parking requirements shall be determined from the requirements for similar uses, as determined by the Planning Commission.

B. Schedule of Off-Street Parking Requirements. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

1. Residential Uses

- i. Dwellings - Single-Family: Two (2) spaces per unit.
 - ii. Dwellings - Mobile Home Park: Two (2) spaces per unit, plus one (1) space for each employee of the park, plus the required number of spaces for any accessory uses, if present (i.e. community center, swimming pool, laundry, offices).
 - iii. Dwellings – Two and Multiple Family: Two (2) spaces for each unit.
 - iv. Dwellings – Senior Citizens Units: One (1) space for each three (3) dwelling units, plus one (1) space for each employee.
2. Institutional, Recreational and Related Uses
- i. Bed and Breakfast Establishments: Two (2) spaces per establishment, plus one (1) space for each room intended for occupancy by patrons.
 - ii. Convalescent Homes, Nursing Homes, Home for the Aged, Assisted Living and Similar Elderly Care Centers: One (1) space for each six (6) beds, plus one space for each employee in the largest working shift.
 - iii. Elementary and Junior High Schools: One (1) space for each employee, plus one-half (½) the required spaces for auditoriums.
 - iv. Golf Courses Open to the General Public, Except Miniature and “Par 3” Courses: Four (4) spaces for each golf hole, plus one (1) space for each employee, plus one-half (½) the required spaces for each accessory use such as a restaurant.
 - v. Hospitals: One (1) space per bed.
 - vi. Libraries, Museums: One (1) space for each five hundred (500) square feet of usable floor area.
 - vii. Places of Worship, Auditoriums, Sports Arenas, Theaters, Assembly Halls and Other Places of Assembly: One (1) space for each four (4) seats of maximum capacity or one (1) space for each eight (8) feet of benches/pews.
 - viii. Private Clubs, Lodge Halls: One (1) space for each three (3) persons of maximum capacity.
 - ix. Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, and Similar Uses: One (1) space for each two (2) member families, plus spaces as required for each accessory use such as a restaurant.
 - x. Public Stables: One (1) space per stall.

- xi. Senior High Schools: One (1) space for each employee, plus one (1) space for each three (3) students of the rated capacity, plus one-half (½) the required spaces for auditoriums.

3. Commercial, Retail, Office and Related Uses

- i. Automobile or Machinery Sales and/or Service Establishments: One (1) space for each two hundred fifty (250) square feet of showroom gross floor area, plus one (1) space for each service stall.
- ii. Automobile Service Stations: One (1) space for each gasoline pump, plus two (2) spaces for each lubrication stall, plus one (1) space for each two hundred (200) square feet of useable floor area of any convenience retail area.
- iii. Automobile Wash (Automatic): One (1) space for each employee, plus four (4) stacking spaces for each automatic wash lane.
- iv. Automobile Wash (Self-Service): Four (4) spaces for each washing stall.
- v. Banks: One (1) space for each one hundred (100) square feet of usable floor area, plus five (5) stacking spaces per drive through lane.
- vi. Barber and Beauty Shops: One (1) space for each chair, plus one (1) space for each employee.
- vii. Bowling Alleys: Five (5) spaces for each alley, plus parking for accessory uses as provided herein.
- viii. Day Care Centers: One (1) space for each three hundred and fifty (350) square feet of usable floor area.
- ix. Funeral Homes: One (1) space for each fifty (50) square feet of usable floor area in parlors, plus one (1) space for each mortuary vehicle, plus one (1) space for each employee.
- x. Furniture, Appliances, Household Equipment Stores and Repair Shops: One (1) space for each one thousand (1,000) square feet of usable floor area, plus one (1) space for each employee in the largest working shift, plus one (1) space for each company vehicle.
- xi. Grocery Stores: One (1) space for each two hundred fifty (250) square feet of usable floor area.
- xii. Miniature or “Par 3” Golf Courses: Three (3) spaces for each hole, plus one (1) space for each employee, plus one-half (½) the required spaces for each accessory use such as a restaurant.

- xiii. Motels and Hotels: One (1) space for each room, plus one (1) space for each employee, plus three-quarters ($\frac{3}{4}$) the required spaces for each accessory use such as a restaurant.
 - xiv. Medical and Dental Offices and Clinics: Two (2) spaces for each examination or treatment room or dental chair, plus one (1) space for each doctor, dentist, and other employees in the largest working shift.
 - xv. Professional and Business Offices, Not Elsewhere Classified: One (1) space for each two hundred fifty (250) square feet of usable floor area.
 - xvi. Retail Sales Establishments, Not Elsewhere Classified: One (1) space for each two hundred (200) square feet of usable floor area.
 - xvii. Restaurants, Bars, Lounges and Other Similar Establishments: One (1) space for each two (2) patrons of maximum seating capacity, plus one (1) space for each two (2) employees. Restaurants with drive-through windows must provide stacking space for at least five (5) vehicles at each window.
 - xviii. Self-Serve Laundry or Dry Cleaning Stores: One (1) space for each two (2) washing, drying, or dry cleaning machines.
 - xix. Self Storage Facility: Minimum of three (3) spaces.
4. Industrial and Related Uses
- i. Industrial or Research Establishments, and Related Accessory Offices: Three (3) spaces plus one (1) space for every employee in the largest working shift, or three (3) spaces plus one (1) space for every five hundred fifty (550) square feet of usable floor area, whichever is greater.
 - ii. Warehouses and Wholesale Establishments and Related Accessory Office: Three (3) spaces plus one (1) space for every employee in the largest working shift, or three (3) spaces for every one thousand seven hundred (1,700) square feet of usable floor area, whichever is greater.
5. Physically Handicapped Parking Requirements. Each parking lot that services a building entrance, except single or two family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped, as set forth below, and identified as being reserved for physically handicapped persons by above grade signs and painted pavement.

| Total Spaces in Parking Lot | Required Number of Accessible Spaces |
|-----------------------------|--------------------------------------|
| Up to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1,000 | 2% of total |
| Over 1,000 | 20 plus 1 for each 100 over 1,000 |

C. Configuration Standards for Off-Street Parking. All off-street parking lots as required in this Section shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until approved by the Planning Commission pursuant to Section 3.25, and until a permit for the parking lot is issued by the Zoning Administrator. Applications for a permit shall be submitted to the Zoning Administrator in such form as may be determined by the Township and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with. Said plans may be included as part of the site plan review process.
2. Each off-street parking space for automobiles shall not be less than one hundred eighty (180) square feet in area, exclusive of access drives or aisles, shall have a minimum width of nine (9) feet, and shall be of usable shape and condition. An access drive shall be provided and, where a turning radius is necessary, it shall have a radius sufficient to permit an unobstructed flow of vehicles. Parking aisles shall be of sufficient width to allow a minimum turning movement into and out of parking spaces. The minimum width of such aisles shall be:
 - i. For ninety (90) degree parking, the aisle shall not be less than twenty (20) feet in width.
 - ii. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet in width for one-way traffic.
 - iii. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width for one-way traffic.
 - iv. For parallel parking, the aisle shall not be less than twelve (12) feet in width for one-way traffic.
3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
5. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety (90) degree pattern may permit two-way movement.
6. Each entrance and exit to an off-street parking lot in a non-residential zoned area shall be at least 25 feet distant from any adjacent property located in the R-1 or R-2 Districts.
7. Parking lots in non-residential districts shall install a continuous greenbelt strip on all sides contiguous to the R-1 or R-2 Districts. The greenbelt strip shall include landscape materials of shrubs and trees that will result in substantial screening of the parking lot and vehicles from the abutting residential districts. The Planning Commission may modify the greenbelt requirement where it is shown that under such unusual and unique circumstances, no good purpose would be served by such requirement.
8. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

D. Loading and Unloading Standards for Off-Street Parking

1. On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

| Use Category | Gross Floor Area of the Building | Off-Street Loading Space Requirements |
|--------------------------------|----------------------------------|--|
| Office Use | 0 to 10,000 square feet | No loading space required |
| | 10,001 to 50,000 square feet | One (1) usable loading space |
| | Over 50,000 square feet | Two (2) usable loading spaces |
| Commercial and Industrial Uses | 0 to 1,400 square feet | No loading space required |
| | 1,401 to 20,000 square feet | One (1) usable loading space |
| | 20,001 to 100,000 square feet | One (1) usable loading space, plus one (1) space for each 20,000 square feet in excess of 20,000 square feet |
| | Over 100,000 square feet | Five (5) usable loading spaces |

2. All loading spaces and all access drives, shall be in addition to the off-street parking area requirements.
3. All spaces shall be laid out in the dimension of at least ten (10) feet by fifty (50) feet, with clearance of at least fourteen (14) feet in height.
4. All loading and unloading in the I District shall be provided off street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard.

Section 3.24 OPEN SPACE PRESERVATION

- A. For compliance with Section 506 of Public Act 110 of 2006, as amended, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned AR, R-1 or R2 District may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than fifty (50) percent of the land, if all of the following apply:
 1. Not less than fifty (50) percent of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
 2. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.
 3. The development option provided pursuant to this Section has not previously been exercised with respect to the subject property.
- B. The development of land under this Section is subject to all other applicable ordinances, laws, and rules, including but not limited to:
 1. Public Act 288 of 1967 (The Land Division Act).
 2. Any Ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
 3. Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
 4. Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
- C. As used in this Section, the term “undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children’s play area, greenway, or linear park.

- D. No development pursuant to this Section shall occur unless it is approved by the Planning Commission after submittal of a site plan pursuant to Section 3.25. The Planning Commission shall ensure that the requirements of this Section and all other applicable ordinances, laws and rules are complied with.

Section 3.25 SITE PLAN REVIEW PROCEDURES

- A. Application. Prior to the establishment of a new use, change of use, expansion or renovation of an existing use that increases the existing floor space more than twenty-five percent (25%), or the erection of any building in a zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Planning Commission in accordance with the requirements of this Section.
1. Site plan reviews are required for all permitted principal uses and structures in all zoning districts **(except for single family detached dwellings and their accessory uses, two family dwellings and their accessory uses, and agricultural structures)** and all Special Approval Uses in all zoning districts (except for Adult Entertainment Facility SUPs).
 2. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance.
- B. Information Required. The following information shall be included in the site plan, **except that any of these requirements may be waived by the Planning Commission in cases where it finds such information unnecessary or inappropriate to consideration of the particular application.**
1. Legal description of the site.
 2. A scale of not less than one inch equals fifty (50) feet if the subject property is less than three (3) acres and one inch equals one-hundred (100) feet if three (3) acres or more.
 3. Date, north point and scale.
 4. The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
 5. The location of all existing and proposed structures on the subject property and all existing structures within one-hundred (100) feet of the subject property.
 6. The location of all existing and proposed drives and parking areas.
 7. The location of all landscape features (trees, shrubs, lawn area, ponds, etc.) existing on the site at the time of development which are to be retained and the location of all new landscape planting materials proposed for the site.
 8. Detail cross-section drawings of: earth berms; screening walls, including footings; free-standing signs, including the height of the sign and the total amount of display area in

square feet for each sign; wall signs, including the total amount of display area in square feet for each sign; and exterior free-standing light fixtures.

9. The location and right-of-way widths of all abutting streets and alleys.
10. The name, address, and telephone number of the person responsible for preparation of the site plan.
11. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this section are being observed.

C. Review Process.

1. The owner or owners of the subject property shall submit an application and necessary copies of the site plan as required by the Zoning Administrator.
2. Upon determining that the site plan includes all of the information as required above, the Zoning Administrator shall cause the request to be put on the agenda of the next regularly scheduled Planning Commission meeting, provided that such meeting is scheduled to be held at least fourteen (14) days after the applicant has submitted the site plan to the Zoning Administrator's office. If the regularly scheduled Planning Commission meeting is to be held within fourteen (14) days of such submittal by the applicant, the Zoning Administrator shall schedule the applicant's request to be put on the agenda for the following regularly scheduled Planning Commission meeting. If the site plan also requires the obtaining of a special approval use permit from the Planning Commission in accordance with Section 4.01, the timeframe to be placed on the agenda shall be extended from fourteen (14) days to twenty-one (21) days.
3. The Township Planning Commission shall have the responsibility to approve, approve with specified conditions, disapprove, or request modifications in the site plan. The site plan shall be approved if it contains the information required by this Ordinance and is in compliance with the Ordinance and state and federal statutes.
4. When an applicant receives site plan approval, the site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the Ordinance receives the mutual agreement of the landowner and the Township Planning Commission.
5. Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, or if said development is not completed within two (2) years. In either case, the Planning Commission shall give the applicant notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Planning Commission. After conclusion of such review, the Planning Commission may revoke its approval of the development, or extend the period of validity of the approved site plan upon evidence of intent to complete by the developer in accordance with the approved site plan.

6. An approved site plan may be submitted for minor amendment to the Zoning Administrator for review and signature by the Planning Commission Chair. If, in the judgment of either the Zoning Administrator or the Planning Commission Chair, the site plan amendment is major, the provisions of this section shall be followed.
- D. Basis for Site Plan Approval. In the process of reviewing a site plan, the Planning Commission shall consider the following criteria and assure that these conditions are met to the extent practicable:
1. That there is a proper relationship between existing streets and highways and proposed deceleration lanes, service drives, ingress and egress drives, parking areas, and sidewalks to assure the safety and convenience of pedestrian and vehicular traffic.
 2. That structures, parking areas, outdoor storage areas, utility areas, lighting, and screening are so designed and located to minimize the adverse effects of such uses on the occupants of the development and adjacent properties.
 3. That the proposed development meets the requirements and standards of, or has been approved by the appropriate local, county, or state agencies for grading, surface drainage and for the design and construction of utilities and other improvements.
 4. That natural landscape features are retained, particularly where they provide a barrier or buffer between the development and adjoining properties used for a dissimilar purposes and where they assist in presenting the general appearance of the neighborhood or help control soil erosion or the discharge of storm water.
 5. That all structures or groups of structures are arranged to permit emergency vehicle access to all portions of the site and all sides of structures.
 6. That the storage of hazardous materials or waste, fuels, salt, or chemicals is designed to prevent spills and discharges to the surface of the ground, groundwater or nearby water bodies.
 7. That the design of structures, landscaping, and signs shall be appropriate and consistent with good design standards for the size and shape of the lot and the development shall provide an aesthetic improvement to the general area or neighborhood in which it is proposed to be located.
 8. That any adverse effects of the proposed development and activities which will impact adjoining occupants or owners shall be minimized by appropriate landscaping, fences, and walls in pursuit of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
 9. The Planning Commission may submit plans to other local agencies or departments or hire expert consultants, at the applicant's expense, so that they might comment on any problems the plans might pose.

- E. Compliance with Plans. Site plans approved by the Township 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 punishable as provided by Section 10.01, herein.

Section 3.26 PERFORMANCE GUARANTEES

To ensure compliance with the Zoning Ordinance and any condition imposed thereunder, upon a recommendation from the Zoning Administrator or Planning Commission, or their own initiative, the Township Board may require, that a cash deposit, certified check, or irrevocable bank letter of credit covering the estimated cost of improvements associated with a project for approval is sought, be deposited with the Clerk of the Township to ensure faithful completion of the improvements and also be subject to the following:

- A. The performance guarantee shall be deposited prior to the issuance of the permit authorizing the activity of the project. However, the Township may not require the deposit of the performance guarantee unless the Township is prepared to issue the permit.

The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said public improvements.

- B. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Land Division Act, Public Act 288 of 1967, as amended.
- C. As used in this section, "improvements" mean those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, 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 roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage. Improvements do not include the entire project which is the subject of zoning approval.

Section 3.27 PRIVATE ROADS

This Section shall apply to the creation, construction, extension and/or alteration of private roads, as defined in Article VII, serving all zoning districts within Garfield Township. The application and review process for private road development shall be considered as a Special Approval Use and follow the procedures of Section 4.01. In addition, private roads shall conform to the following:

- A. A road maintenance agreement signed by the proprietor(s) shall be recorded with the Township Clerk and Bay County Register of Deeds, providing for:
 - 1. A workable method of apportioning the costs of maintenance and improvements to current and future users.

2. A notice that no public funds of Garfield Township are to be used to build, repair, or maintain the private road.
- B. A road easement agreement shall be signed by the proprietor(s) to be recorded with the Township Clerk and Bay County Register of Deeds.
 - C. The Planning Commission may require a minimum right-of-way easement of at least thirty-three (33) feet in width and up to sixty-six (66) feet in width.
 - D. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

ARTICLE IV
SPECIAL APPROVAL USE REGULATIONS

This section provides a set of standards for special approval uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the community.

Section 4.01 SPECIAL APPROVAL USE REVIEW PROCEDURES

All special approval uses in all zoning districts shall comply with the procedures outlined in this Section as well as the provisions for the specific use as outlined in Article IV of this Zoning Ordinance.

