

CHARTER TOWNSHIP OF HAMPTON

ZONING ORDINANCE

36A

ALSO INCLUDING AMENDMENTS

**36A-1, 36A-2, 36A-3, 36A-4, 36A-5, 36A-6, 36A-7, 36A-8,
36A-9, 36A-10, 36A-11, 36A-12, 36A-13, 36A-14,
36A-15, 36A-16, 36A-17, 36A-18, 36A-19, 36A-20,
36A-21, 36A-22, 36A-23, 36A-24, 36A-25, 36A-26,
36A-27, 36A-28**

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Title and Legal Basis

SECTION 1.01 TITLE

This Ordinance shall be known and may be cited as the “Hampton Charter Township Zoning Ordinance.”

SECTION 1.02 LEGAL BASIS

This Ordinance is enacted in accordance with the authority granted townships under Act 110 of 2006 of the Public Acts of Michigan, as amended, being the Michigan Zoning Enabling Act.

Purpose and Interpretation

SECTION 2.01 PURPOSE

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare in and of the Township; to encourage the use of lands and natural resources in the Township in accordance with their character and adaptability; to limit and discourage the improper use of lands, buildings and other structures; to provide for the orderly development of the Township; to reduce hazards to life and property; to establish the location and size of and the specific uses for which dwellings, buildings and other structures may hereafter be erected, altered or moved into the Township; to regulate the minimum open spaces, sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures; to lessen congestion on the public roads, streets and other public places; to provide safety in traffic and in vehicular parking; to facilitate the development of adequate systems of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements; and to conserve life, property values and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land resources and properties.

SECTION 2.02 INTERPRETATION

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed or other private agreement. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot areas, or larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations, or permits or by such private restrictions, the provisions of this Ordinance shall prevail.

General Provisions

By modifying the zoning map and rezoning the following described area currently in R-3 Zone as follows:

Changing from R-3, area north of Center, generally south of Nebobish, between Burns and Knight, excluding the current Trade Winds complex to R-3A Zone, property legally described as:

N 1/2 of SE 1/4 except E 3/4 of N 1/2 of NE 1/4 of SE 1/4 Section 19, T14N, R6E and N 1/2 of SW 1/4 and N 57.21 ft. of W 165 ft. of SW 1/4 of SW 1/4 Section 20, T14N, R6E.

By modifying the zoning map and rezoning the following described area currently in R-3 Zone as follows:

Changing from R-3, area generally south of Center, bordered by Ridge on the south and Knight and Burns on the east and west to R-3A Zone, property legally described as:

S 1/2 of NW 1/4 of Section 29, T14N, R6E and S 1/2 of NE 1/4 except the N 33 ft. of W 449 ft. thereof Section 30, T14N, R6E.

SECTION 3.01 EXTENT OF REGULATIONS

These general provisions shall apply to all zoning districts except as otherwise noted.

SECTION 3.02 EFFECT OF ZONING

- A. Except as hereinafter specified, no building, structure, premises or piece and parcel of land in and throughout the Township shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations and provisions herein specified for the district in which it is located.
- B. No use shall be permitted in any district which is prohibited by state or federal law. This prohibition shall not apply to the following:
 - 1. A qualifying patient engaged in the possession or use of marihuana in the patient's home in accordance with the Michigan Medical Marihuana Act. See MCLA § 333.26451 et seq.

2. A primary caregiver assisting no more than five qualifying patients with whom he or she is connected through the Michigan Department of Community Health's registration process with the possession or use of marihuana in the patient's home in accordance with the Michigan Medical Marihuana Act.

C. A Marijuana Collective or Cooperative which is operated for profit or non-profit is considered to be unlawful and is prohibited from being established or operated in Hampton Charter Township. A Marihuana Collective or Cooperative is considered to be any facility, structure, dwelling or other location where medical marijuana is dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver or a registered qualifying patient as defined by the Michigan Medical Marijuana Act, PA 2008, Initiated Law 1 (the "Act"), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card or a provisioning center as defined by the Medical Marihuana Facilities Licensing Act and this ordinance.

SECTION 3.03 UNLAWFUL USE NOT AUTHORIZED

Nothing in the Ordinance or any amendment hereto shall be interpreted as authorization for or approval of the continuance of the unauthorized use of a structure, land or premises in effect at the time of the effective date of this Ordinance, or any amendment hereto.

SECTION 3.04 CONTINUATION OF EXISTING LAWFUL LAND USES

Any building, structure or use, lawfully in existence at the time of the effective date of this Ordinance may be continued except as hereinafter provided in "Chapter 4 Nonconforming Uses."

SECTION 3.05 ASCRIBED PRINCIPAL USE OF PROPERTY

No more than one principal residential building with the customary accessory buildings and structures shall be erected on any individual lot or parcel of land, except as herein permitted.

SECTION 3.06 REGISTRATION OF PROPERTY

The description of and the deed for every parcel of land shall be required to be on record with the Bay County Register of Deeds, prior to the authorization of any use of the lot or parcel of land by the Township.

SECTION 3.07 ACCESSORY BUILDINGS AND STRUCTURES – GENERAL

For the purposes of maintaining orderliness, aesthetics and property values, especially in the residential areas, the following provisions are intended to regulate the location and character of accessory structures normally incidental to permitted principal uses. The following regulations

are therefore intended to pertain to all accessory buildings and all accessory structures other than buildings, including but not limited to playground equipment, children's play houses, sports courts, swimming pools, pet accommodations, radio and television antennas and similar structures. Sidewalks, driveways, fences, light posts, utility poles and signs are excluded from these regulations unless specifically stated. In any zoning district an accessory building or structure may be erected detached from the permitted principal building or an integral part of the permitted principal building. Unless specifically regulated by other provisions of this Ordinance, accessory buildings and structures shall comply in all respects with the requirements of this Ordinance applicable to the principal building. In addition the following general standards shall apply to all accessory structures:

- A. The architectural character of all accessory buildings shall be compatible to the principal building.
- B. No accessory building or structure shall be constructed on any parcel on which there is no principal building, and further, if an accessory structure and principal building are to be erected concurrently, a building permit for the accessory structure shall not be issued until such time that construction of the principal building has been at least fifty (50) percent completed.
- C. Accessory structures shall not be located in the front yard area of any lot.
- D. Detached accessory buildings and structures may be located in the side or rear yard under the following provisions.
 - 1. Residential accessory building located in accord with Table 1 found on page 3-29.
 - 2. Agricultural accessory buildings located in accord with Table 1 found on page 3-29.
- E. Accessory buildings shall be considered attached to the principal building when the area between the two is wholly or partially covered by a continuous breezeway, portico, covered colonnade, or similar architectural device.

SECTION 3.08 ACCESSORY BUILDING – RESIDENTIAL

As regulated by Table 1 on page 3-29.

SECTION 3.09 ACCESSORY STRUCTURES OTHER THAN BUILDINGS

The following provisions are intended to regulate certain accessory structures other than buildings which for reasons of health, safety, welfare and aesthetics require special attention.

- A. Any detached accessory structures, not classified as buildings, may not project closer than ten (10) feet to any side or rear property in except that, boat docks, patios and pumphouses may be located at or near the water's edge, provided that the required side yard placement is maintained and all other applicable local and state permits are obtained prior to their erection or placement.

- B. Satellite Dish Antennas: Prior to the issuance of a permit for the erection of a satellite dish antenna in any zoning district, the following provisions must be satisfied:
1. A site plan is provided showing to scale, the proposed location and elevation of the antenna, other buildings, roads and natural features.
 2. No portion of the antenna shall display any advertising message or other graphic representation other than a manufacturer's logo or nameplate, provided such logo or nameplate is of a size and character that it is not legible from adjacent properties.
 3. Dish antennas shall be of a color or texture so as to blend into the adjacent background.
 4. No dish antenna with support structures located on the ground shall exceed fifteen (15) feet in height. Roof mounted dish antennas located in residential districts shall not exceed the building height limitation for the district, and further, in any residential district no roof mounted antenna shall exceed four (4) feet of height as measured from the base of the mounting structure.
 5. Special use permits under the provisions of Chapter 19 shall be required prior to the erection of dish antennas having one or more of the following characteristics:
 - a. Any dish antenna exceeding twelve (12) feet in height and ten (10) feet in diameter.
 - b. Any dish antenna which is not permanently anchored to a foundation located on the ground.
 - c. Any dish antenna which is to serve more than one structure.
- C. Accessory Structures Mounted on Buildings: Unless otherwise regulated, necessary mechanical appurtenances such as air exchange units and elevator bulkheads shall be effectively screened as viewed from an adjoining property line by a parapet wall or similar feature constructed of materials having a similar exterior appearance as materials used on the front exterior of the building.

SECTION 3.10 ANIMALS AND FOWL, DOMESTICATED – KEEPING OF

- A. In any residential zoning district other than R-7, it shall be unlawful to keep or place domesticated animals such as horses, cattle, goats, hogs, sheep, llamas and fowl.
- B. In the R-7 district the following regulations apply:
1. The number of such animals shall not exceed one (1) animal for the first five (5) acres of lot area and one (1) additional animal for each additional acre of land area.
 2. Any building or confined feeding area (other than open pasture area for grazing) in which such animals are kept or fed shall be at least one hundred (100) feet from any adjoining property or street right-of-way.

3. The foregoing provisions shall not apply to the keeping of ordinary household pets, such as dogs and cats or other animals or fowl customarily kept in cages within a residence or business office.
- C. No more than four (4) ordinary household pets, in total, such as dogs and cats or other animals, or fowl customarily kept in cages within a residence, are allowed to be kept, housed, or temporarily located on any parcel of property. Legitimate farm operations as regulated by the Michigan Department of Agriculture under the Michigan Right to Farm Act are exempt from this provision. Additionally, litters or offspring of household pets are exempt up until they attain six (6) months of age.
- D. It shall be unlawful, in all zoning classifications within the Charter Township of Hampton, to keep or place onto private property any animals of a ferae naturae such as lions, tigers, bears, wolves, poisonous snakes, pythons, boa constrictors, or other animals, reptiles, fowl or living creatures not ordinarily of a domestic nature or naturally tame in their natural environment.