- A. Application. An application for special approval use shall be submitted to the Zoning Administrator on a special form for this purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board. In the event the allowance of a desired use requires both a rezoning and permission for a special approval use, both requests may be submitted jointly, subject to the following:
1. The Ordinance procedures for each shall be followed as specified.
 2. All applicable standards and specifications required by the Ordinance shall be observed.
 3. The special approval use application shall not be approved by the Planning Commission prior to the Township Board's granting of the necessary zoning change.
- B. Procedures and Requirements. The following is required for all special approval uses:
1. A completed site plan/sketch containing the informational requirements of Section 3.25 shall be submitted along with the application.
 2. The application together with all required data shall be transmitted to the Planning Commission for review. The Planning Commission shall then hold a public hearing. Upon receipt of an application for a special land use which requires a decision on discretionary grounds, one (1) notice that a request for special approval use has been received shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals,

partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- i. Describe the nature of the special approval use request.
 - ii. Indicate the property which is the subject of the special approval use request.
 - iii. State the date, time, and place of the public hearing.
 - iv. Indicate when and where written comments will be received concerning the request.
3. After holding the public hearing, the Planning Commission shall then deny, approve, or approve with conditions the application. The Planning Commission shall incorporate their decision into a statement containing the conclusions relative to the special approval use under consideration which specifies the basis for the decision, and any conditions imposed.
 4. No variance shall be made in connection with or an appeal heard on any condition established as part of a special approval use.
 5. A special approval use granted pursuant to this Section shall be valid for one (1) year from the date of approval. If the use has not commenced by the end of this one (1) year period, the Planning Commission or its designee shall notify the applicant in writing of the expiration of approval for the special approval use.
 6. The Planning Commission shall have the authority to revoke any special approval use after the applicant has failed to comply with any of the applicable requirements of this Section or any other applicable sections of this Ordinance.
- C. Review Standards. Before formulating recommendations for a special approval use application, the Planning Commission shall require that the following general standards, in addition to those specific standards established for each use in Article IV, shall be satisfied:
1. The proposed site shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 2. The proposed site shall be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage, refuse disposal, water and sewage facilities, and schools.
 3. The proposed site shall not create excessive additional requirements at public cost for public facilities and services.

4. The proposed site shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
5. The proposed site shall be consistent with the intent and purpose of the Zoning District in which it is proposed to locate such use.
6. The proposed site shall be consistent with the intent and purpose of the Garfield Township Master Plan.
7. The Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the granting of the special approval use.

Section 4.02 ADULT ENTERTAINMENT FACILITIES

- A. Purpose. The Township Board of Garfield Township recognizes and concludes that the activity of adult entertainment facilities, as defined in this Zoning Ordinance, is an activity that, because of its nature, is known to have seriously objectionable operational characteristics, and thus is an activity that if not regulated has a deleterious effect on adjacent areas, detrimentally affect property values, and threaten the public health, safety, and welfare of the Township and its residents. This Section 4.02 is intended to establish reasonable and uniform regulations governing adult entertainment facilities in order to promote the health, safety, and general welfare of the citizens of the Township; to combat undesirable secondary effects of adult entertainment facilities on surrounding areas; to help ensure areas surrounding adult entertainment facilities do not experience deleterious, blighting, or downgrading; and to further the Township's interest in preserving the quality of life in the Township. This Section 4.02 is not intended to and does not impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.
- B. Findings and Rationale. There is myriad evidence of the adverse secondary effects of adult entertainment facilities presented in many legal court decisions, including *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 427 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Daytona Grand, Inc. v. City of Daytona Beach*, 2007 LEXIS 15361 (11th Cir. 2007); *Deja Vu of Nashville, Inc. v. Metropolitan Gov't of Nashville and Davidson County*, 2006 WL 2882969 (6th Cir. 2006); *Berlin Charter Twp v. Proud*, 2004 WL 357963, *Truckor v. Erie Twp*, 283 Mich. App. 154 (2009); *Sensations, Inc. v. City of Grand Rapids*, No. 1:06-cv-300, R. 73, Opinion (W.D. Mich. Oct. 23, 2006); *Deja Vu of Cincinnati, L.L.C. v. Union Township Bd. Of*

Trustees, 411 F.3d 777 (6th Cir. 2005) (*en banc*); *Bronco's Entertainment, Ltd. v. Charter Twp. of Van Buren*, 421 F.3d 440 (6th Cir. 2005); *Charter Twp. of Van Buren v. Garter Belt, Inc.*, 258 Mich. App. 594 (2003); and *Jott, Inc. v. Clinton Twp.*, 224 Mich. App. 513 (1997). There is also myriad reports of many municipalities concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; New York, New York Times Square - 1994; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota). Based on that legislative information cited above, the Township finds as follows:

1. The Township Board finds that the studies and reports of secondary effects of Adult Entertainment Facilities set out above are reasonably relevant to problem that the Township seeks to address in regulating Adult Entertainment Facilities.
2. Adult Entertainment Facilities, including sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
3. Adult Entertainment Facilities, including sexually oriented businesses, should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
4. At least 50 communicable diseases may be spread by activities occurring in Adult Entertainment Facilities, including sexually oriented businesses, such as syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, hepatitis C, salmonella infections, and shigella infections (e.g., Study of Fort Myers, Florida).
5. Crime statistics show that all types of crimes occur with more frequency in neighborhoods where sexually oriented businesses are located [e.g., Crime-Related Secondary Effects of Sexually-Oriented Businesses: Report to the City Attorney, Richard McCleary, Ph.D., May 6, 2007; Crime Risk in the vicinity of a Sexually Oriented Business: A report to the Centralia City Attorney's Office, Richard McCleary, Ph.D., February 28, 2004.]
6. The fact that an Adult Entertainment Facility special approval use permit (SUP) applicant has been convicted of a sex-crime felony under Michigan law, 1974 PA 266, leads to the rational conclusion that that applicant may engage in that conduct in an Adult Entertainment Facility in which sexual activities often occur.

7. Each of the foregoing negative secondary effects constitutes a harm that the Township has a substantial government interest in preventing and abating. Adult entertainment facilities have operational characteristics that should be reasonably regulated to further the substantial governmental concerns cited above. A reasonable special use permit procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and operators of the Adult Entertainment Facility. Further, these regulations will incentivize Adult Entertainment Facility owners and operators to see that their business is run consistent with the health, safety, and welfare of the Township and its residents. It is appropriate to require reasonable assurances that the SUP holder is the actual operator of the Adult Entertainment Facility, fully in possession and control of the premises and activities occurring within. These substantial government interests in preventing secondary effects, which is the Township's rationale for this Section 4.02, exist independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the Township's interest in regulating adult entertainment facilities extends to preventing future secondary effects of either current or future adult entertainment facility businesses that may locate in the Township. The Township finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.
 8. For the reasons set out in Section 4.02(A)-(B) above, and because adult entertainment facilities possess unique characteristics, and because minors are excluded from such facilities by virtue of age, these facilities are permitted only in the Industrial District and only by approval of a special approval use permit (SUP) from the Planning Commission.
- C. Persons Ineligible. The Township Planning Commission may not grant an Adult Entertainment Facility SUP to any person who:
1. Is under 18 years of age at the time of the Township's decision;
 2. Has been convicted of a sex-crime felony under Act 266 of the Public Acts of 1974, as amended (now MCL 750.20a through MCL 750.20l).
 3. Is not the proprietor of the establishment for which the SUP is sought.
 4. Had an SUP for Adult Entertainment Facilities or similar sexually oriented business revoked within 10 years before the date of the application under this Ordinance or a similar ordinance.
- D. Application Fee and Contents.
1. Fee. A person desiring to obtain an Adult Entertainment Facility SUP must file an application with the Township Clerk along with the non-refundable fee per the then-effective fee schedule that the Township Board has adopted by resolution under this Ordinance.

2. Contents. The Adult Entertainment Facility SUP application must be on a form the Township Board provides and must be signed by the applicant. The application materials must present the following:
 - a. the full name and present residential mailing address of the applicant.
 - b. the location and mailing address of the proposed Adult Entertainment Facility.
 - c. a general description of the services to be provided and the merchandise to be offered for sale at the proposed Facility.
 - d. whether the applicant has had a permit or license to operate an Adult Entertainment Facility or similar sexually oriented business revoked in the last 10 years, and, if so, the reasons for such revocation.
 - e. other information to show that the applicant meets all requirements of this Section for an Adult Entertainment Facility SUP, including the standards in 4.02(F).

E. Procedure to Process an Adult Entertainment Facility SUP Application. An applicant for an Adult Entertainment Facility SUP must submit to the Township Clerk the application with all the information described in this Section and the required fee. An application is complete if it contains all information Section 4.02(D) requires and is accompanied by the required fee. The Township Clerk must date a completed application upon receipt with the date that it is received. Applications that are not complete (i.e., those missing required information or are not filled out correctly or lack the required fee) must be returned to the applicant within 3 business days after the Clerk deems the application to be incomplete. All completed applications must be reviewed per the following procedure:

1. Within 5 business days after receipt of a completed application, the Township Clerk must forward a copy of the completed application to the Planning Commissioners, and to the sheriff, fire chief, zoning administrator, and building inspector serving the Township for review in accordance with this Section. The sheriff, fire chief, zoning administrator, and building inspector must review the application, conduct any necessary inquiries or inspections set out by this Section, and within 30 calendar days of the receipt of the application from the Township Clerk report the results of those inquiries and inspections to the Township Planning Commission Chairperson, as follows:
 - a. The sheriff must review the application and determine if the applicant (or if the applicant is a corporation, any director or officer of the applicant) has been convicted of any sex-crime felony under 1974 PA 266 within the last 10 years.
 - b. The fire chief must review the application and determine if the proposed Facility complies with all applicable fire codes.
 - c. The Zoning Administrator must review the application and determine if the Facility is in the Industrial Zoning District and otherwise complies with this Zoning Ordinance.

- d. The building inspector must review the application and determine if the proposed Facility complies with all applicable electrical, mechanical, building, and plumbing codes.
2. If no report is received from any one or more of the officials identified above within 30 days of providing a copy of the application to those officials, the Township Planning Commission must assume that the requirements to be reviewed by that official are met.
- F. Standards for Issuance of SUP. The SUP application must be approved if the Planning Commission determines that the applicant has shown by a preponderance of the evidence that applicant (1) has submitted a complete application as defined in Section 4.02(E); and (2) meets all standards in this Section 4.02(F).
1. No more than one (1) adult entertainment facility shall be permitted in a single structure and on a single parcel of land.
 2. No adult entertainment facility shall be located or established within one thousand (1,000) feet of a public or private school, child care facility, place of worship, public building or park. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.
 3. No adult entertainment facility shall be located or established within five hundred (500) feet of another adult entertainment facility. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.
 4. All ingress and egress to the site shall be directly from a hard surfaced road.
 5. Applicant has not violated any part of the Township's Zoning Ordinance or applicable fire, mechanical, electrical, and building codes within the last 10 years.
 6. Applicant has no prior criminal convictions of a sex-crime felony under 1974 PA 266.
 7. Applicant has not presented any material false information in its application.
 8. Applicant is at least 18 years old as of the date of the Planning Commission's decision.
 9. Applicant has not had an Adult Entertainment Facility SUP or similar license or permit for a sexually oriented business revoked within the 12 months before the date of the application.
 10. Operational hours are proposed to be between 11:00 a.m. and 2:00 a.m. only.
 11. The premises is equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of at least 1 foot candle measured at floor level.

12. Activities within adult entertainment facilities will be shielded from the public so that no person outside the facility may see the activities occurring inside the facility (but the shielding must not obstruct an exit sign or block an exit).
13. All changing of attire by employees or performers will be within a completely enclosed room to which patrons are barred from accessing.

G. Decision-Deadlines; Notice of Decision.

1. The Township Planning Commission must make a decision on the SUP request within 60 days after the Township Clerk's receipt of a completed application. Before making its decision, the Township Planning Commission must hold a public hearing and hear from the applicant and all interested persons, and give notice of the public hearing and application as per the Michigan Zoning Enabling Act. The Planning Commission may request and receive additional reports and information from Township consultants, attorneys, or employees regarding the application. Within 60 days of the Clerk's receipt of the completed application, the Planning Commission must approve, approve with conditions, or deny the SUP request per the standards in Section 4.02(C), 4.02(E)(1)(a)-(d), and Section 4.02(F) .
2. The Planning Commission's decision must be in writing and identify the reasons for its decision, with findings of fact. Within 5 days after the Planning Commission's decision, the Township Clerk must serve on the applicant the Planning Commission's decision by either personal service or by mailing the decision to the applicant's last known address by first class mail. If the decision is a denial, the written notice must inform the applicant of the applicant's right to appeal the decision to the ZBA and then, if still aggrieved, that applicant may pursue judicial review of the decisions. The application is deemed denied on the day that the notice of denial is delivered to the applicant (if served personally) or on the third day after it is placed in the United States mail (if served by mail).

- H. Appeals to the ZBA. The applicant may appeal a denial to the Township Zoning Board of Appeals by filing a written request for an appeal with the Township ZBA Chairman within 10 business days after the receipt of notice of the denial. If there is an appeal, the ZBA must hold a public hearing on the denial within 30 calendar days of receipt of the appeal request. The ZBA may reverse, affirm, or modify the Planning Commission's decision and must render a decision in writing on its appeal within 10 calendar days of the public hearing on the appeal. The ZBA, in its decision, must identify the findings of fact that support its decision and articulate the reasons for its decision based on the standards in this Section 4.02. The ZBA's decision is final. Any person aggrieved by the ZBA's decision may appeal that decision to a court of competent jurisdiction per the Michigan Constitution and applicable state and federal law. If such a person aggrieved by the decision of the ZBA seeks judicial review, then a temporary Adult Entertainment Facility SUP must be issued pending the outcome of the appeal.

I. SUP Deemed Granted. If the Township Planning Commission does not issue a decision granting or denying an Adult Entertainment Facility SUP request within 60 days after the Clerk receives a completed application, then the Adult Entertainment Facility SUP request is deemed granted.

J. General Requirements in Operating an Adult Entertainment Facility.

All Adult Entertainment Facility permit holders must comply with each of the following requirements:

1. All applicable parts of this Zoning Ordinance.
2. A person under 18 years old may not enter the Facility at any time the Facility is open for business.
3. A person under 18 years old may not be employed by the Facility.
4. The exterior of the Facility may not have any photographs, silhouettes, drawings, or pictorial representations that depict "specified anatomical areas" or "specified sexual activities."
5. The merchandise or activities within the premises may not be visible or audible from outside the business premises.
6. No person may engage in any "specified sexual activities" on the premises of an Adult Entertainment Facility.

N. Miscellaneous.

1. If any part, subsection, or subpart of this Section 4.02 is declared invalid, that declaration does not invalidate the remaining parts, subsections, or subparts of the remaining parts, subsections, and subparts of this Section 4.02.
2. If any part of this Section 4.02 conflicts with Section 4.01, this Section 4.02 controls.
3. An applicant for an Adult Entertainment Facility SUP applicant need not apply for or obtain site plan approval or meet the general standards set out in Section 4.01.

Section 4.03 ADULT FOSTER CARE HOMES, LARGE GROUP

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.

- C. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
- D. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
- E. A landscaped buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas.
- F. Such use shall comply with the standards of the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, and all other applicable State and Federal requirements.

Section 4.04 ADULT FOSTER CARE HOMES, SMALL GROUP

- A. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit and other accessory uses. When located within a one-family or two-family dwelling unit, the driveway may be used for this purpose.
- B. The property shall be maintained in a manner that is consistent with the character of the neighborhood.
- C. Such use shall comply with the standards of the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, and all other applicable State and Federal requirements.
- D. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.

Section 4.05 AGRICULTURAL EQUIPMENT SALES AND SERVICE

- A. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.
- B. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.

Section 4.06 AGRICULTURAL TOURISM BUSINESSES

- A. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.
- B. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.

Section 4.07 AGRICULTURAL STORAGE FACILITIES

- A. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.
- B. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.

Section 4.08 AGRICULTURAL SUPPLY SALES

- A. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.
- B. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.

Section 4.09 AIRPORTS/LANDING FIELDS

- A. Airports shall be used only for small public or private aircraft.
- B. Minimum area required for the airport shall not be less than eighty (80) acres.
- C. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- D. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.
- E. All requirements of the Federal Aviation Administration (FAA), and all Federal and State laws, regulations, rules, and standards shall apply.

Section 4.10 AUCTION SALES ESTABLISHMENTS

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. All parking shall be provided as off street parking within the boundaries of the development.