SECTION 3.11 AREA OR SPACE REQUIRED

- A. No lot being part of a recorded plat and no parcel of unplatted land or site shall be so reduced that the yard, setback, open space or area is less than the minimum requirements of this Ordinance in effect at the time of such reduction.
- B. In determining lot area or land area requirements, no area shall be ascribed to more than one (1) main building or use, and no area necessary for compliance with the space requirements therefore shall be ascribed to any building or use except in Planned Unit Development District.
- C. In determining lot area or land area requirements, no area shall be ascribed to more than one main building or use, and no area necessary for compliance with the space requirements therefore shall be ascribed to any other building or use.

SECTION 3.12 BASEMENT AND ILLEGAL DWELLINGS

The use of a basement or any portion of a basement as a dwelling or as sleeping quarters is prohibited unless it meets the Township Building Code requirements for ingress and egress. The use of the basement of a partially completed building as a dwelling unit is prohibited. Buildings erected as garages or other accessory buildings shall not be occupied for dwelling purposes.

SECTION 3.13 BUILDINGS, MOVING

The moving of a building to a new location shall be considered as the erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.

SECTION 3.14 BUIDINGS, RAZING

No building shall be razed until a permit has been obtained from the Building Inspector who shall be authorized to require a performance guarantee in the amount equal to one hundred twenty (120) percent of the cost estimate for the subject demolition. Said guarantee shall be conditioned on the applicant completing the razing with such reasonable period as shall be prescribed in the permit and complying with such reasonable regulations as to health and safety as the Building Inspector may reasonable require and this Ordinance may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

SECTION 3.15 BUILDINGS AND STRUCTURES, TEMPORARY

Mobile homes, mobile offices, tents, dumpsters or other movable or erect structures intended for temporary use or occupancy incidental to construction work, or special events shall only be situated or erected upon land or premises within the Township and used for any permitted use under the following provisions:

- A. Permits for temporary construction trailers, sheds and offices may be issued by the Building Inspector according to the following criteria:
 - 1. Unless involved with a major public improvements project, temporary structures may only be located in commercial districts, industrial districts, or approved Planned Unit Development.
 - 2. No temporary permit may be issued prior to the issuance of a building permit. Temporary permits shall expire with the expiration of the building permit.
 - 3. Temporary structures shall be located on the same site as the construction.
 - 4. Temporary structures shall be located on the site such that:
 - a. On and off-site traffic hazards are minimized.
 - b. The aesthetic impacts are reasonably minimized.
 - c. No temporary structure is placed closer than ten (10) feet to any property line.
 - d. All applicable safety, health and fire codes are met.
 - 5. No final inspection shall be issued until all temporary structures have been removed from the site.
 - 6. Where alternate on-site locations are available, no temporary structure shall be located next to developed residences.
- B. Permits for temporary structures such as tents used in conjunction with special short term outdoor events may be issued by the Building Inspector according to the following criteria:
 - 1. On and off-site traffic hazards are minimized.

2. The structure is not placed within any required front or side yard green area of an existing building or otherwise within twenty-five (25) feet of any adjoining property or public or private street right-of-way.
 3. The structure shall be anchored according to manufactures specifications and the Township is indemnified by the property owner against all property damage or personal injury that may result from potential hazards caused by the erection and placement or failure of the structure.
 4. The structure will be in place for no longer than seventy-two (72) hours.
 5. The event does not directly or indirectly involve the sale, distribution or consumption of alcoholic beverages.
 6. The event is a public service event or an event sponsored by existing business(es) located on or adjacent to the parcel on which the structure is to be located and that the merchandise, services or goods displayed within the structure are of the variety normally offered by those existing businesses.
- C. The Building Inspector shall issue dumpster permits. Any permit not issued in conjunction with a permitted construction project shall be valid for 30 days from the date of issuance. Dumpster permits issued in conjunction with a permitted construction project will be valid for the same amount of time as the construction permit.
1. It shall be the responsibility of the property owner and agent whose property is being serviced to maintain the dumpster area free of odors, scattered debris, overflow, and other nuisances.
 2. No dumpster shall be placed closer than 10 feet to any side or rear property line and 25 feet from a front property line unless approved by the Building Inspector.

SECTION 3.16 DWELLINGS – SINGLE AND TWO-FAMILY

- A. General requirements for a single-family or two-family dwelling other than in the R-4 and R-5 zoning districts:
1. All construction and all plumbing, electrical apparatus and insulation within and connected to said dwelling shall be in accordance with either the Uniform Building Code or other similar uniform ordinances as adopted from time to time by the Township, or alternatively, the State Construction Code for Prefabricated Units.
 2. It shall be constructed upon a basement or foundation around the entire exterior of the residence.
 3. It shall be connected to public water and sewer service, if available, and/or a well or septic system approved by the Bay County Health Department as required by the Township Plumbing Code.

4. No personal property other than operable motor vehicles shall be stored outside, other than in the Agricultural zoned district where equipment necessary for the agricultural purpose may be stored.
5. It shall have a minimum width across any front, side or rear elevation of at least twenty-four (24) feet.
6. It shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, in an attached garage, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
7. It is aesthetically compatible in design and appearance with other residences in the vicinity and, as a minimum, all exterior walls shall include 2 x 4's spaced on sixteen inch (16") centers and covered with at least seven-sixteenths inch (7/16") exterior grade sheathing as a base for the final exterior siding. The compatibility of design and appearance shall be determined in the first instance by the Township Building Inspector upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Building Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling," as well as the character, design and appearance of one or more residential dwellings located within the same zone district. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design home.
8. It contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
9. The owner of a residence to be located in this district shall furnish the Building Inspector with a copy of detailed construction plans or a certificate that the residence has been or will be constructed in accordance with the Uniform Building Code as adopted by the Township or the State Construction Code for Modular Housing and a site plan showing the location of the residence on the lot prior to the issuance of a building permit.
10. Mechanical Appurtenances -- Mechanical appurtenances such as blowers, ventilation fans and air conditioning units must be attached to the principal building or in the rear yard not closer than twenty (20) feet to any adjoining lot line.
11. For purposes of this section, aesthetic compatibility is to be determined by reviewing the assembly of building components, materials or construction practices to insure that they are of a similar and like quality and to provide that all dwelling units within the same zone classification result in no distinguishable categorical differences in appearance and the consistent homogenous appearance will be maintained over protracted periods of time to insure the general health, welfare and safety of the residents of that zone, as well as preserving land values.

12. Residential garages

- a. Each dwelling is permitted a garage of 832 square feet.
- b. The height of a garage shall be equal to or less than the height of the dwelling unit.
- c. Attached garage
 - 1) May be up to 1,080 square feet per floor if the first floor of said garage is less than 2/3 of the square footage of the first floor of the dwelling.
 - 2) The height of the garage shall be equal to or less than the height of the dwelling unit.
 - 3) The second floor of the garage shall not be larger than the first.
- d. Detached garage
 - 1) Setbacks
 - a) Side and rear yard setbacks shall be 10'.
 - b) Minimum setback from the principal building shall be 20'.
 - c) Minimum setback from any other building or structure shall be 15'.
 - d) Shall not be located in the front yard setback.
 - 2) Single Story detached garage
 - a) Shall meet the maximum height and sidewall requirements of a residential accessory building as shown in Table 1.
 - b) May be up to 1,080 square feet if said garage is less than 2/3 of the square footage of the first floor of the dwelling.
 - 3) Two-story detached garage
 - a) Must meet the main building rear yard setback for the respective district.
 - b) The height of a two-story detached garage shall not exceed 24 at the peak'. Sidewalls shall not exceed 20'.
 - c) A two-story detached garage shall be limited to 832-square feet per floor. The second story shall not be larger than the first.
 - d) The second story space is subordinate to the principal building in terms of area, use, extent, and purpose and shall be for the use of the occupants of the principal building.
 - 4) Under no conditions shall any part of a detached garage be used for sleeping quarters.

B. General requirements for a single-family or two-family dwelling in the R-4 Districts:

1. All construction and all plumbing, electrical apparatus, and insulation within and connected to said dwelling shall be in accordance with the Uniform Building Code or other similar national building codes as adopted by the Township from time to time or the State Construction Code for Prefabricated Housing Units or HUD standards for mobile homes as adopted from time to time.
2. It shall be constructed upon a basement or foundation around the entire exterior of the residence.
3. It shall be connected to public water and sewer service, if available, and/or a well or septic system approved by the Bay County Health Department as required by the Township Plumbing Code.
4. No personal property other than operable motor vehicles shall be stored outside.
5. It shall have a minimum width across any front, side or rear elevation of at least twenty-four (24) feet.
6. It shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a garage, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
7. It contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
8. The owner of a residence to be located in this district shall furnish the Building Inspector with a copy of detailed construction plans or a certificate that the residence has been or will be constructed in accordance with the Uniform Building Code as adopted by the Township, the State Construction Code for Modular Housing, or Mobile Home Construction Standards promulgated by the Department of Housing and Urban Development and a site plan showing the location of the residence on the lot prior to the issuance of a building permit.
9. Mechanical Appurtenances - Mechanical appurtenances such as blowers, ventilation fans and air conditioning units must be attached to the principal building or in the rear yard not closer than twenty (20) feet to any adjoining lot line.
10. Residential garages
 - a. Each dwelling is permitted a garage of 832 square feet.
 - b. The height of a garage shall be equal to or less than the height of the dwelling unit.
 - c. Attached garage