- C. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.11 AUTOMOBILE DETAILING STATIONS, AUTOMOBILE SERVICE STATIONS, AUTOMOBILE SERVICE REPAIR STATIONS AND AUTOMOBILE WASH STATIONS

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. There shall be no outside display of any parts and/or products.
- C. Any repair and/or replacement activity shall be conducted within a totally enclosed building.
- D. All new, used and/or discarded parts shall be stored within a completely enclosed building.
- E. Any such activity shall be located not less than twenty five (25) feet from a property line.
- F. 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 thirty (30) days and then only for the purpose of temporary storage pending transfer to a junkyard. Such storage shall not occur in front of the front building line. Such storage shall be screened to prevent visibility from horizontal lines of sight from all public rights-of-way and neighboring residentially zoned property by a solid wall or fence.
- G. Sales of used cars and other motorized vehicles shall be prohibited.
- H. In operations such as automobile reconditioning, but not necessarily limited to such activities, there shall be no releasing of toxic gasses, liquids or materials in any form into the atmosphere, the water or sewer systems of the Township, or on, or into the earth and further, no adverse affects shall be created by any activity on adjacent property or development.
- I. The removal and storage of hazardous materials including gasoline and vehicle fluids shall conform to all applicable standards as established by State and Federal agencies.
- J. Additional requirements for automobile wash stations.
 - 1. All washing facilities must be contained within a building.
 - 2. Vacuuming activities shall be at least fifty (50) feet distant from any adjoining residential development or district.
 - 3. There shall be provided two (2) vehicle stacking spaces for each self serve wash stall, not containing the vehicle wash or vacuum area.
 - 4. There shall be provided five (5) stacking spaces for each automatic wash lane.

- 5. All off street parking areas and maneuvering lanes shall be drained so as to preclude drainage of water onto adjacent property and public rights of way.
- K. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.12 BARS AND LOUNGES

- A. The sale of beer, wine or liquor for off-site consumption shall be clearly incidental to the principal restaurant use.
- B. The establishment shall not be located within five hundred (500) feet of any place of worship, school or public park.
- C. The establishment shall not be located within one hundred (100) feet of any residential development or district.
- D. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- E. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.13 BED AND BREAKFAST ESTABLISHMENTS

- A. Each bed and breakfast establishment must be occupied and operated by its owner.
- B. Not more than fifty percent (50%) of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
- C. No bed and breakfast sleeping room shall be located in a basement or above the second story of a building.
- D. There shall be no separate cooking facilities used for bed and breakfast stay.
- E. As the intent is not to permit boarding houses, the stay of bed and breakfast occupants shall be for no more than seven (7) consecutive days and not more than thirty (30) days in any calendar year.
- F. The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast which list shall be available for inspection by the Township at any time.
- G. Adequate bath and toilet facilities shall be provided for all bed and breakfast guests.
- H. Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.

- I. No retail or other sales shall be permitted.
- J. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- K. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.14 BUSINESS SCHOOLS, COLLEGES AND PRIVATE SCHOOLS OPERATED FOR PROFIT

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. Necessary steps shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor, or vibration do not create a condition detrimental to the surrounding area.
- C. Any outdoor storage of rubbish, junked equipment, or parts is prohibited unless it is screened with a six (6) foot masonry wall. The material being stored shall not be stacked higher than the wall.
- D. In the case of vehicle mechanics, any temporary outdoor storage of vehicles for repair shall not be located within fifty (50) feet of a public right-of-way or a residential development or district.
- E. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.15 CEMETERIES

- A. The minimum lot size shall be five (5) acres.
- B. All ingress and egress to newly established cemeteries shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- C. No building shall be closer than one hundred fifty (150) feet to any property line.
- D. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.16 CLINICS, HUMAN

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. The Township shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.17 CLINICS, VETERINARY

- A. The minimum area shall be two (2) acres.
- B. No buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located closer than one hundred (100) feet to any property line.
- C. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.

Section 4.18 CLUBS

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. A minimum site size of three (3) acres shall be required.
- C. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.19 COMMUNICATION TOWERS AND WIRELESS FACILITIES

- A. The purpose of Section 4.19 is to establish guidelines for siting of towers and antennae to be located on those towers for wireless communication uses. This Section's intent also includes encouraging the location of towers in non-residential areas and minimize the number of towers in the Township; retain the integrity of neighborhoods and property values, to promote joint use of new and existing tower sites to minimize adverse visual clutter of towers and antennae through careful design, siting, landscaping techniques; and enhance the ability of wireless communication service providers to provide such service in the Township quickly, effectively, and efficiently.
- B. All applications for a Communications Tower and Wireless Facilities SUP must be reviewed, constructed, and maintained in accordance with the following standards in this Section 4.19. The Planning Commission must make a written decision on an SUP request under this Section

4.19 within a reasonable period of time after a complete application request is filed with the Township, or within any other period set by law.

- C. The tower shall be completely enclosed by a fence deemed adequate by the Planning Commission to prevent unauthorized access.
- D. The applicant shall submit certification from a qualified structural engineer that the design of the tower is sufficient to assure safety.
- E. The distance from the base of the tower to all property lines shall equal or exceed the height of the tower unless the engineering plans clearly indicate that the tower is designed to collapse, in which case the setbacks shall be based on the engineering design.
- F. The applicant shall demonstrate that the types of signals to be received or transmitted will not cause interference with common household appliances such as radios, television sets, handheld telephones, personal computers, and pagers.
- G. Aesthetics. Towers and antennas shall meet the following requirements:
 - 1. Finish and Color of Towers. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - 2. Blend with Setting. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - 3. Color of Antenna. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - 4. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If the lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- H. State and Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.
- I. Factors Considered in Granting Special Approval Use Permits for Towers. In addition to any standards for consideration of special approval use permit applications, the Planning Commission shall consider the following factors in determining whether to issue a special approval use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this Ordinance are better served thereby:
 - 1. Height of the proposed tower;

2. Proximity of the tower to residential structures and residential district boundaries;
 3. Nature of uses on adjacent and nearby properties;
 4. Surrounding topography;
 5. Surrounding tree coverage and foliage;
 6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 7. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience and general welfare of the community.
- J. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than the minimum front yard requirement for the appropriate zoning district.
- K. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
- L. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- M. Communications towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or one-half (½) mile of a helipad.
- N. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- O. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with all applicable local statutes, regulations and standards.
- P. Towers with antennae shall be designed to withstand a uniform wind loading.
- Q. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- R. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- S. The base of the tower shall occupy no more than five hundred (500) square feet.
- T. Minimum spacing between tower locations shall be two (2) miles in order to prevent a concentration of towers in one area.

- U. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- V. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- W. There shall be no employees located on the site on a permanent basis to services or maintain the communications tower. Occasional or temporary repair and service activities are permitted.
- X. The policy of the community is to minimize the number of communications towers in the Township. Therefore, the Township shall require the co-location of communication towers. Pursuant to this policy, the following standards apply to communication towers:
 - 1. All new and modified communication towers shall be designed and constructed so as to accommodate co-location.
 - 2. A special approval use permit for the construction and use of a new communication tower shall not be granted unless and until the applicant demonstrates that feasible co-location is not available for the coverage area and capacity needs.
- Y. The application shall include a description of security to be posted at the time of receiving a building permit for the communication tower to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the Township Planning Commission shall specify the form of security and recordable at the office of the Bay County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal.
- Z. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all time the facility is on the premises.

Section 4.20 COMPOSTING FACILITIES

- A. Size and Location.
 - 1. The minimum size of a composting facility shall be eighty (80) acres.
 - 2. A Level I Environmental Assessment of the site shall be conducted prior to site plan review.
 - 3. A composting facility shall not be allowed in any 100-year or 500-year floodplain unless the Michigan Department of Natural Resources and Environment (MDNRE) has approved the area of operations. A sign-off from the MDNRE stating where composting operations will be allowed in the floodplain shall be necessary before site plan review.
 - 4. A composting facility shall not be allowed in any protected wetlands. A wetlands determination shall be made by the MDNRE prior to site plan review.

5. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
6. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

B. Operational Requirements.

1. The operation of the compost facility shall comply with all applicable requirements of the Natural Resources and Environmental Protection Act, Act 451 of 1994, including those pertaining to ground, water and air quality.
2. 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. All compost facilities shall be designed, constructed and operated in accordance with the performance standards of Section 3.15 so that fugitive dust, noxious odors, noise, vibration, light, sound and blowing debris are controlled and do not cause off-site problems or nuisances.
3. Storage of any material, other than compost, shall not be allowed on-site.
4. No sludge of any kind shall be stored or deposited on composting facility property.
5. The operators of the composting facility shall be responsible for assuring that the tracking of mud and/or compost materials from composting areas onto public off-site roads will be minimized and that mud and/or compost materials which are tracked off-site are adequately removed.
6. All composting areas are subject to inspection by the Zoning Administrator or Township representative during reasonable hours. This includes all site inspections made during the preparation, construction, operation, and closure periods.

C. Landscaping Requirements. To ensure proper buffering of the composting facility from nearby land uses which may be adversely affected by the facility, the following requirements shall apply.

1. An isolation distance shall be maintained between the beginning of the program area designated to the composting facility and a residential development or district. The composting facility shall be constructed as close to the center of the property as possible, but in no case shall be located within one thousand two-hundred (1,200) feet of an existing residential development or district. The isolation distance shall be measured from the beginning of the program area designated to the composting facility to the residential development or district lot line.

2. If a residence is within one thousand two-hundred (1,200) feet to two thousand five-hundred (2,500) feet of a composting facility, there shall be established along the composting facility's lot line a six-foot high seeded earthen berm or dense evergreen landscape buffer strip. The evergreen landscape buffer shall be provided with a double row of evergreen trees, a minimum of six (6) feet high, landscape grade, planted in staggered rows 30 feet apart on center. The plant materials selected shall be in accordance with the American Standards for Nursery Stock, published by the American Association of Nurserymen.
3. If the property fronts on a public road, the earthen berm or evergreen plantings in subsection C,(2) shall be required along the road frontage.

D. Closure Plan.

1. A closure plan shall be submitted which shall detail the final end use of the property should use of the facility be discontinued for more than twelve (12) months. The plan should describe:
 - i. How the existing site will be cleaned up.
 - ii. How and where the existing surface debris will be disposed.
 - iii. What the final disposition of the land will be.
2. The petitioner shall, prior to commencement of operations, deposit with the Township an amount sufficient to ensure site clean up should operations cease. In accordance with Section 3.26, the deposit shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond in an amount to be determined acceptable by the Township Board.
3. Violation of any of the provisions of this Ordinance or inability to meet the requirements of these provisions will result in the Township having the right to close and/or clean up the composting facility and operation at the expense of the owner and/or operator and/or lessee of the composting facility.
4. The Township may, at such time, direct the owner and/or operator and/or lessee to close and/or clean up the composting facility and/or operation at the owner and/or operator and or lessee's expense.

Section 4.21 CONTRACTOR YARDS, LUMBER YARDS AND BUILDING MATERIAL STORAGE AND SALES

- A. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.
- B. Any outside storage area shall comply with the minimum setback requirements for the district.

- C. Sites shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip and a solid wall or fence at least six (6) feet and no more than eight (8) feet in height.
- D. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- E. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.22 CONVALESCENT HOMES, NURSING HOMES, HOMES FOR THE AGED, HOUSING FOR THE ELDERLY, ASSISTED LIVING, AND SIMILAR ELDERLY CARE CENTERS

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. A minimum site size of three (3) acres shall be required.
- C. Regulations for convalescent homes, homes for the aged, nursing homes, assisted living and similar facilities.
 - 1. The building height shall be no more than two (2) stories.
 - 2. There shall be provided not less than one thousand five-hundred (1,500) square feet of open space for each one (1) bed in the home. The fifteen hundred (1,500) square feet of open space per bed shall provide for landscaping, off-street parking, service drives, loading space, yard requirements, and required accessory uses but shall not include the area covered by main or accessory buildings.
- D. Regulations for elderly housing and similar facilities.
 - 1. All housing complexes may provide for the following:
 - i. Cottage type one story dwellings and/or low rise (three (3) stories or less) apartment type dwelling units.
 - ii. Common service containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
 - 2. Minimum dwelling unit size shall be four hundred (400) square feet of living area per unit.

3. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty five (25) percent of the total site not including any dedicated public right-of-way.
- E. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.23 DAY CARE HOMES, GROUP

- A. A group day-care home shall not be located closer than one thousand five-hundred (1,500) feet to any of the following;
1. Another licensed group day-care home.
 2. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- B. Site and Operational Requirements.
1. All outdoor play areas shall be enclosed by a fence that is at least forty-eight (48) inches high.
 2. One (1) identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall limited to the name of the day care operator and an address.
 3. One (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used to fulfill this requirement.
 4. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
 5. Such use shall meet the licensing requirements of the Child Care Organizations Act, Public Act 116 of 1973.
 6. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

7. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience and general welfare of the community.

Section 4.24 DWELLINGS, TWO-FAMILY ATTACHED

- A. The architecture and landscaping of two-family attached dwellings, when in the same recorded plat with single family detached structures, shall be maintained in a manner that is consistent with the character of the neighborhood.
- B. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.
- C. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience and general welfare of the community.

Section 4.25 EXTRACTION OPERATIONS, SAND AND BORROW PITS

Except as provided in subsections C and D, below, no topsoil, sand, gravel, or other such materials shall be removed from a site unless such removal is authorized by the Planning Commission as a special approval use in the AR or I Districts.

- A. In considering such authorization, the Planning Commission shall consider the following standards and attach any reasonable conditions to ensure compliance with such standards:
 1. The relationship of extraction and associated activities with existing land uses;
 2. The impact on existing land uses in the vicinity of the property;
 3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence;
 4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence;
 5. The impact on other identifiable health, safety, and welfare interests in the Township; and
 6. The overall public interest in the extraction of the specific natural resources on the property;
- B. In considering such authorization, the Planning Commission shall insure that the following requirements can be met:
 1. The extraction operation is located on a parcel of land of not less than twenty (20) acres.

2. The area of the extraction activity will be restored to useable contours not exceeding a thirty (30) degree slope upon completion of the extraction operation - such area to be planted with a suitable ground cover sufficient to prevent erosion.
 3. In the event that the applicant desires to construct a pond on the area of extraction activity following completion of the extraction operation, the regulations of Section 3.16 shall apply.
 4. Any noise, odors, smoke, fumes or dust generated by any digging, excavating, loading or processing operation shall not to cause a nuisance or hazard on any adjoining lot or public road, and in accordance with the environmental standards established by the Michigan Department of Natural Resources and Environment and the U.S. Environmental Protection Agency.
 5. All ingress and egress to the site shall be directly from a hard surfaced road suitable to accommodate expected traffic from the extraction activities.
- C. An applicant seeking an SUP for extraction operations must submit the following to the Planning Commission:
1. The name and address of the property owner for the property to be excavated, and consent of property owner for excavation.
 2. The name and address of the party removing sand.
 3. The legal description of the parcel of land from which the sand is to be removed.
 4. A statement of the quantity of sand to be removed.
 5. A drawing showing property lines and dimensions, the area of sand extraction, setbacks of the sand extraction area from property lines, structures, setbacks of sand extraction area from structures, roadways, utilities and a north arrow.
 6. The application fee and escrow deposit to cover the cost of processing the application, as determined by Township Board resolution.
- D. The Township Board shall, by resolution, set the fee for the escrow deposit and sand removal permit application referred to in this Section which shall be based upon the Township's reasonable expenses incurred in processing sand removal permit applications. The escrow deposit and application fee are intended to cover the applicant's payment of the costs the Township incurs in conducting meetings on the application, the Township's attorneys' fees incurred in reviewing the application; outside consultants' fees the Township incurs related to reviewing the application; and notice costs.
- E. Only one (1) sand removal permit shall be issued per parcel of land, or tract of land comprised of contiguous parcels under common ownership.

- F. The Zoning Administrator may issue a sand removal permit in cases involving small amounts of sand and small areas in lieu of special use permit approval if all of the following conditions are met:
- i. The material to be removed is sand, only.
 - ii. The quantity of sand to be removed does not exceed five thousand (5,000) cubic yards.
 - iii. The area from which sand is to be removed does not exceed three (3) acres.
 - iv. The proposed activity is limited to reducing the elevation of an area containing sand to the elevation of the surrounding land such as removing sand hills, sand knobs, etc.
 - v. The Zoning Administrator determines that the sand removal operation will not have a major impact upon other properties in the vicinity.
 - vi. No other sand removal permits have been issued for the parcel shown on the permit application at any time.
1. The Zoning Administrator may require that elevations be shown on the extraction area drawing referred to in subpart 1, above, in appropriate circumstances.
 2. The Zoning Administrator shall require security in the form of cash, a bond, or bank letter of credit to assure proper restoration of a proposed sand extraction area before issuing a sand removal permit.
 3. Sand removal permits shall expire two (2) years following the date of issuance.
 4. Within the two (2) year effective period of a sand removal permit, sand shall be removed and the land surface must be smoothed and graded to conform with adjacent land surfaces. No extensions may be granted by the Zoning Administrator. No new permits may be granted by the Zoning Administrator for any parcel previously subject to a sand removal permit.
 5. The property owner and party removing sand shall be responsible to prevent the creation of sand blows, stagnant water pools, or swampy areas.
- G. Topsoil or sand may be removed from a lot, without authorization from the Planning Commission or zoning administrator, for the purpose of erecting or constructing a building or structure, provided there is compliance with all other requirements of this Ordinance. In addition, topsoil or sand may be moved from one part of a lot to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, or possible future injury to adjoining properties.
- H. This Section 4.25 does not apply to any of the following: (a) operations that involve less than 100 cubic yards of material in a single calendar year; (b) the usual and customary excavation of

property associated with construction of septic fields or septic tanks under an appropriate permit; (c) the usual and customary balancing of land by cutting and filling on a site in preparation for construction approved by the Township; (d) the ordinary and necessary grading of land for the tiling and cultivation of soils for the growing of crops or trees; (e) ponds built pursuant to this Ordinance.

Section 4.26 FACILITIES USED IN THE RESEARCH AND TESTING OF AGRICULTURAL PRODUCTS AND TECHNIQUES

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.27 FIREWORKS SALES

- A. The project shall have no negative impacts on surrounding land uses.
- B. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.
- C. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- D. All State and Federal statutes and guidelines shall be complied with.

Section 4.28 FIREWORKS MANUFACTURING

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. A minimum site size of ten (10) acres shall be required.
- C. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.29 GAS AND OIL PROCESSING FACILITIES

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. A minimum site size of ten (10) acres shall be required.
- C. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.30 HOSPITALS

- A. The minimum area shall be ten (10) acres.
- B. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- C. In the event one (1) or more property lines of the proposed site lie opposite from or adjacent to a residential district, the minimum distance between any hospital structure or accessory use and the residential district boundary shall be at least one hundred (100) feet for buildings containing two (2) stories or less. For buildings above two (2) stories, the building shall be set back an additional one (1) foot for each foot of height above two (2) stories.
- D. The building height of a hospital shall be no more than four (4) stories or forty-five (45) feet.
- E. The minimum distance from any road right-of-way line shall not be less than forty (40) feet for buildings containing two (2) stories or less. For buildings above two (2) stories, the building shall be set back an additional one (1) foot for each foot of height above two (2) stories.
- F. The minimum distance from any non-residential interior property line shall not be less than twenty-five (25) feet.
- G. Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height.
- H. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.31 HOTELS OR MOTELS

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.

- B. Each unit shall contain not less than two-hundred fifty (250) square feet of floor area.
- C. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.
- D. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.32 HEAVY EQUIPMENT SALES, SERVICE AND RENTAL

- A. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.
- B. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.

Section 4.33 INTENSIVE LIVESTOCK OPERATIONS

- A. Intensive livestock operations shall be subject to all applicable requirements and regulations for concentrated animal feeding operations (CAFOs) as established by the Michigan Department of Natural Resources and Environment or Michigan Department of Agriculture.
- B. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.
- C. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience and general welfare of the community.

Section 4.34 JUNKYARDS

- A. Minimum lot size shall be ten (10) acres.
- B. Travel routes for trucks entering and leaving the junkyard shall be shown on a map of the Township at the time of application for the special approval use permit. Such routes except county primary roads shall not pass through residential areas.
- C. Junk materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection access and visitor safety.
- D. Junk materials shall not be stored in piles higher than the top of the fence surrounding the junk yard. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection and to protect the safety of visitors.

- E. The junkyard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects or other vermin.
- F. The junkyard, when established and located within one thousand (1,000) feet of any existing residential district, as measured on a straight line distance, shall not be open for business and shall not be operated at any time other than between the hours of 7:00 A.M. and 6:00 P.M. on weekdays and Saturdays; and shall not be open for business or otherwise operate on Sundays or legal holidays.
- G. Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the Township Fire Chief or other designated fire official, the Township Building Inspector, and the County Health Department.
- H. All flammable liquids contained in automobiles and other vehicles shall be drained from same immediately after such vehicles are brought to the junkyard. Such liquids are to be stored in containers approved by the Township Fire Chief or other designated fire official.
- I. All drives, parking areas, and loading/unloading areas shall be paved, oiled, watered, or chemically treated so as to limit nuisances caused by windborne dust or neighboring properties and on public roads.
- J. There shall not be more than one (1) entrance way from each public street which adjoins the junkyard.
- K. Fencing shall be required as follows:
 - 1. A solid, opaque fence or wall, seven (7) feet high as measured from grade at each post in the case of a fence, or at ten (10) feet intervals in the case of a wall, shall be provided along each public street frontage. The fence or wall shall be located on the rear line of the required front yard. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn.
 - 2. Where the junk yard is adjacent to a residential development or district, or a commercial district, a solid, screen type fence or wall, seven (7) feet high shall be provided on any side or rear property line or portion thereof, adjoining such lots.
 - 3. The fence or wall shall be continuously maintained in such a manner that breakages, decay, etc., are repaired within an appropriate period of time and routine maintenance, such as painting, etc., will also be performed within an appropriate period of time.
 - 4. Strips of metal, plastic or other materials inserted into wire fences shall not be permitted in any fence enclosing a junk yard.
- L. Wrecking and processing operations are permitted in a junkyard but shall be described in the application for the special approval use permit.
- M. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not

necessary for the protection of the health, safety, convenience, and general welfare of the community.

- N. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.35 KENNELS

- A. Parcel must be a minimum of five (5) acres in size.
- B. Any building or enclosure holding animals shall be located no closer than seventy five (75) feet from any dwelling unit except that of the kennel operator, forty (40) feet from any side lot line, and one hundred fifty (150) feet from the front lot line.
- C. Kennels shall be licensed and be maintained in compliance with the Bay County Animal Control Ordinance and subsequent amendments thereto.
- D. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.

Section 4.36 LP GAS AND FUEL OIL DEALERS

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. The minimum required lot area shall be ten (10) acres.
- C. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential development or district.
- D. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.37 LIVESTOCK TRANSPORTATION FACILITIES

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.38 MANUFACTURED HOME PARKS

- A. No Manufactured Home may be placed in a Manufactured Home Park until a Special approval use permit (SUP) has been granted by the Township and a license has been issued by the Michigan Department of Commerce.
- B. Pursuant to Section 11 of the Mobile Home Commission Act, Public Act 96 of 1987, a preliminary plan must be submitted to the Township for review by the Planning Commission. The preliminary plan must include the location, layout, general design, and general description of the project. The preliminary plan must not include detailed construction plans. An applicant for a Manufactured Home Park SUP need not apply for or obtain site plan approval or meet the general standards set out in Section 4.01 of this Zoning Ordinance. The submission of the preliminary plan is the equivalent of submission of a Manufactured Home Park SUP request.
- C. If the Township has not returned the preliminary plan to the applicant as approved, modified, or disapproved within 60 days after it receives the preliminary plan, the preliminary plan (and the SUP request) is considered approved.
- D. The Township must approve the preliminary plan if the following standards are met:
 - 1. The Manufactured Home Park owner will provide each community resident immediately upon occupancy with written information indicating whether the Township provides a severe weather warning system or designated shelters. If a warning system or shelter is provided, the information must describe the system and the nearest shelter location.
 - 2. The proposed Manufactured Home Park owner will maintain a community equipment and facilities in a safe, sanitary condition as required under MDEQ rules R 325.3371 and R 325.3374.
 - 3. Each proposed manufactured home site in the proposed Park will have approved garbage containers that meet the requirements of Park 5 of the MDEQ Health Standards, R 325.3351 through R 325.3354. The containers must be kept in sanitary condition.
 - 4. The installation of manufactured housing in the proposed Park will conform to the requirements in R 125.1602 and R 125.1603 as to installation.
 - 5. Unless the proposed Park will be a seasonal Manufactured Home Park, all internal street and sidewalk systems within the proposed Park must be lighted as follows:
 - i. Access points must be lighted. If the public thoroughfare is to be lighted, the illumination level must not exceed the average illumination level of the adjacent thoroughfare.
 - ii. All internal road intersections and designated pedestrian crosswalks must have minimum illumination of at least 0.15 foot candles.

- iii. Internal roads, parking bays, and sidewalks must be illuminated at not less than 0.05 foot candles.
 - iv. Lighting fixtures for site-built buildings and structures must comply with the state electrical code.
6. A minimum of 2 hard-surfaced parking areas must be provided for each proposed Manufactured Home site in the Park. Additional parking of 1 space for 3 manufactured homes must be provided for visitor parking. Parking may be on-site or off-site.
7. The proposed Park complies with the Act and the rules promulgated under the Act, including the rules regarding drainage, electricity, telephone systems, and water and sewage.

Section 4.39 MIGRATORY LABOR CAMPS

- A. Such facility must be provided as 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, and provided further that said facility is accessory to the farm on which said worker is employed.
- B. All plans for migratory labor camps shall meet the requirements and approval of the Michigan Department of Agriculture.
- C. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.
- D. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience and general welfare of the community.

Section 4.40 MINI-WAREHOUSES

- A. Outdoor storage shall be permitted as an accessory use when included as part of an approved site plan for a mini-warehouse, when located in the rear of all buildings, and provided that materials stored are arranged as to provide access for emergency vehicles.
- B. The perimeter of the site shall be fenced with a chain link fence with a minimum height of six (6) feet.
- C. The distance between buildings shall be adequate to accommodate emergency vehicles and emergency numbers will be posted on the front gate.
- D. The Planning Commission shall be provided with copies of all required County and State permits.
- E. An evergreen screen may be required where such use abuts an existing residential development or district.

- F. One resident manager dwelling unit may be permitted.
- G. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- H. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.41 MORTUARY ESTABLISHMENTS

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. Adequate assembly area shall be provided off street for vehicles to be used in the funeral procession.
- C. Such assembly area will be in addition to required off street parking.
- D. A caretakers residence may be provided within the main building of the mortuary establishment.
- E. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.42 OUTDOOR DISPLAY AND SALES

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. The lot or area shall be graded and drained as to dispose of all surface water accumulated within the area.
- C. Any outside storage area shall comply with the minimum setback requirements for the district.
- D. Lighting shall be located and designed to reflect away from adjacent residential districts.
- E. All sides of an outdoor display and sales use abutting any residential development or district shall maintain an obscuring greenbelt/buffer strip or a solid wall or fence at least six (6) feet in height.

- F. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.43 PENAL INSTITUTIONS

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. Active recreation areas, including accessory buildings and parking lots, shall not be located closer than three hundred (300) feet to any interior property line.
- C. The project shall have no negative impacts on surrounding land uses or mitigating measures shall be taken to eliminate said adverse impacts.
- D. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.44 PLACES OF WORSHIP

- A. The minimum area shall be three (3) acres.
- B. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- C. No building shall be closer than fifty (50) feet to any interior lot line.
- D. A continuous and obscuring wall not less than four feet six inches (4' 6") in height or other screening, as approved by the Planning Commission, shall be provided along the sides of the off-street parking area adjacent to a residential development or district.
- E. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.45 PLANT MATERIAL NURSERIES

- A. All buildings containing retail sales and any parking areas shall be set back at least fifty (50) feet from all property lines.
- B. Outdoor display areas shall be set back at least fifty (50) feet from all property lines, and shall be limited to an area equal to one-half the square footage all buildings on the lot associated with the use.
- C. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not

necessary for the protection of the health, safety, convenience, and general welfare of the community.

- D. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.46 PUBLIC UTILITY BUILDINGS

- A. Public utility and service buildings and uses shall be permitted when operating requirements necessitate the location of said building within the district in order to serve the immediate vicinity.
- B. No building and/or structure shall be located in any required yard.
- C. Any outside storage area shall comply with the minimum setback requirements for the district.
- D. Any outside storage area shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip and a solid wall or fence at least six (6) feet and no more than eight (8) feet in height.
- E. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.
- F. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience and general welfare of the community.

Section 4.47 RECREATION FACILITIES, PRIVATE OUTDOOR

- A. Requirements for All Facilities.
 - 1. Unless a greater size is required by this Section, the minimum site area shall be five (5) acres.
 - 2. Structures associated with such uses shall be located at least twenty-five (25) feet from a lot line.
 - 3. All primary activities associated with such operations and conducted out-of-doors shall be limited to hours of operation which shall not exceed 7:00 A.M. to 10:00 P.M., unless approval for an extension of that period is obtained from the Township Board of Appeals.
 - 4. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.
 - 5. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that

said requirement is not necessary for the protection of the health, safety, convenience and general welfare of the community.

B. Specific Regulations for Gun Clubs and Rifle Ranges.

1. All such facilities must be situated on a parcel of land not less than ten (10) acres in area and having a minimum five hundred (500) foot of road frontage.
2. Such parcel of land must be adequately fenced, that being a fence of at least four (4) feet in height 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 fifty (50) feet apart.
3. Design and operation of such facility shall also be in accordance with specifications and practices outlined in the National Rifle Association's "NRA Range Manual."

C. Specific Regulations for Golf Courses.

1. The following minimum acreage and road frontage requirements shall apply:
 - i. 9-Holes (Par 3): Twenty (20) acres and three hundred thirty (330) feet.
 - ii. 9-Holes or Higher: Eighty (80) acres and six hundred sixty (660) feet.

D. Specific Regulations for Campgrounds.

1. Minimum parcel size shall be twenty (20) acres.
2. The purpose of the campground shall be to provide temporary recreational sites and opportunities and not intermediate or long term housing.
3. Trailers shall be removed from camping sites between December 1st and April 1st but may be stored on-site within a storage area designated as such on the site plan.
4. No retail sales shall be permitted to operate on the parcel, except that a convenience goods shopping building may be provided on a parcel containing more than forty (40) sites. Convenience goods sold shall be primarily for the benefit of the campground users and not the general public, unless allowed by special approval use permit.
5. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Bay County health regulations.
6. All campgrounds shall be licensed by the State of Michigan and shall comply with all applicable state and county rules and regulations, including Part 125 of the Public Health Code (PA 368 of 1978).

E. Specific Regulations for Motor Vehicle Racetracks or Practice Tracks.

1. Minimum parcel size shall be twenty (20) acres.
2. No structure, racetrack or parking area shall be located closer than three hundred (300) feet to any property line abutting a residential development or district.
3. All development features including the principal building shall be designed and arranged to minimize the possibility of any adverse effect upon adjacent property.
4. The entire boundary of the proposed area to be developed shall be suitably screened with evergreen plantings in order to prevent noise, dust, and glare from lights. Said screening plantings shall be a minimum of five feet in height at the time of planting. In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirement outlined herein, provided that any such adjustment is in keeping with the intent of the Ordinance or upon a finding that the existing vegetation to be maintained on the site generally accomplishes the same effect.
5. The Planning Commission may require additional screening, including vegetated berms, to mitigate potential off-site impacts.
6. The Planning Commission may specify more stringent hours of operation than outlined in subsection A,(3) above, to assure compatibility with adjacent uses.
7. Ingress and egress to the proposed site shall be provided and located in such a manner so as to provide maximum safety to the public utilizing the facility. Said ingress and egress shall be directly onto a hard surfaced road.
8. Related accessory commercial uses may be permitted in conjunction with the use when it is clearly incidental to the main recreational character of the use and such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except that owned by the proprietor.
9. All lighting provided for the use shall be arranged to prevent annoyance or glare to the property owners surrounding the development.
10. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Bay County health regulations.
11. All local, state and federal regulations shall be complied with.

Section 4.48 RESTAURANTS, DRIVE-IN AND CARRY-OUT

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.

- B. The minimum width of driveways at the property line shall be twenty four (24) feet, and not greater than thirty (30) feet.
- C. The minimum distance between driveways on the site shall be seventy five (75) feet measured from the two (2) closest driveways' curbs, measured along the right-of-way.
- D. The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with standards specified by Bay County Drain Commissioner. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.
- E. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.49 RIDING STABLES, PUBLIC

- A. The minimum lot size shall be twenty (20) acres.
- B. Buildings and structures shall not be located less than three hundred (300) feet from a public right-of-way, or less than one hundred (100) feet from a side or rear lot line.
- C. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- D. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.50 SHOWROOM AND/OR OUTDOOR SALES OF NEW AND SECOND-HAND AUTOMOBILES, BOATS, RECREATIONAL VEHICLES, MOTOR HOMES, SNOWMOBILES, TRUCKS AND TRAILERS, AND SIMILAR PRODUCTS

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. The lot or area shall be graded and drained as to dispose of all surface water accumulated within the area.
- C. The lot or area upon which vehicles are placed for sale shall be hard surfaced.
- D. Lighting shall be located and designed to reflect away from adjacent residential districts.
- E. A planting strip of at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. In addition, all sides of the use

abutting a residential development or district shall maintain a solid wall or fence at least six (6) feet in height.

- F. No major repair or major refinishing shall be done on the lot.
- G. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.51 SANITARY LANDFILLS

- A. The minimum area shall be five hundred (500) acres.
- B. Sanitary landfills shall follow all state requirements in accordance with the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, and meet the standards of the Bay County Solid Waste Management Plan, as may be amended.
- C. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- D. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.52 SCHOOLS

- A. The minimum area shall be five (5) acres.
- B. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- C. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.53 SMELTING, STAMPING, ROLLING, PLATING, REFINING AND FORGING OF METAL

- A. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- B. A minimum site size of three (3) acres shall be required.
- C. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.54 TRUCK STOPS, TRUCK TERMINALS

- A. A minimum site size of 5 acres shall be required.
- B. Such uses shall be set back a minimum of two hundred (200) feet from any residential development or district.
- C. All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- D. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- E. The Planning Commission shall establish reasonable measures to mitigate any adverse impacts to surrounding properties.