- 1) May be up to 1,080 square feet per floor if the first floor of said garage is less than 2/3 of the square footage of the first floor of the dwelling.
 - 2) The height of the garage shall be equal to or less than the height of the dwelling unit.
 - 3) The second floor of the garage shall not be larger than the first.
- d. Detached garage
- 1) Setbacks
 - a) Side and rear yard setbacks shall be 10'.
 - b) Minimum setback from the principal building shall be 20'.
 - c) Minimum setback from any other building or structure shall be 15'.
 - d) Shall not be located in the front yard setback.
 - 2) Single Story detached garage
 - a) Shall meet the maximum height and sidewall requirements of a residential accessory building as shown in Table 1.
 - b) May be up to 1,080 square feet if said garage is less than 2/3 of the square footage of the first floor of the dwelling.
 - 3) Two-story detached garage
 - a) Must meet the main building rear yard setback for the respective district.
 - b) The height of a two-story detached garage shall not exceed 24 at the peak'. Sidewalls shall not exceed 20'.
 - c) A two-story detached garage shall be limited to 832-square feet per floor. The second story shall not be larger than the first.
 - d) The second story space is subordinate to the principal building in terms of area, use, extent, and purpose and shall be for the use of the occupants of the principal building.
 - 4) Under no conditions shall any part of a detached garage be used for sleeping quarters.
- C. General requirements for a single-family or two-family dwelling located in the R-5 District, outside of mobile home parks:
1. All construction and all plumbing, electrical apparatus, and insulation within and connected to said dwelling shall be in accordance with the Uniform Building Code or other similar national building codes as adopted by the Township from time to time or the State Construction Code for Prefabricated Housing Units or HUD standards for mobile homes as adopted from time to time.

2. It shall be connected to public water and sewer service, if available, and/or a well or septic system approved by the Bay County Health Department as required by the Township Plumbing Code.
3. No personal property other than operable motor vehicles shall be stored outside.
4. It shall have a minimum width across any front, side or rear elevation of at least twelve (12) feet.
5. The owner of a residence to be located in this district shall furnish the Building Inspector with a copy of detailed construction plans or a certificate that the residence has been or will be constructed in accordance with the Uniform Building Code as adopted by the Township, the State Construction Code for Modular Housing, or Mobile Home Construction Standards promulgated by the Department of Housing and Urban Development and a site plan showing the location of the residence on the lot prior to the issuance of a building permit.
6. Mechanical Appurtenances – Mechanical appurtenances such as blowers, ventilation fans and air conditioning units must be attached to the principal building or in the rear yard not closer than twenty (20) feet to any adjoining lot line.
7. Residential garages
 - a. Each dwelling is permitted a garage of 832 square feet.
 - b. The height of a garage shall be equal to or less than the height of the dwelling unit.
 - c. Attached garage
 - 1) May be up to 1,080 square feet per floor if the first floor of said garage is less than 2/3 of the square footage of the first floor of the dwelling.
 - 2) The height of the garage shall be equal to or less than the height of the dwelling unit.
 - 3) The second floor of the garage shall not be larger than the first.
 - d. Detached garage
 - 1) Setbacks
 - a) Side and rear yard setbacks shall be 10’.
 - b) Minimum setback from the principal building shall be 20’.
 - c) Minimum setback from any other building or structure shall be 15’.
 - d) Shall not be located in the front yard setback.

- 2) Single Story detached garage
 - a) Shall meet the maximum height and sidewall requirements of a residential accessory building as shown in Table 1.
 - b) May be up to 1,080 square feet if said garage is less than 2/3 of the square footage of the first floor of the dwelling.
- 3) Two-story detached garage
 - a) Must meet the main building rear yard setback for the respective district.
 - b) The height of a two-story detached garage shall not exceed 24 at the peak'. Sidewalls shall not exceed 20'.
 - c) A two-story detached garage shall be limited to 832-square feet per floor. The second story shall not be larger than the first.
 - d) The second story space is subordinate to the principal building in terms of area, use, extent, and purpose and shall be for the use of the occupants of the principal building.
- 4) Under no conditions shall any part of a detached garage be used for sleeping quarters.

SECTION 3.17 HOME OCCUPATIONS

As regulated by Chapter 7, Tables 2 and 5.

SECTION 3.18 LOTS, CORNER

Where a lot is bounded by two (2) or more streets, the front yard requirements of that district shall be maintained for each street.

SECTION 3.19 LOT, DOUBLE FRONTAGE

Buildings on lots having frontage on two (2) non-intersecting streets shall maintain a front yard setback on both streets.

SECTION 3.20 MODEL UNITS, TEMPORARY REAL ESTATE SALES OFFICES

The use of a building or dwelling unit as a model for the purpose of selling real estate may be permitted on a temporary basis subject to the following:

- A. The building or unit is part of a large contiguous development in which the construction of other similar buildings or units is being actively carried out by the individual, firm, partnership or contractor having legal interest in the model building or unit.

- B. No more than four hundred fifty (450) square feet of floor area contained within the model unit is devoted to sales office use, with the remainder being utilized for show or display of salient interior design and architectural features.
- C. The address of the building or unit used as a model is not used as a principal business address for carrying out real estate transactions, or the properties offered, listed and sold from the model/temporary real estate office are contained entirely within the same contiguous development.
- D. The use of a building or unit for such purposes shall only be authorized under the provision of Chapter 19, "Special Use." In approving such use, the Planning Commission may establish reasonable time limitation.

SECTION 3.21 MOTOR VEHICLE REPAIR

Mechanical work on motor vehicles in residential districts shall be permitted, provided such vehicles are not used primarily for racing. Such vehicle must be owned by the occupant of the dwelling on the premises. All work must be performed within a building, and no parts or vehicles not in legally operating condition may be stored outside.

SECTION 3.22 NUISANCE PARKING AND STORAGE

- A. The outdoor storage or parking of any recreational vehicle such as airplanes, boats, floats, camping or travel trailers, detachable travel equipment of the type adaptable to light duty trucks, snowmobiles, and other equipment or vehicles of a similar nature in a front yard shall be prohibited for a period greater than seventy-two (72) hours in any thirty (30) day period between October 1 and April 30 in all residential districts except where otherwise permitted by this Ordinance.
- B. All recreational equipment stored on a residential lot must be kept in good repair and carry a current year's license and/or registration. Motor vehicles requiring a vehicle registration and license to move on the public roads must be kept in good running condition and be capable of operation as licensed.
- C. Recreational equipment parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.
- D. Only one recreational vehicle is allowed in a front yard in a residential district.
- E. No more than two recreational vehicles are allowed in a front yard in an agricultural district.
- F. All such vehicles and equipment shall be located behind the front face of the main building, but no closer than five (5) feet to any side or rear lot line. No storage of such vehicle shall be permitted on a corner lot in the required yards adjacent to the street.
- G. Storage of parking shall be limited to a parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment so stored or parked is owned by the occupant.

- H. The parking or storage of commercial trucks and/or vehicles including truck-tractors or semi-trailers is prohibited in all residential district; provided, however, that this shall not be deemed to prevent the temporary location of any such vehicle in said districts while engaged in a delivery, pick-up or service to the premises where located.

SECTION 3.23 PUBLIC SERVICES, ESSENTIAL

- A. It shall be lawful for public utilities, municipal departments or commissions to erect construct, alter or maintain defined essential services, but not including buildings.
- B. The Township Planning Commission is granted the power to permit any public service corporation contemplated in the foregoing paragraph, to erect and use a building or an addition to an existing building or a structure for the aforesaid public utility purposes in any district and to permit such building at greater height or of a greater area than the district requirements herein established; provided the Planning Commission shall find such use, height, area, building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.
- C. Public utilities and municipal departments may use trailer coaches or motorhomes or mobile homes for temporary housing on their properties in emergency situations, when necessary, to discharge their duty to provide essential public services, including the generation of electricity, and shall be excluded from the provisions of this zoning ordinance.

SECTION 3.24 OUTDOOR LIGHTING

Outdoor lighting located on privately owned property shall be so arranged that it will not shine directly on streets or occupied dwellings.

SECTION 3.25 RIGHT-OF-WAY

No building shall hereafter be erected unless the premises upon which it is to be constructed shall abut upon a public or private street, with a minimum of forty (40) feet of continuous frontage on said public or private street, to be maintained continuously at the minimum of forty (40) feet throughout the entire depth of the lot and for the exclusive use of the lot of which it is a part.

SECTION 3.26 SITE PREPARATION – EXCAVATION AND EXTRACTION

Prior to the commencement of site preparation, the approval of a grading plan and the primary purpose for carrying out the site preparation must be obtained from the appropriate township official or body having authority to grant such approval. In addition, a building permit must be obtained which specifies the terms and conditions under which the site preparation shall be carried out.

SECTION 3.27 TRAFFIC VISIBILITY ACROSS CORNERS

In any residential, business, or industrial district on any corner, whether it be a platted lot or other parcel of land, no fence, structure or planting over thirty-six (36) inches in height shall be erected or planted or allowed to grow within a twenty (20) foot radius of the intersection of the front lot lines so as to interfere with traffic visibility across the corner.

SECTION 3.28 WALLS AND FENCES

- A. All fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. Agricultural or farm type fences including, but not limited to, fences constructed of chicken wire, hog wire, wire fabric, and similar welded or woven wire fabrics; chain; netting; cut or broken glass; paper; unapproved corrugated metal panels; galvanized sheet metal; plywood; or fiberglass panels in any fence, or any other materials that are not manufactured specifically as fencing materials, are not permitted in residentially zoned areas.
- B. Exception: Electric fences are allowed in residential and agricultural zoning districts on parcels that are at least five (5) acres in size, keep a legal livestock operation, and are approved by the Zoning Administrator. Regarding electric fences, the Zoning Administrator is authorized to require a setback that is not more than fifty (50) feet from the property line, including the option of requiring the installation of a secondary property line fence when deemed appropriate.
- C. The use of barbwire fencing is prohibited except in an agricultural district as part of a farm operation or as may be required for security reasons to protect publicly owned buildings or business or industrial operations with approval of the Building Inspector. Razor Wire Fences are not allowed anywhere within the Township.
- D. No walls, fences, hedges, or clumps of shrubs higher than thirty-six (36) inches above the average grade, measured at the location of the planting, berm, wall or fence, shall be permitted within twenty (20) feet of the front lot line or other lot line adjoining a public street. All other walls and fences shall not exceed a height of six (6) feet above the lot grade.
- E. In most cases, a six-foot fence will be deemed sufficient and it is the preferred fence height in Hampton Township. However, the planning commission may allow a height of 8' for specific commercial, agricultural and industrial uses and for nursing homes, home for the aged, and assisted living facilities where safety and security is a concern. The applicant shall show sufficient cause for any request for an 8' fence.
- F. For fence enclosure requirements for swimming pools, see Section 3.36.D.
- G. Permit and fee required. Prior to construction, reconstruction or establishment of a fence, wall, or screen regulated by this section, a permit shall be obtained from the Zoning Administrator.