Section 4.55 WIND ENERGY CONVERSION SYSTEMS, ON-SITE

- A. Intent. In order to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community, Garfield Township Michigan finds this Ordinance is necessary to ensure that on-site wind energy conversion systems (WECS) are appropriately designed and safely sited and installed. This Ordinance establishes the regulations and criteria which allow compatible accessory uses to be located within the various land use districts.
- B. Applicability. This Ordinance applies only to on-site wind energy conversion systems, as defined in Article VII of this Ordinance.
- C. Lot Size.
 - 1. The minimum lot size for an on-site WECS for residential use shall be five (5) acres.
 - 2. Building mounted systems may be permitted on any size lot, provided the setbacks pertaining to the main building of the district in which the on-site WECS is located are met.
- D. Location. An on-site WECS shall only be permitted in the rear or side yard.
- E. Property Setbacks. The distance between an on-site WECS tower and any property line, public or private road right-of-way, or overhead utility right-of-way shall be not less than the total height of the on-site WECS tower with the blade in its vertical position.
- F. On-Site Wind Energy Conversion System Construction.
 - 1. Only towers of the monopole, monotube, or lattice design are allowed.

2. The on-site WECS shall be finished in a single, non-obtrusive, non-reflective matte color.
 3. No illumination of the turbine or tower shall be allowed, unless required by the Federal Aviation Administration or other federal or state law.
 4. The on-site WECS shall be designed to prevent climbing by unauthorized persons by such means as the installation of anti-climbing devices twelve (12) feet from the base of the tower or the construction of a fence surrounding the base of the tower.
- G. Maximum height. The WECS shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950); the Michigan Tall Structures Act (Public Act 259 of 1959); and any other State or Federal Regulations.
- H. Safety Standards.
1. An on-site WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over-speeding.
 2. An on-site WECS shall be equipped with lightning protection.
 3. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for an on-site WECS employing a horizontal axis rotor.
 4. An on-site WECS may generate no more than 40 annual hours of shadow flicker on adjacent lots that are not part of the WECS.
- I. Sound Pressure Level Standard. An on-site WECS shall not exceed 5 dBA above the ambient sound pressure level at the property line closest to the on-site WECS. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. Sound pressure levels are to be tested using the then-applicable ANSI standards regarding measuring environmental sound, and are to be tested from the property line nearest to the WECS.
- J. Construction codes and Interconnection Standards. An on-site WECS shall comply with all applicable state construction and electrical codes and local building permit requirements.
- K. Unsafe Condition. An on-site WECS found by the Township to be unsafe shall be repaired by the owner to meet local, state and federal safety standards within one-hundred eighty (180) days of being notified by the Township of such need for repair. Failure to repair the on-site WECS within one-hundred eighty (180) days shall be ground to remove the on-site WECS at the owner's expense.
- L. Decommissioning plan. An applicant for an SUP under this Section must submit a proposed decommissioning plan that explains how applicant will return the property on which a WECS is operated to the condition the property was in before the WECS was started, and how the applicant will remove all material and equipment at grade level upon ceasing the WECS operations on the site. The Township may require the applicant to post a performance

guarantee, surety bond, or the like to ensure the carrying out of an approved decommissioning plan.

- M. Approval Process. In addition to the requirements of Section 3.25, site plans submitted to the Planning Commission for the review and approval of an on-site WECS SUP shall include the following information:
1. Standard drawings of the wind turbine structure, including the support structure, base and footings as prepared by a licensed Professional Engineer.
 2. Certifications that the applicant has complied or will comply with all applicable local, state and federal laws and regulations.
 3. The Planning Commission may require additional information as deemed necessary to determine compliance with this Ordinance.
- N. The Planning Commission must approve the SUP if it complies with this Section. The Planning Commission may impose reasonable conditions as it finds necessary to mitigate any adverse impacts to surrounding properties.
- O. All ingress and egress to the site shall be directly from a hard surfaced road.

Section 4.56 WINERIES

- A. A winery, including any tasting room or retail component, may only be permitted as an accessory use to a production vineyard.
- B. The winery, including the retail component, tasting room and parking, may only utilize ten percent (10%) of the total vineyard property.
- C. Any use related to the winery must be setback one hundred (100) feet from any residential development or district and must meet all other dimensional requirements within the district it is located.
- D. Tasting of wine produced at the winery shall be the only wine served in the tasting room. There shall be no fee of any kind charged for tasting.
- E. Sales of wine by the bottle produced at the winery are allowed for off-premises consumption only.
- F. Retail sale of packaged food items are permitted provided they relate to and are typically enjoyed with the consumption of wine.
- G. Retail sale of non-food items which promote the winery or other promotional items like corkscrews, wine glasses, gift boxes, etc. which relate to the consumption of wine shall be allowed.

- H. Signs and other advertising may not promote, list or in any way identify any of the food or non-food items allowed for sale in the winery.
- I. All required permits and or licenses must be presented to the Planning Commission at the time of special approval use and site plan review.
- J. All ingress and egress to the site shall be directly from a hard surfaced road. This requirement may be waived by the Planning Commission upon a determination that said requirement is not necessary for the protection of the health, safety, convenience, and general welfare of the community.
- K. The Planning Commission must approve the SUP if it complies with this Section. The Planning Commission may impose reasonable conditions as it finds necessary to mitigate any adverse impacts to surrounding properties.

ARTICLE V
ADMINISTRATIVE PROCEDURES

Section 5.01 ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered and enforced by the Township Zoning Administrator or other authorized officials so designated by the Township Board.

A. Duties

1. If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, the Zoning Administrator or other authorized official or enforcement officer shall notify the person responsible in writing for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
2. The Zoning Administrator or other authorized official or enforcement officer shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or to prevent violation of, its provisions.

B. Zoning Permit

1. **Application.** A Zoning Review Application for a Zoning Permit shall be made, in writing, along with a site plan sketch, to the Zoning Administrator prior to construction.
2. **Permit Required.** It shall be unlawful to use or occupy or permit the use of any building or premise, or both that has had a change in use until a Zoning Permit has been issued. A Zoning Permit will only be required for those buildings where no alterations have occurred. If alterations to the building have occurred refer to Section 5.02,(C). A Zoning Permit shall not be issued for any building or structure or a part thereof, or for the use of the building, which does not comply with all provisions of this Ordinance. The permit shall state that the building or structure, and the use thereof, conform to the requirements of this Ordinance. Failure to obtain a Zoning Permit when required shall be a violation of this Ordinance and punishable under Section 10.01, herein.
3. **Change in Building Use.** A structure or part thereof shall not be changed to or occupied by a use different from the existing at the effective date of this Ordinance unless a Zoning Permit is first issued for the different use.
4. **Existing Structure and Use.** A Zoning Permit shall be issued, upon request of the owner, for an existing structure or part thereof, or for an existing use of land, if after inspection of the premises, it is found that such structure or use comply with all provisions of this Ordinance.

- C. Records.** The Zoning Administrator shall maintain a record of all permits and said record shall be open for public inspection.

Section 5.02 BUILDING INSPECTOR

The power to issue, or grant, building permits shall be reserved for the Building Inspector or other authorized officials so designated by the Township Board.

A. Duties

1. The Building Inspector shall have the power to grant certificates of occupancy; to make inspections of buildings or premises necessary to carry out their duties. It shall be unlawful for the Building Inspector to approve plans or to issue building permits or certificates of occupancy for any excavation, construction, or use until the Zoning Administrator or Planning Commission, as outlined under Section 3.25 and Section 4.01, has inspected such plans or premises and found them to conform to this Ordinance.
2. The Building Inspector shall issue a certificate of occupancy when the applicant has complied with all applicable regulations of this Ordinance, even though violations of contracts, such as covenants or private agreements, may occur upon the issuance of such certificate or permit.

B. Building Permits. The following shall apply in the issuance of any permit:

1. **Permits Required.** It shall be unlawful for any person to commence excavation for, construction of any building or structure, structural changes, or repairs in any existing building, without first obtaining a building permit from the Building Inspector. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, with the Building Code, and with other applicable ordinances. "Alteration" or "repair" of an existing building or structure, shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation means of egress or ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.
2. **Permits for New Use of Buildings or Structures.** A building permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
3. **Accessory Buildings.** Accessory buildings shall require their own building permit.
4. The Building Inspector may suspend, revoke or cancel a building permit in case of failure or neglect to comply with the provisions of the Stille-Derossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as may be amended, or the building code or upon a finding that a false statement or representation has been made in the application for the building permit.

Should the holder of a building permit fail to complete the work for which said permit was issued, any unfinished structure is hereby declared a nuisance, and the same may be abated by appropriate action before the Circuit Court of the County. The Board of

Zoning Appeals, the Township Board, or any person designated by the Township Board or any aggrieved person may institute a suit to have the nuisance abated.

5. An application for a building permit shall be accompanied by a site sketch as required by the Building Inspector, unless a site plan is required under Section 3.25, in which case the provisions of Section 3.25 shall apply.

C. Certificates of Occupancy

1. Certificate Required. It shall be unlawful to use or occupy or permit the use of any building or premise, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its structure until a certificate of occupancy has been issued by the Building Inspector. A certificate of occupancy shall not be issued for any building a structure or a part thereof, which does not comply with all provisions of this Ordinance. The certificate shall state that the building or structure, conform to the requirements of this Ordinance. Failure to obtain a certificate of occupancy when required shall be a violation of this Ordinance and punishable under Section 10.01, herein.
2. New or Altered Building. Any structure, or part thereof, which is erected or altered after the effective date of this Ordinance, shall not be occupied or used for occupancy or use caused to be done until a certificate of occupancy is issued for such occupancy.
3. Accessory Structures for Residences. An accessory structure for a residence shall require a separate certificate of occupancy, unless included in the certification of occupancy issued for the residential structure, when such accessory structure is completed at the same time as the residence structure.
4. Application. Application for certificates of occupancy shall be made in writing to the Building Inspector.
5. Certificate to Include Zoning. Certificates of occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to existing buildings or structures, shall also constitute review and compliance with the Zoning Ordinance.

D. Inspections

1. The applicant for a certificate of occupancy or building permit shall notify the Building Inspector when inspection is desired. Certificates and permits shall be issued within ten (10) days after receipt of such application if the building or structure, or part thereof, or the use of land, complies with the provisions of this Ordinance.
2. If issuance of such certificate is refused, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid ten (10) day period.

- E. Records. The Building Inspector shall maintain a record of all certificates and permits and said record shall be open for public inspection.

Section 5.03 PLANNING COMMISSION

- A. Township Planning Commission. The Garfield Township Planning Commission was created by the Garfield Township Board under the then-applicable Township Planning Act on January 31, 1979. The Planning Commission shall have all powers, duties and responsibilities as provided to it in the Planning Enabling Act, Public Act 33 of 2008, as amended, and in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, together with such other powers and duties as are given to such Planning Commission by the provisions of this ordinance, including authority to act on all matters requiring the approval or recommendation of such Planning Commission.
- B. Appointment, Membership, Terms, Vacancy, Representation, Qualifications, Ex-Officio Member, Removal of Member, Compensation and Funding.
1. 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.
 2. The Planning Commission shall consist of five, seven, or nine members. Other than ex officio members appointed as provided in subsection (B)(5), below, members shall be appointed for three-year terms. 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.
 3. 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.
 4. Members of the Planning Commission shall be qualified electors of the Township.
 5. One member of the Township Board shall be appointed to the Planning Commission, as an ex officio member. Except as provided in this subsection, an elected official or employee of the Township is not eligible to be a member of the Planning Commission. The term of the ex officio Township Board member of the Planning Commission shall expire with his or her term on the Township Board.
 6. One member of the Township Zoning Board of Appeals must be appointed to the Planning Commission. However, the Planning Commission member who is also a Zoning Board of Appeals member may not vote on the same matter voted on as a Planning Commission member.
 7. The Township Board may remove a member of the Planning Commission for misfeasance (a lawful act performed in a wrongful manner), malfeasance (a wrongful or unlawful act), or nonfeasance (failure to act when a duty to act existed) in office upon written charges and after a public hearing. Before casting a vote on a matter on which a

member may reasonably be considered to have a conflict of interest, the members shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by any bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.

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.

C. Officers, Meetings, Professional Advisors and Rules.

1. The Planning Commission shall elect a chairperson, vice-chairperson and secretary from its members and create and fill such other offices as it considers advisable. An ex-officio member of the Planning Commission is not eligible to serve as chairperson. The Commission may appoint advisory committees outside of its membership. The term of each officer shall be one year.
2. The Planning Commission shall hold not less than four regular meetings each year, and by resolution shall determine the time and place of the meetings. Special meetings may be called by the chairperson or by other members, upon written request to the secretary. The secretary shall send written notice of a special meeting to Planning Commission members not less than 18 hours before the meeting. The business that a Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 PA 267.
3. The Township Board, upon recommendation of the Planning Commission, may employ a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.
4. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations.

Section 5.04 FEES

The Township Board shall establish a schedule of fees and deposits allowed to be charged under this Ordinance by resolution. The schedule of fees shall be posted on public display in the office of the Township Clerk and may be changed only by the Township Board. No permit shall be issued unless required fees have been paid in full.

ARTICLE VI
ZONING BOARD OF APPEALS

Section 6.01 CREATION OF ZONING BOARD OF APPEALS

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, in such a way that the objectives of this Ordinance shall be attained, public safety secured and substantial justice done.

Section 6.02 BOARD MEMBERSHIP

- A. The Board of Zoning Appeals shall consist of five (5) members appointed by majority vote of the members of the Township Board:
1. One (1) member shall be a member of the Township Planning Commission.
 2. One (1) regular member or alternate member, as provided in subsection B below, may be a member of the Township Board, but such member shall not serve as chair of the Zoning Board of Appeals.
 3. The remaining regular members and alternate members, as provided in subsection B below, shall be selected from the electors residing within the Township for at least one (1) year, provided that no elected officer of the Township or any employee of the Township Board may serve simultaneously as a member.
- B. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified in the Zoning Ordinance to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings. An alternate member 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 of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.
- C. Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. A vacancy on the zoning board of appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
- D. Members of the Zoning Board of Appeals may be removed by the Township Board for misfeasance (a lawful act performed in a wrongful manner), malfeasance (a wrongful or unlawful act), or nonfeasance (failure to act when a duty to act existed) in office upon written charges and after a public hearing. Members shall disqualify themselves from a vote in which

the member has a conflict of interest. Failure of members to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 6.03 MEETINGS

All meetings of the Zoning Board of Appeals shall be held at the call of the Chair, and at such times as the Zoning Board of Appeals may determine. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall maintain a record of its proceedings, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Board are present. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

Section 6.04 APPEALS

An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau aggrieved. Such appeals shall be taken within 30 days after the minutes at which the decision is made are approved, by filing with the Township Clerk and with the Zoning Board of Appeals a Notice of Appeal, specifying the grounds thereof. The Township Clerk shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the Notice of Appeal shall have been filed that by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril of life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court.

The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Section 6.05 NOTICE OF HEARING

The Zoning Board of Appeals shall make no decision until after a public hearing, conducted by the Zoning Board of Appeals, has been held. Notice of the hearing of the appeal shall be given by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used. A notice of the time and place of such public hearing shall be published in a paper of general circulation in the Township at least fifteen (15) days prior to the hearing per Public Act 110 of 2006. Such notice shall contain the address, if available, and location of the property for which a variation or other ruling is sought of the Zoning Board of Appeals, as well as a brief description of the nature of the appeal.

Section 6.06 ZONING BOARD OF APPEALS JURISDICTION

The Zoning Board of Appeals shall have the following specific powers and duties concerning appeals, interpretation requests, and requests for variances:

- A. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcement of any provisions of this Ordinance. They shall also hear and decide all matters referred to them or upon which they are required to pass under this Ordinance, such as an appeal of a Planning Commission decision on an Adult Entertainment Facility SUP request. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- B. The Zoning Board of Appeals shall have the power to interpret the provisions of this Ordinance and the Zoning Map accompanying this Ordinance.
- C. Where the literal enforcement of the Ordinance results in a practical difficulty, the Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, off street parking and loading space requirements, sign regulations, and other similar requirements as specified in the Ordinance. The Zoning Board of Appeals shall not approve an application for such variance unless it appears beyond a preponderance of the evidence that all the following facts and conditions exist:
 1. That the strict enforcement of the provisions of the Township Zoning Ordinance would cause practical difficulties and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district or render conformity with such restrictions unnecessarily burdensome.
 2. That the conditions and circumstances are unique to the property and are not similarly applicable to other properties in the same zoning district.
 3. That the conditions and circumstances are unique to the property and were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
 4. That the requested variance will not confer special privileges which are denied other properties similarly situated and in the same zoning district.
 5. That the requested variance will not be contrary to the spirit and intent of this zoning ordinance.
 6. That a lesser variance would not provide the necessary relief to the applicant.