1. Applications for permits shall be on forms prescribed by the Zoning Administrator and shall be accompanied by such plans or drawings required by the Zoning Administrator and required permit fee.
2. The issuance of a fence permit is not intended, nor should it be construed to abrogate or modify the applicant's duties as contained in covenants and restrictions arising from a deed or other document.
3. Permits shall continue until revoked or for such period of time as designated therein at the time of issuance. The issuance or granting of a permit shall not be construed to be a permit for or an approval of any violation of the provisions of this Zoning Ordinance. No permit presuming to give authority to violate the provisions of this Zoning Ordinance shall be valid.
4. The Zoning Administrator may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation or any of the provisions of the Zoning Ordinance.

SECTION 3.29 OTHER REGULATIONS

All other applicable federal, state, or local laws or regulations shall be followed and necessary permits obtained prior to the lawful use of any property.

SECTION 3.30 CONDOMINIUM OWNERSHIP PERMITTED

Condominium ownership is permitted in any zone district as a form of ownership and as defined in Section 141 of the Condominium Act (MCLA 559.241), being Act No. 59 of the Public Acts of 1978, as amended; provided that they comply with the requirements of the zoning ordinance and Public Act 59 of 1978.

- A. Prior to the construction of any condominium project, a site plan review and approval described in Chapter 14 is required. Additionally, prior to construction of any condominium development, all necessary permits required by any other federal, state or local governmental agency must be secured and approval obtained.
- B. Prior to construction of any condominium project, approval from the Board of Trustees of the Charter Township of Hampton is required for all utilities to service said project.

SECTION 3.31 CONDOMINIUM SUBDIVISION REQUIREMENTS

Condominium subdivisions, as defined in Chapter 30, are permitted in any zone district in accordance with the following conditions:

- A. All condominium subdivisions, structures and uses therein shall comply with all use, area, parking, general requirements, and conditions of the zone district within which the project is

located. All mobile home condominium requirements shall satisfy the minimum requirements of Section 7.04.C.

B. All information included in a Condominium Project Plan defined in Chapter 30 shall be submitted.

C. Condominium Layout – Design and Approval.

1. All condominium subdivision plans shall conform to the plan preparation requirements; review and approval procedures; design, layout and improvement standards of Sections 3.1 and 3.2 of the Charter Township of Hampton Subdivision Ordinance (Ordinance 27)(see also 3.1, 3.2 and 3.3 of Ordinance 27a), as amended. The requirements of final plat approval in Section 3.3 of the Subdivision Ordinance shall not apply to condominium subdivision plans, except that a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Charter Township of Hampton to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the condominium subdivision plan by the Planning Commission. Nothing in this Section shall be construed as requiring a condominium subdivision to obtain plat approval under the Hampton Township Subdivision Ordinance or the Subdivision Control Act.

D. Condominium Master Deed.

1. A copy of the condominium master deed, all attachments and any amendments thereto as required by Public Act 59 of 1978, as amended, shall be filed with the Hampton Township Clerk within ten (10) days after recording with the Bay County Register of Deeds.

SECTION 3.32 MOBILE HOME CONDOMINIUM DEVELOPMENT

Mobile Home Condominium development shall be allowed under the same terms and conditions as any other mobile home park within the applicable zoning districts. A mobile home condominium development shall conform to all requirements of the applicable zone district for which it is proposed as any other mobile home park and further, it shall comply with all applicable requirements of the Mobile Home Commission Act being Act 96 of Public Acts of 1987, as amended and the Mobile Home Code and Rules promulgated thereunder, and this ordinance.

SECTION 3.33 SINGLE FAMILY CONDOMINIUM PROJECTS

Single family condominium projects are allowed in any zone district which allows single family homes and subdivisions under the same terms and conditions as a single family home or subdivision. Additionally, in a single family condominium project, all internal roadways, not dedicated to the public as a public street, shall be private streets and conform to the requirements of Section 16.06. Additionally, all area requirements for single family homes contained in the applicable zone shall be maintained in a single family condominium project and

the internal private street right-of-way shall be deemed to be the right-of-way of a definition of a lot found in Chapter 30 of this ordinance.

For purposes of single family condominium projects, the dwelling unit shall maintain the minimum spacial requirement for yards and setbacks as required by the applicable zone district for single family homes or subdivisions. For purposes of this requirement, the special setback or yard may be part of the condominium unit, a limited common element or a general common element. In no instance shall the yard or setback be used for more than one unit.