- D. In exercising the above powers, the Zoning Board of Appeals may reverse, or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made.
- E. In exercising the above powers, the Zoning Board of Appeals may impose such conditions or limitations as it may deem necessary to comply with the spirit and purposes of this Ordinance.
- F. Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner provided by law.
- G. No variance shall be made in connection with or an appeal heard on any condition established as part of a special approval use.

Section 6.07 APPROVAL PERIOD

An order of the Zoning Board of Appeals permitting the erection or alteration of a building expires 365 days after the date of that ZBA Order unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

An order of the Zoning Board of Appeals permitting the creation of a lot or lot split expires 365 days after the date of the ZBA Order unless such new lot is established within such period.

An order of the Zoning Board of Appeals which becomes invalid due to the above provisions shall be considered null and void.

Section 6.08 FILING FEE

Application for a Zoning Board of Appeals hearing shall be in writing and shall be accompanied by a filing fee as established by the Township Board which shall be paid over to the Township Clerk at the time the notice of appeal is filed.

Section 6.09 REHEARING

The decision of the Zoning Board of Appeals shall be final. However, any person aggrieved by a decision of the Zoning Board of Appeals may appeal to the Circuit Court having jurisdiction over the dispute.

The Zoning Board of Appeals is without general authority to reconsider a matter it has previously decided unless the facts and circumstances which actuated the decision have so changed as to vitiate or materially affect the reason which produced and supported it, and no vested rights have intervened.

**ARTICLE VII
DEFINITIONS**

Section 7.01 INTERPRETATIONS

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, (and the plural number shall include the singular) unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. 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," "either...or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them.
- J. The terms "his" and "her" shall be used interchangeably and shall be considered to have the same meaning.

Section 7.02 DEFINITIONS

Abandoned. A relinquishment of property, or a cessation of the use of a property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property. The cancellation of utility service, expiration of licensure or insurance, liquidation or removal of furnishings, equipment or inventory, stoppage of mail service, or a significant reduction in occupation, business hours, customers, or sales shall serve as evidence of abandonment.

Accessory Building. A structure detached from and located on the same lot as the principal building, the use of which is clearly subordinate and incidental to that of the principal building or the use of the land. Typical examples of accessory buildings include, but may not be limited to, garages, storage sheds, or gazebos.

Accessory Use. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of a lot and located on the same zoning lot as the principal use to which it relates.

Adult Entertainment Facility. Adult entertainment facilities means any of the following:

- A. **Adult Book Store.** An establishment or use which has a significant portion of its stock in trade books, magazines, periodicals, newspapers, slides, pictures, cassettes, videotapes, videodiscs, motion picture films, or other printed, recorded, or electronic material that are distinguished or characterized by an emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas"; or an establishment with a segment or section devoted to the sale or display of such material that exceeds 35% of the total usable retail space. "Usable Retail Space" is defined as that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. The portion of the floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from the computation of "Usable Retail Space."
- B. **Adult Cabaret.** A nightclub, theater, or other establishment that has as an activity live performances by one or more topless and/or bottomless dancers, "go go" dancers, exotic dancers, strippers, or similar entertainers, wait staff, or other persons, where those performances are distinguished or characterized by an emphasis on showing, depicting, or describing "Specified Sexual Activities" or "Specified Anatomical Areas."
- C. **Adult Mini Motion Picture Theater.** An establishment, in a completely enclosed building or room with a capacity for less than fifty (50) persons, that regularly offers for a fee the viewing of motion picture films, video cassettes or tapes, cable television, or other visual display that are distinguished or characterized by an emphasis on showing, depicting, or describing "Specified Sexual Activities" or "Specified Anatomical Areas," for observation by patrons to that establishment.
- D. **Adult Model Studio.** Any place where its principal activity provides, for any form of consideration or gratuity, figure models display "Specified Anatomical Areas" to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar educational institution.

- E. **Adult Novelty Business.** Any establishment which has as a significant part of its stock or trade devices, items, or objects for sale that are distinguished or characterized by an emphasis on stimulating human genitals for sexual stimulation.
- F. **Adult Personal Service Establishment.** Any business, agency, or service whose principal activity is distinguished or characterized by actions to arrange, solicit, or provide for the benefit of its customers or clients any of the following: escorts, dates, models, unlicensed therapists, companions, or entertainers, either on or off the premises, for the purpose of engaging in "Specified Sexual Activities" or "Specified Acts of Violence," or displaying "Specified Anatomical Areas" as defined herein.
- G. **Adult Sexual Encounter Center.** Any business, agency, or person who, for any form of consideration or gratuity, that regularly provides a place where three or more persons, not all members of the same family, may congregate, assemble, or associate for a purpose distinguished or characterized by an emphasis on engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."

The following uses shall not be included within the definition of an Adult Entertainment Facility or Adult physical culture establishment:

- 1. Establishments in which services are routinely provided by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed or certified physical or massage 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; and,
- 5. Barber shops or beauty parlors, health spas and/or salons which offer massage to the scalp, face, the neck, or shoulders only.

Adult Foster Care Home, Family. A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks.

Adult Foster Care Home, Large Group. A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

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

Agriculture. The art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock; tillage; husbandry; farming; horticulture and forestry; the science and art of the production of plants and animals useful to man.

Agricultural Equipment Sales and Service. An establishment for the repair or sale of equipment or machinery directly associated with the operation of a farm.

Agricultural Storage Facilities. A building or structure or part of a building or structure used for the storage of agricultural products to be later sold or distributed for use by other than the person producing the products. This definition shall include commercial grain elevator facilities but shall not include on-site storage facilities for individual farming operations.

Airports. A place, either private or public, where aircraft can land and take off.

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

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

Animal. A non-human zoological species classified for purposes of this Ordinance as follows:

- A. **Animal, Class I.** An animal which is normally part of the livestock maintained on a farm including:
1. Bovine and like animals (such as cattle and buffalo)
 2. Equine and like animals (such as horses)
 3. Swine and like animals (such as hogs and pigs)
 4. Ovis and like animals (such as sheep)
 5. Cervidae and like animals (such as deer, reindeer, moose, elks)
 6. Other animals weighing in excess of 75 pounds, and not otherwise specifically classified herein.
- B. **Animal, Class II.** Rabbits and fur bearing animals (which are not maintained or kept as domesticated household pets), poultry and other animals weighing less than 75 pounds not specifically classified herein.
- C. **Animal, Class III.** Domesticated household pets weighing less than 150 pounds.
- D. **Animal, Class IV (Wild Animal).** An animal which is not customarily domesticated and customarily devoted to the service of mankind. The characterization of an animal as being wild

shall not be altered by virtue of the fact that one or several generations of the animal in question have been maintained in captivity.

Apartment. A structure containing a suite of rooms with kitchen and necessary sanitary facilities exclusively for lease or rent as a residence.

Apartment Efficiency. A dwelling unit exclusively for lease or rent as a residence, containing not over three hundred fifty (350) square feet of floor area and consisting of not more than one (1) room in addition to kitchen and necessary sanitary facilities.

Automobile Detailing Station. Building where the practice of performing an extremely thorough cleaning and polishing of an automobile, both inside and out, to produce a show-quality level of detail is performed.

Automobile Service Station. Building and premises where gasoline, oil, grease, batteries, tires, car washing and automobile accessories are dispensed at retail cost and minor maintenance services may be provided. An automobile service station is not a repair garage or body shop.

Automobile Service Repair Station. General repair, rebuilding, or reconditioning of engines including body work, straightening of body parts, painting, welding. In addition, oil change and lubrication, tire service and sales, or installation of radios, alarms, etc. Excludes dismantling or salvage.

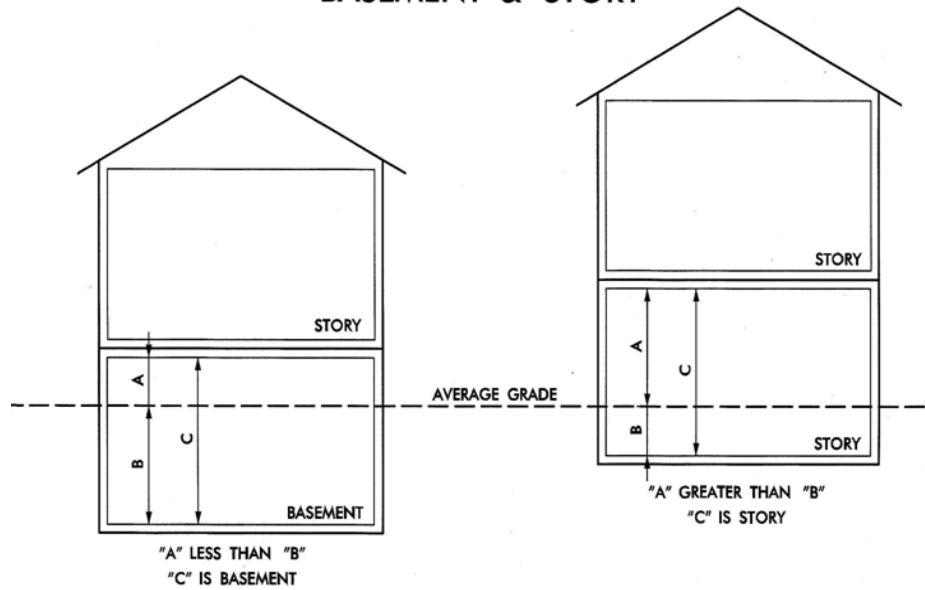
Automobile Wash Station. A building, or portion thereof, the primary purpose of which is that of washing and cleaning motor vehicles.

Bar/Lounge. A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted.

Barn. A type of building which traditionally is used for housing farm animals and farm equipment, but, for the purposes of this Ordinance can be either a Farm Building or an Accessory Building, depending on its use, size, and placement.

Basement. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling. A basement will not be counted as a story, except in the instance of a split-level dwelling unit.

BASEMENT & STORY



Bed and Breakfast Establishment. Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

Bedroom. A room furnished with a bed and intended primarily for sleeping.

Block. The property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, barrier to the continuity of development.

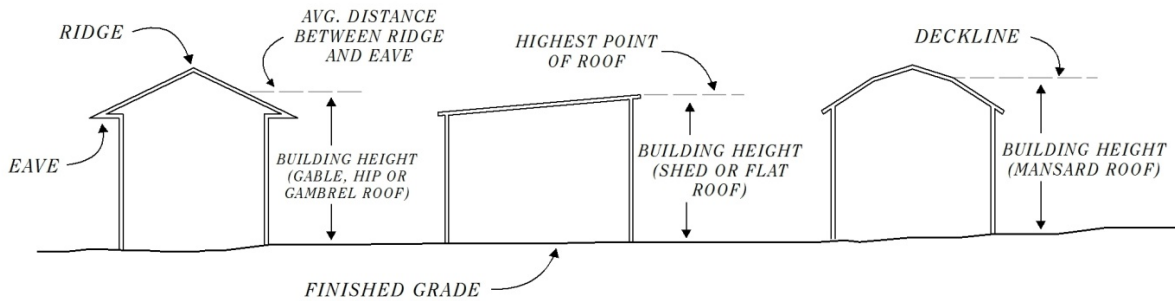
Borrow Pit. See definition of "Extraction Operations"

Buildable Area. The buildable area of a lot is the space remaining after the minimum setback and/or open space requirements of the Ordinance have been complied with.

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

Building Height. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on a terrace, the height may be measured from the average ground level of the terrace at the building wall.

BUILDING HEIGHT

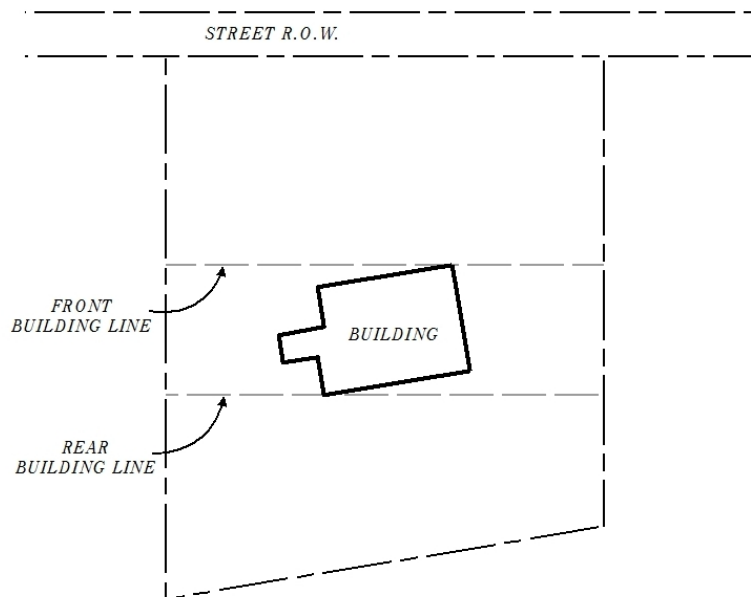


Building Inspector. One of the administrative officials that may be designated by the Garfield Township Board of Trustees to administer and enforce the provisions of this Ordinance.

Building Line, Front. A line parallel to the street line touching that part of the building closest to the street.

Building Line, Rear. A line parallel to the front building line touching that part of the building farthest from the front building line.

BUILDING LINE



Building, Main or Principal. A building in which is conducted the principal use of the lot on which it is situated.

Buildings, Municipal. Structures relating to the internal affairs of a political unit of self-government and including, but not limited to, such buildings as fire stations, township or village halls, and libraries.

Building Permit. A building permit is the written authority issued by the Building Inspector, or other authorized official so designated by the Township Board of Trustees, permitting the construction,

removal, repair, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.

Campground. Any parcel or tract of land, under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

Certificate of Occupancy. A document signed by the Building Inspector, or other authorized official so designated by the Township Board of Trustees, as a condition precedent to the commencement of a use after the construction/reconstruction of a structure or building which acknowledges that such use, structure, or building complies with the provisions of this Ordinance.

Clinic, Human. An establishment where human patients who are not lodged are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

Clinic, Veterinary. An establishment for the care, observation or treatment of domestic animals.

Club. An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

Commission. This term, and the term "Planning Commission" shall mean the Township of Garfield Planning Commission.

Communication Transmitter or Tower. A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

Composting Facility. A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Condominium Project. A type of project as defined and regulated by the Condominium Act, Public Act 59 of 1978, as amended.

Construction Facility. A structure situated on a construction site for a period of time not to exceed the duration of the construction project and to be used only as an office or headquarters and/or other related use, but not to be used as living quarters.

Convalescent Home. A building or structure where aged or infirm persons reside on a twenty-four (24) hour basis in order to receive nursing care and related services.

Day Care Center. A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day and where the parents or guardians are not immediately available to the child. The term includes any facility referred to as a child care center, day nursery, nursery school, drop-in center, or parent cooperative preschool.

Day Care Home, Family. A private home in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family. Includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

Day Care Home, Group. A private home in which seven (7) but not more than twelve (12) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family. Includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

District. A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve the patrons while in the motor vehicle rather than within a building or structure.

Dwelling. A structure or portion thereof which is used exclusively for human habitation.

Dwelling Unit. A building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

Dwelling, Attached. A dwelling unit which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached. A dwelling unit which is not attached to any other dwelling unit by any means.

Dwelling, One-Family. See definition of "Dwelling, Single-Family"

Dwelling, Single-Family. A building designed exclusively for occupancy by one (1) family.

Dwelling, Two-Family. A building designed exclusively for occupancy by two (2) families, independent of each other, such as a duplex dwelling unit.

Dwelling, Mobile Home. A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile Home Dwelling does not include a recreational vehicle.

Dwelling, Multiple-Family. A building or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Erected. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

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, collections, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare.

Extraction Operations. Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises materials including, but not limited to sand, gravel, clay, aggregate, topsoil, minerals, coal or rock. The term shall not include an oil well or excavation preparatory to the construction of a building, structure, roadway, pipeline, or common household gardening and general farm care.

Family. A group of individuals not necessarily related by blood, adoption, marriage, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. Also, a single individual doing their own cooking and living upon the premises as a separate housekeeping unit. A family is distinct from a boarding house, club, or fraternity.

Farm. The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm, Specialty. A farm which is five (5) acres or less with no livestock and with an average annual income under \$2,500 per year.

Farm Buildings. Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is customarily used on farms of that type for the pursuit of their agricultural activities. Typical examples of farm buildings include, but are not limited to, stables, grain storage buildings, and silos.

Farm Forestry. The cultivation of trees including nursery stock, Christmas trees, wood products, energy, or natural habitat.

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

Fireworks Manufacturing. The manufacturing or assembling of any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation. This definition shall include the manufacturing or assembling of firecrackers, torpedoes, sky rockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablet or other device containing any explosive substance.

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building shall not include the basement floor area except when more than one half ($\frac{1}{2}$) of the basement height is above grade. Gross Floor Area shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located

on the roof), attic space having headroom of seven (7) feet, ten (10) inches or more, interior balconies, and mezzanines. Any space devoted to off street parking or loading shall not be included in "floor area."

Floor Area, Ground. The horizontal area of the first floor of a building other than a cellar or basement measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of attached garages, breezeways, and unenclosed porches.

Floor Area, Residential. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

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

Frontage. That side of a lot abutting on a street; the front lot line.

Garage, Commercial. See definition of "Automobile Service Repair Station"

Garage, Private. An accessory building used for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal building.

Generally Accepted Agricultural and Management Practices (GAAMPs). Those practices as defined by the Michigan commission of agriculture pursuant to the Michigan Right to Farm Act, Public Act 93 of 1981.

Grade. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. 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, measured at a distance of four (4) feet from the building.

Greenbelt. A strip of land which is either landscaped in accordance with Planning Commission specifications that acts as a barrier to other land uses or an undeveloped strip which acts as a filtering agent for storm water runoff.

Home Occupation. An occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the property for residential purposes.

Hotel/Motel. A building with a common entrance or entrances in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellhop service. A

hotel or motel may also include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

Home for the Aged. A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to twenty one (21) or more unrelated, nontransient, individuals sixty (60) years of age or older. Home for the aged includes a supervised personal care facility for twenty (20) or fewer individuals sixty (60) years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

Hospital. An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.

Housing for the Elderly. A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty-two (62) years of age or older, or couples where either spouse is sixty-two (62) years of age or older. This does not include a foster care home, home for the aged, nursing home, or convalescent home.

Intensive Livestock Operation. An agricultural operation in which many livestock are bred and/or raised within a confined area, either inside or outside an enclosed building. While the density of confined livestock varies, it significantly exceeds that of traditional farming operations and includes both the number of livestock in the confinement area and the amount of land which serves as the waste disposal receiving area. An intensive livestock operation includes facilities such as feedlots, egg stations, fur farms, and concentrated animal feeding operations (CAFOs). Intensive livestock operations shall be subject to all applicable requirements and regulations for CAFOs as established by the Michigan Department of Natural Resources and Environment.

Junkyard. An enclosed lot and any accessory buildings where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, wood and bottles.

Kennel. Any building or buildings and/or land used, designed, or arranged for the boarding, breeding, or care of dogs, cats, pets, fowl, or other domestic animals for profit, but shall not include those animals raised for agricultural purposes. This definition shall not include the keeping, breeding, raising, showing, or training of dogs, cats, pets, fowl, or other domestic animals for the personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

Laundromat. A business that provides washing, drying and/or ironing machines for hire to be used by customers on the premises. This definition shall include laundry or dry cleaning customer outlets, coin-operated laundromats, self service dry cleaning centers and similar establishments, but shall not include central dry cleaning or laundry plants serving more than one customer service outlet.

Livestock. Those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats. (See also definition of "Animal")

Livestock Transportation Facility. Intensive operation where livestock is warehoused for short periods of time to be transported to other facilities.

Loading Space. An off-street space on the same or adjacent lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot. A designated parcel, tract, or area of land established by a plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.

Lot Area. The total horizontal area within the lot lines of the lot.

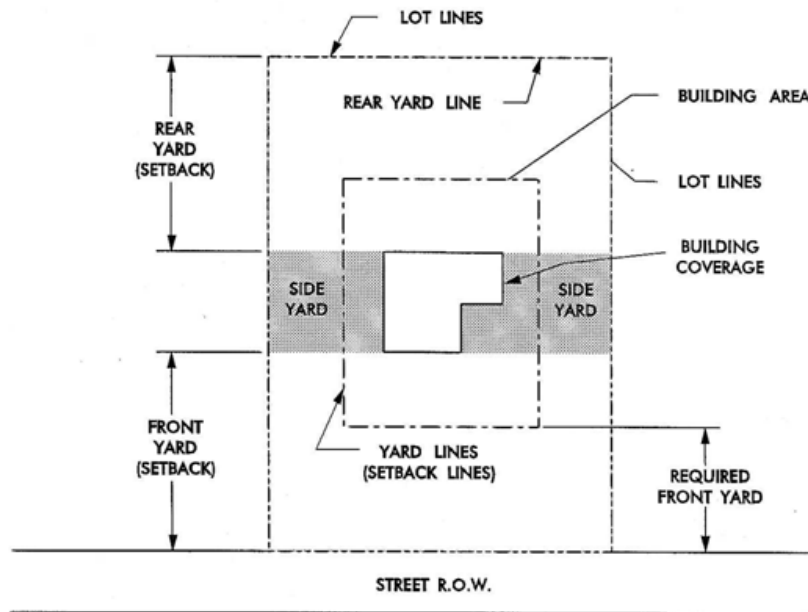
Lot Coverage. That portion of a lot that is covered by buildings.

Lot Depth. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot Lines. The lines bounding a lot as defined herein:

- A. **Front Lot Line.** In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot or through lot, it is those lines separating said lot from either street.
- B. **Rear Lot Line.** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
- C. **Side Lot Line.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT LINES & SETBACKS

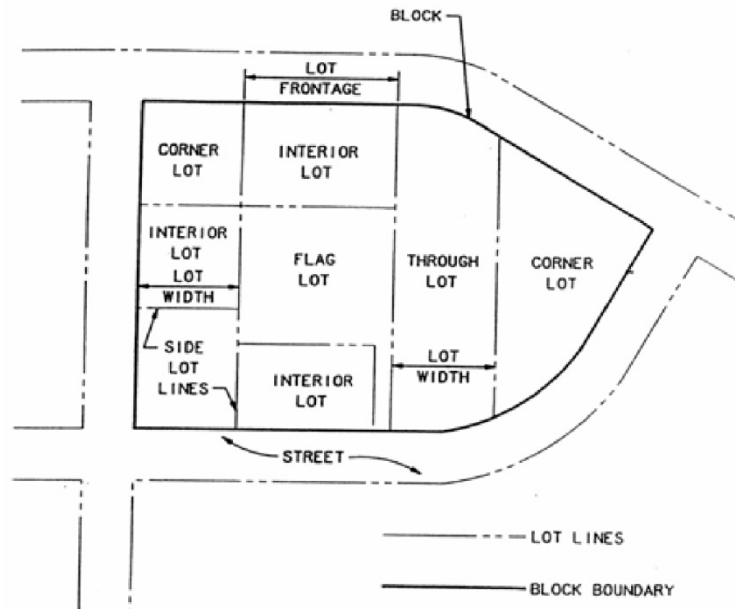


Lot of Record. A lot which is part of a platted subdivision shown on a map thereof which has been recorded in the office of the Register of Deeds of Bay County or any lot the description of which has been recorded in said office.

Lot Types.

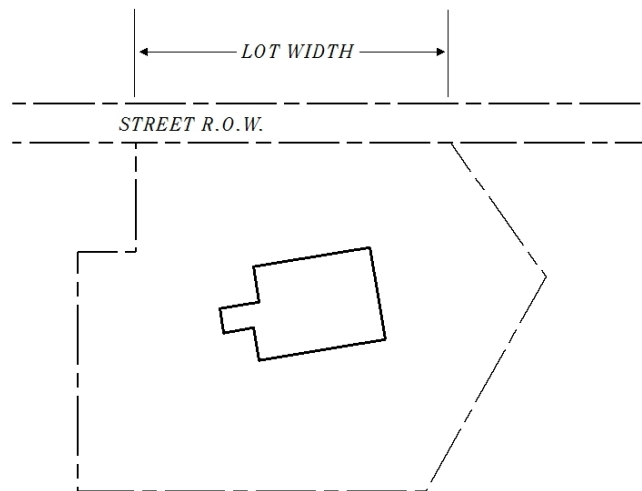
- A. **Corner Lot.** A lot located at the intersection of two (2) or more streets. A lot abutting a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- B. **Interior Lot.** A lot other than a corner lot, with only one frontage on a street.
- C. **Through Lot.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

LOT TYPES



Lot Width. The horizontal distance between the side lot lines, measured along the front lot line.

LOT WIDTH



Lot, Zoning. A single tract of land which, at the time of filing for a building permit, is designated by its owners or developers as a tract to be used, developed or built upon as a unit, under ownership or control of one person or joint tenants. A zoning lot shall satisfy this code with respect to area, size, dimensions and frontage as required in the district or districts in which the zoning lot is located. A zoning lot, therefore, may or may not coincide with a lot of record as filed with the county register of deeds but may include one or more lots of record.

Manufactured Home. A mass produced structure (prefabricated, modular, or mobile home) transportable in one (1) or more sections, which may be built on a chassis, and is designed to be used as

a dwelling unit with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. For purposes of this Ordinance, a Manufactured Home does not include a recreation vehicle.

Manufactured Home Park. A parcel or tract of land under the control of a person, upon which three (3) or more manufactured or 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 therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home.

Master Plan. The Master Plan indicating the physical development of the Township, as adopted by the Planning Commission, including any unit or part of such plan and any amendment to such plan or parts thereof.

Migratory Labor Camp. Temporary facilities provided for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops, or for other essential but temporary employment.

Mini-warehouses. A facility consisting of a building or groups of buildings in a controlled access compound where individual units are leased for storage of personal goods. The storage of hazardous or toxic materials is prohibited.

Mobile Home. See definition of "Dwelling, Mobile Home"

Mobile Home Commission Act. Public Act 96 of 1987 of the State of Michigan, as amended.

Mobile Home Park. See definition of "Manufactured Home Park"

Modular Home. See definition of "Manufactured Home"

Motor Home. See definition of "Recreational Vehicle"

Motor Vehicle Racetracks or Practice Tracks. A facility consisting of pathways or roadways used primarily for the sport of motor vehicle racing. Such facility may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving motor vehicles under simulated racing or driving conditions, but which does not include seating, concession areas, or parking facilities for the general public. This definition shall not include land used exclusively by the property owner and his immediate family for private recreational purposes involving motor vehicles.

Non-Conforming Building. A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance or to the use regulations of the district in which it is located.

Non-Conforming Lot. A lot which was lawful at the time this Ordinance or amendments thereto became effective but that does not conform to the area, dimensions, or location regulations of the district in which it is located.

Non-Conforming Use. A use which lawfully occupied a building or land at the time this Ordinance, or amendments thereto, became effective, but that does not conform to the use regulations of the district in which it is located.

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or recurrent invasion of any physical characteristics or activity or use across a property line which affects, or can be perceived by a human being. The generation of excessive or concentrated amounts of noise, dust, smoke, odor, glare, fumes, vibration, flashes, shock waves, heat, electronic or atomic radiation, objectionable effluent, crowd noise, excessive pedestrian and vehicular traffic, unwarranted occupancy or trespass.

Nursery (Plant Materials). A lot or structure or combination thereof for the storage, wholesale, sale, or retail sale, of live trees, shrubs, and plants, and including as incidental sales, the sale of products used for gardening or landscaping. This definition of nursery does not include road side stand or temporary sales facility for Christmas trees.

Nursing Home. See definition of "Convalescent Home"

Occupied. The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Office. A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations, including, but not limited to, finance, insurance, real estate, travel, architecture, engineering, surveying, medicine, dentistry, and law.

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

Open Air Business Use. Business establishments where more than 51 percent of inventory is designed for the outdoor display, sale and/or use of merchandise on a year-round basis. Open Air Business Uses may include, but are not limited to, the following:

- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- B. Retail sale of fruit and vegetables.
- C. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- D. Bicycle, utility truck or trailer, motor vehicles, boats, or home equipment sale, rental or repair services.
- E. Outdoor display and sale of garages, swimming pools, motor homes, snowmobiles, farm implements, and similar products.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Parking Space. An area of definite length and width for the parking of one (1) vehicle only, said area to be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Personal Service Establishment. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature on the premises. Typical uses include barber and beauty shops, watch, radio, television, appliance, clothing and shoe repair, tailor shops, locksmith, and similar establishments.

Place of Worship. A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

Planning Commission. See definition of "Commission"

Pond. A water impoundment made by constructing a dam or embankment, or by excavating a pit or "dugout," to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying, and related uses.

Principal Building. A building or structure in which is conducted the principal use of the lot or parcel upon which it is situated.

Principal Use. The use to which the premises are devoted and purposes for which the premises exist.

Private Driveway. A privately owned and maintained property which is used for vehicular ingress and egress serving not more than two (2) residential building sites.

Private Road. A way or means of approach which provides access to three (3) or less buildings or parcels, and which is constructed and maintained by the proprietors and is not dedicated for general public use. For the purpose of this definition, proprietors shall mean those constructing or desiring to construct a private road and all those property owners whose property is being or is intended to be served by a private road.

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

Public Utility. Is any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public, gas, steam, electricity, sewage, communication, telegraph, transportation, or water.

Recreation Facility, Private. A privately owned facility, including both buildings and developed open sites, providing recreational opportunities to the public and operated for a profit. Private recreation facilities are further defined below:

- A. **Recreation Facility, Private Outdoor.** This definition includes, but is not limited to, golf courses, miniature golf courses, driving ranges, country clubs, motor vehicle racetracks or practice tracks, gun clubs, rifle ranges, archery ranges, go-cart tracks, batting cages, basketball courts, tennis/racquet clubs, private parks, campgrounds, summer camps, zoos, botanical gardens, and arboretums.
- B. **Recreation Facility, Private Indoor.** This definition includes, but is not limited to, banquet halls, billiard halls, pool halls, dance halls, bowling alleys, bingo parlors, indoor gun ranges, swim clubs, and health clubs

Recreation Facility, Public. A publicly owned facility, including both buildings and developed open sites, providing recreational opportunities to the public and, while perhaps charging fees, not operated for a profit.

Recreational Vehicle. A vehicle designed and intended for temporary occupancy during leisure time/recreation activities, either self-propelled or designed to be carried on the chassis of another vehicle or pulled by another vehicle. Such unit shall not exceed eight (8) feet in width and shall not be designed or intended for full-time residential occupancy. The terms recreation vehicles shall include, among others, such commonly named vehicles as travel trailer, travel camper, pickup camper, tent camper, and motor home.

Required Yard. See definition of “Yard, Required”

Restaurant. A public eating place which serves a substantial portion of its food for consumption at tables or counters located on the premises. This term shall include, but not be limited to, an establishment known as a cafe, smorgasbord, diner or similar business. Any facilities for carry-out shall be clearly subordinate to the principal use of providing foods for consumption on the premises.

Restaurant, Drive-In. An eating place primarily designed to provide a motor vehicle driveway approach, standing space or parking space where patrons receive food and beverages while in motor vehicles for consumption in such motor vehicles while on the premises.

Restaurant, Carry-Out. An eating place whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer typically through a drive-through window, but also at a counter or cafeteria line. Consumption of food is characteristically off the premises, but limited indoor seating may also be provided.

Retail Sales Establishment. A business having as its primary function the supply of merchandise or wares to the end consumer within a completely enclosed building. Such definition shall include the sale of baked goods, bicycles, books, confections, drugs, flowers, groceries, hardware, alcoholic beverages, hobby equipment, jewelry, music, notions, paints, periodicals, sundry small household articles, and tobacco.

Riding Stable, Private. A stable for horses kept for personal use.

Riding Stable, Public. A stable for horses kept for hire and other commercial purposes.

Road. See definition of "Street"

Roadside Stands. A structure used solely by the owner, manager, or tenant of the land on which it is located for the sale of produce grown on said land.

Room. For the purpose of determining lot area requirements and density in a multiple family district, a room is a living room, dining room or bedroom equal to at least seventy (70) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, stairways, 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.

Sand Pit. See definition of "Extraction Operations"

Sanitary Landfill. Any parcel of land used for the dumping of refuse for the purposes of disposing of the refuse licensed by the State of Michigan, and operated in accordance with Public Act 451 of 1994, as amended.

School. A public, parochial, or private institution that provides educational instruction to students. This definition includes elementary, intermediate and high schools but does not include trade or business schools or colleges.

Setback. The distance between a lot line and a building.

Soil Removal. The removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, or similar materials, or combination thereof, except common household gardening and general farm care.

Special Approval Use. A use that would be detrimental to other uses permitted in the same zoning district unless carefully controlled as to number, area, size, exterior design, location or relation to the adjacent properties and to the neighborhood. Such uses may be considered necessary or important to the public health, safety, and welfare of the neighborhood or Township as a whole and may be permitted if proper safeguards are taken.

Specified Anatomical Areas.

- A. Less than completely and opaquely covered: a) human genitals, pubic region, b) buttock, and c) female breast below a point immediately above the top of the areola; and,
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities.

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse, or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Story. That part of a building included between the surface of one (1) floor and the surface of the next floor. A story thus defined shall not be counted as a story when more than fifty (50) percent of the height is below the established grade.

Story, Half. A story situated within a sloping roof, the area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below it, and the height above at least two hundred (200) square feet of floor space is seven feet, six inches (7'6").

Street, Public. See definition of "Public Street"

Street or Road, Private. See definition of "Private Road"

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision Plat. A Subdivision Plat shall for the purpose of this Ordinance mean the proposed division of land in accordance with the Land Division Act, P.A. 288 of 1967, as amended.

Swimming Pool, Private. A water filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches, for the purpose of swimming, recreational bathing or wading. A swimming pool includes any related equipment, structures, areas and enclosures that are intended for the use of persons using or operating the swimming pool such as equipment, dressing, locker, shower, and toilet rooms.

Swimming Pool, Public. Public swimming pools include but are not limited to those which are for parks, schools, motels, camps, resorts, apartments, clubs, hotels, trailer coach parks, subdivision and the like.

Temporary Building or Use. A structure or use permitted by the Township to exist during periods of construction of the main use, or for special events.

Township. The Township of Garfield.

Township Board. Whenever in the Ordinance appear the words "Township Board," it shall mean the Township Board of Garfield Township.

Transient Amusement Enterprises. Transient amusement enterprises are uses that are temporary and not part of an established business or where no permanent or physical structures or facilities are used, such as a circus, a carnival, a music festival, or other similar amusements.

Travel Trailer. See definition of "Recreational Vehicle"

Use. The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

Variance. Permission from the Zoning Board of Appeals to depart from any provision of the zoning ordinance.

Wind Energy Conversion System. A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

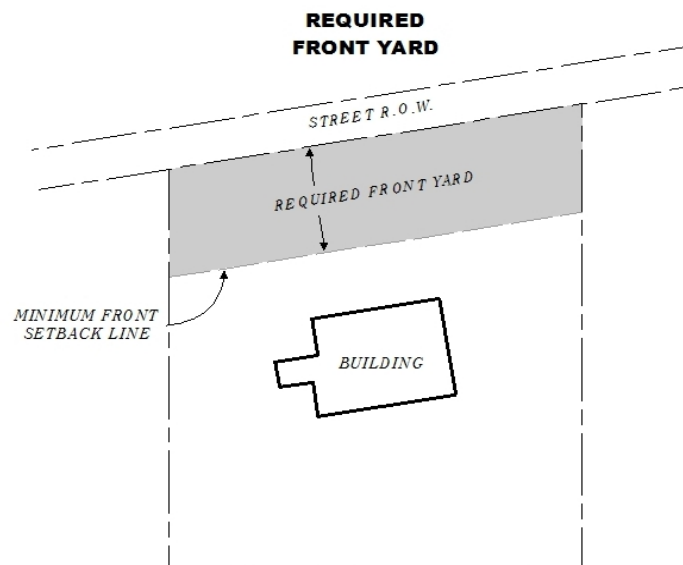
Wind Energy Conversion System, On-Site. A wind energy conversion system which has a rated capacity of not more than twenty (20) kilowatts (kW) and which is primarily intended to reduce on-site consumption of utility power.

Winery. An establishment that produces wine for sale or distribution.

Yards. The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

- A. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of corner lots, front yard shall be deemed to exist along each street frontage.
- B. **Rear Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard shall be opposite the front lot line used as the street address.
- C. **Side Yard.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

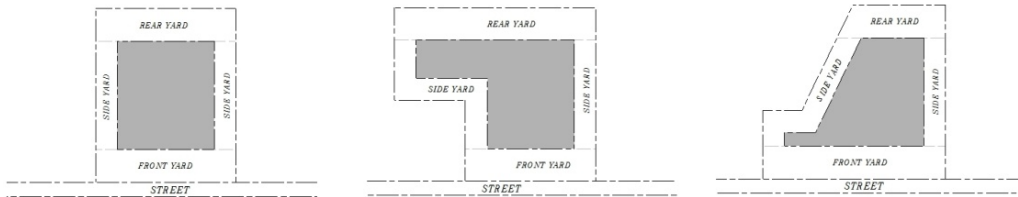
Yard, Required. That portion of a yard which is located between the lot line and a parallel line at a distance equal to the minimum yard setback and within which no structure shall be located, except as provided in this Ordinance.



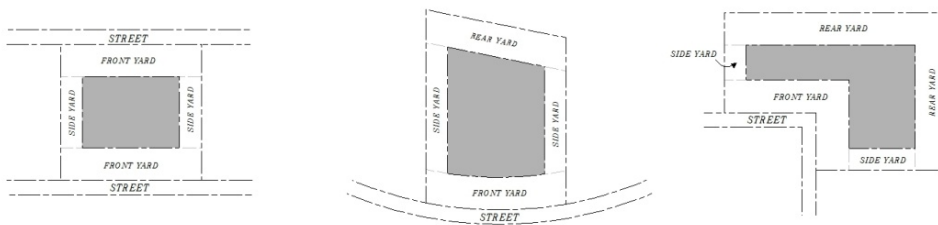
REQUIRED YARDS



CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES



ODD SHAPED LOT EXAMPLES

Zoning Administrator. The administrative official or officials designated by the Garfield Township Board of Trustees to administer and enforce the provisions of this Ordinance.

Zoning Board of Appeals. The words “Board of Appeals” or “Zoning Board of Appeals” shall mean the Township Board of Appeals for the Township of Garfield.

Zoning Permit. A document signed by the Zoning Administrator, or other authorized official so designated by the Township Board of Trustees, as required by this Zoning Ordinance, which acknowledges that a use, structure, building, or lot either complies with or is legally nonconforming to the provisions of this Zoning Ordinance or is an authorized variance or modification therefrom.

ARTICLE VIII
CHANGES AND AMENDMENTS

Section 8.01 CHANGES AND AMENDMENTS

The Township Board may from time-to-time, on recommendation from the Township Planning Commission, or its own, after requesting recommendations from the Township Planning Commission, amend, modify, supplement or revise the district boundaries or the regulations herein, or as the same area subsequently established, pursuant to the authority and procedure authorized in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Whenever a petitioner requests a zoning district boundary amendment, the petitioner shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribed to the petition.

There shall be a twelve (12) month waiting period between a Township Board denial of a zoning district boundary change and a new request.

Applications or petitions to the Township for an amendment involving reclassification of property shall be in writing, signed by the fee holder owner(s) of the property proposed for rezoning, accompanied by a legal description and a dimensioned plot plan of the property concerned, and include a statement of the proposed use.

ARTICLE IX
CONDITIONAL REZONING

Section 9.01 CONDITIONAL REZONING

- A. Intent. It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of Public Act 110 of the Public Acts of 2006, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. Application and Offer of Conditions
1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 5. Any use or development proposed as part of an offer of conditions that would require a special approval use permit under the terms of this Ordinance may only be commenced if a special approval use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Board of Zoning Appeals in accordance with the provisions of this Ordinance.
 7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to

final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

- C. Planning Commission Review. The Planning Commission, after public hearing and consideration of the standards for approval set forth in Section 9.01,(E), may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- D. Township Board Review. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township board's deliberations shall include, but not be limited to, a consideration of the standards for approval set forth in Section 9.01,(F). Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Public Act 110 of the Public Acts of 2006, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.
- E. Factors. In reviewing an application for the rezoning or land where there is an offer of conditions, factors that should be considered by the Planning Commission and the Township Board shall include the following:
 - 1. Whether the proposed rezoning is consistent with the goals, policies and Future Land Use Map of the Garfield Township Master Plan;
 - 2. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding land uses and zoning districts in terms of land suitability, impacts on the environment, density, and influence on property values;
 - 3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning. Consideration of impact on drains and roads is specifically required; and,
 - 4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.
- F. Approval.
 - 1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:
 - i. Be in a form recordable with the Register of Deeds of Bay County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - ii. Contain a legal description of the land to which it pertains.
 - iii. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - iv. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - v. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the owner with the Register of Deeds of Bay County. The owner shall provide a copy of the recorded document to the Township within forty-five (45) days of the date of its recording. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

G. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions

shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
- H. Time Period for Establishing Development or Use. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within twenty-four (24) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if: (1), it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and (2), the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy; and (3) the written request shall be made to the Township Board requesting the extension within six (6) months of the end of the twenty-four (24) month period.
- I. Reversion of Zoning. If approved development and/or use of the rezoned land does not occur within the time frame specified under Section 9.01,(H) above, then the land shall revert to its former zoning classification as set forth in Public Act 110 of the Public Acts of 2006. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
- J. Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 9.01,(I) above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of Bay County a notice that the Statement of Conditions is no longer in effect.
- K. Amendment of Conditions
1. During the time period for commencement of an approved development or use specified pursuant to Section 9.01,(H) above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
 2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

- L. Township Right to Rezone. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and Public Act 110 of the Public Acts of 2006.

- M. Failure to Offer Conditions. The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

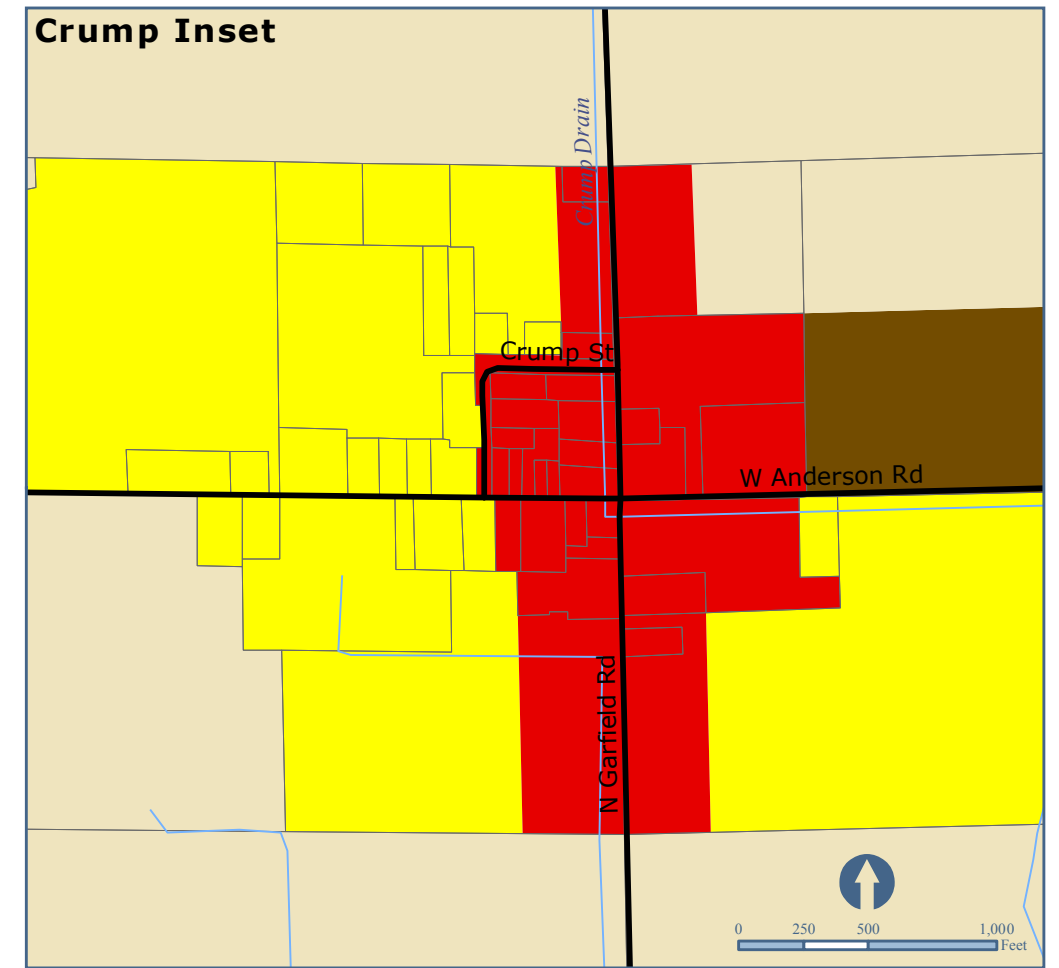
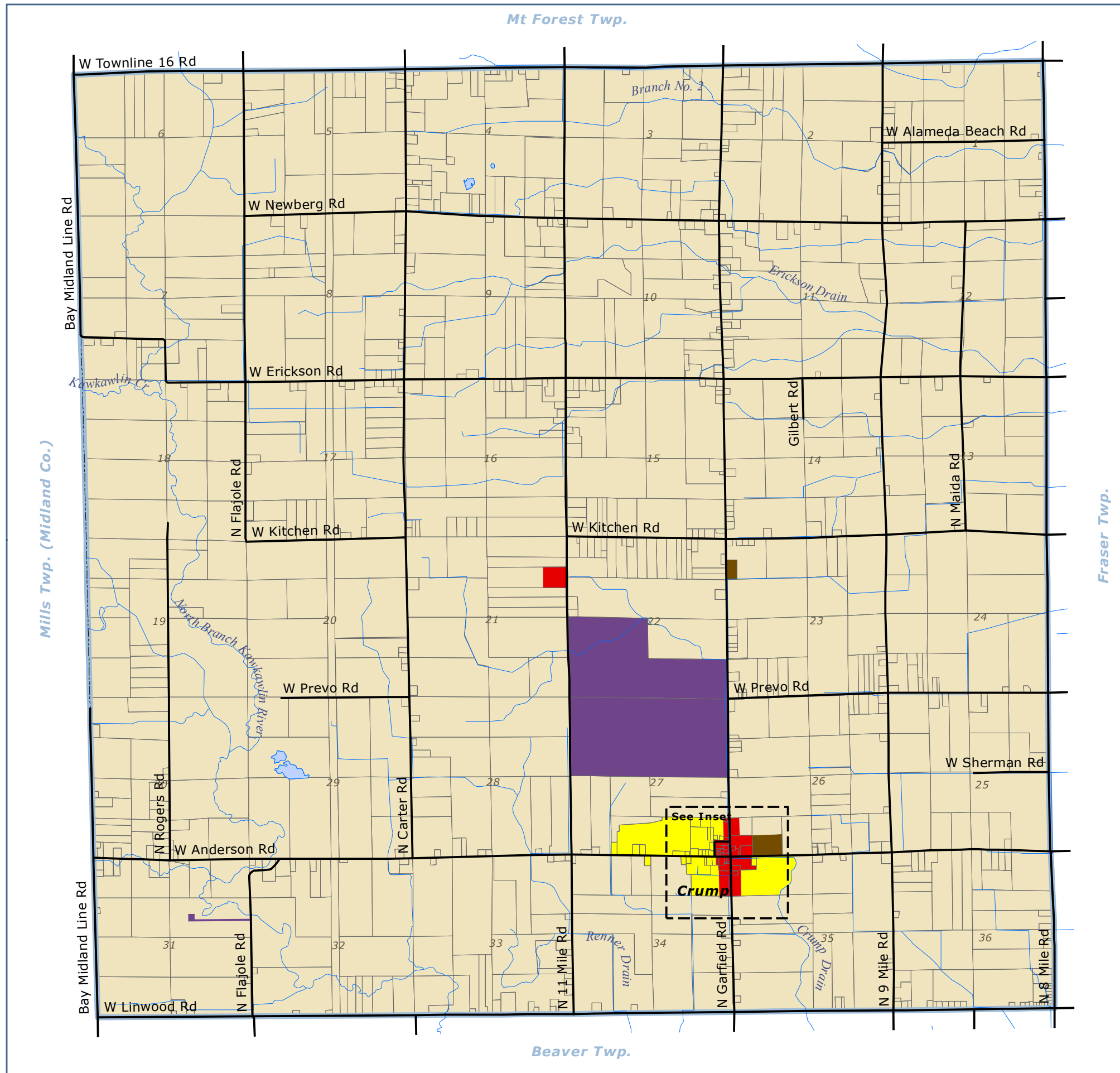
ARTICLE X
VIOLATIONS AND PENALTIES

Section 10.01 VIOLATIONS AND PENALTIES

- A. Violations. Violations of the provisions of this Ordinance, or failure to comply with any of its requirements and provisions of permits and certificates granted in accordance with this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) or as set by the state of Michigan or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense. The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violations(s) may each be found guilty of a separate offense and suffer the penalties provided by law.

- B. Compliance Required. The imposition of any fine, or jail sentence, or both shall not exempt the violator from compliance with the provisions of this Ordinance.

- C. Public Nuisance. Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein is hereby declared to be a public nuisance, and may be abated by order of any court of competent jurisdiction.



ZONING DISTRICTS MAP

Zoning Districts:

- AR, Agricultural/Rural Residential
- R1, Medium Density Residential
- R2, High Density Residential
- C, Commercial
- I, Industrial
- Roads
- Rivers and Creeks
- Water Bodies
- Municipal Limits
- Parcels

This is to certify that this is the official Zoning Map of Garfield Township, Bay County, Michigan, adopted April 9, 2012.

Township Supervisor

Township Clerk

April 2012



GARFIELD TOWNSHIP
BAY COUNTY, MICHIGAN