SECTION 3.34 MULTIPLE DWELLING CONDOMINIUM PROJECT

Multiple dwelling condominium projects are allowed in any zone district which allows multiple family dwelling units or apartments, under the same terms and conditions as a multiple dwelling unit or apartment. Additionally, as part of the site plan review process for a multiple family condominium project, the planning commission has the full right, authority and discretion to approve or disapprove any internal vehicular traffic circulation patterns in its sole discretion.

SECTION 3.35 PONDS

Ponds, as defined in Chapter 30, are permitted within any zone district as an accessory use provided a special use permit is granted by the Planning Commission. The following conditions and criteria must be met for the Planning Commission to grant a special use permit.

- A. The pond shall comply with all of the yard requirements for the zoning district in which it is located. A pond may be located in any zoning district and shall be considered as an accessory use in any zoning district. As part of its authorization of a pond, the Planning Commission may approve the location of a pond in a front yard, providing the required setbacks are maintained.
- B. If the Planning Commission determines in the course of its approval of a pond that the protection of the general public requires that the pond be enclosed, the Planning Commission shall require that the pond be enclosed by a wall, fence, or other type of enclosure.

The wall, fence, or other enclosure shall:

- 1. Be not less than four (4) feet above the grade line;
- 2. Be designed to restrict a child from passing through, under, or climbing over the fence, wall or other enclosure except at a gate or door. All gates or doors leading to a pond, except a door in any building forming part of the enclosure, shall:
 - a. Be kept closed when the pond is not in actual use; and
 - b. The gates and doors shall be fitted with a positive latching device which automatically latches when the gate or door is closed.

Unless the pond is in actual use, all gates and doors leading to the pond shall be kept locked at all times when the occupant of the building situated on the property where the pond is located is absent or away. In the event that any pond shall be located on a parcel of land where there is no building actually occupied by the owner, then all gates or doors to the pond shall be kept securely closed, latched, and locked when the pond is not in actual use.

- C. No pond shall be used or maintained unless adequate public health measures are periodically taken to ensure that the existence or use thereof does not cause the spread of disease, stagnation or otherwise provide conditions dangerous or injurious to the public health.
- D. The discharge pipe from any pond without a direct outlet to an established drain shall:
 - 1. Not exceed two (2) inches in diameter;
 - 2. Be construed with galvanized iron or such other standard and durable material as may be approved by the building inspector.

No pond shall be wholly or partially emptied in any manner that will cause water to flow upon the land of another, and no pond shall be wholly or partially emptied upon any land if a storm drain is readily accessible to the premises on which the pond is located. Discharge into the public sanitary sewer is strictly prohibited.

- E. No public water shall be used in connection with the filling or operation of a pond when limitations on the consumption and use of the public water is in effect. When public water is used to fill any pond, an adequate back-flow check valve mechanism or system shall be installed to prevent the pond water from flowing into the public water supply system.
- F. The slopes of the banks or sides of the pond shall be constructed so that for each one (1) foot of rise there shall be a minimum of three (3) foot of run. This minimum slope angle must be maintained and extended into the pond water to a depth of three (3) feet.
- G. No pond shall be constructed, installed or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands. If the soil to be removed to create the pond is to be left on the site and used to fill any portion of the site, a detailed grading plan shall be submitted which indicates the number of cubic yards of material to be left on the site, the proposed elevations of the area to be altered or filled and the proposed final grading which must clearly indicate that there will be no storm water runoff onto adjacent or nearby lands.
- H. An application for approval of a special use permit for a pond shall be on forms provided by the township and shall include:
 - 1. The safety precautions to be taken to protect those using the pond or who might be endangered by it;
 - 2. The size, depth, and water capacity of the pond;
 - 3. The water source and method of water discharge;

4. The method of filtration and treatment of the water, if required;
 5. That the applicant has sought and obtained all necessary soil erosion permits or has been informed that no said erosion permits are necessary for the construction of said pond; and
 6. Any further information necessary for the protection of the public health and safety as may be required by the Planning Commission.
- I. A building permit for a pond for which a special use permit has been granted under this subsection shall be requested and issued within one year of the date of grant of the special use permit. Failure to obtain a building permit within the one-year period of limitations will result in the termination of the special use permit, and it will be necessary for the applicant to apply for a new special use permit.

SECTION 3.36 SWIMMING POOLS

- A. Pools used for swimming or bathing shall be in conformity with the requirements of this section; provided, however, these regulations shall not be applicable to any such pool less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet, except where such pools are permanently equipped with a water recirculating system or involve structural materials.
- B. A swimming pool or appurtenances thereto shall not be constructed installed, enlarged, or altered until a building permit has been obtained from the Building Inspector.
- C. The outside edge of the pool wall shall not be located closer than ten (10) feet from any side property line. No pool shall be located under any electrical wiring or in a front yard.
- D. Each swimming pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make the swimming pool inaccessible to small children. Such enclosure, including gates, must not be less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children. A natural barrier, hedge, pool cover, or other protective device approved by the Board of Appeals may be used as long as the degree of protection afforded by the substituted devices or structures is equal to the protection afforded by the enclosure, gate and latch described herein. Provided, however, that any aboveground swimming pool constructed in such a manner that the deck is at least four (4) feet above ground shall not be required to be enclosed by a fence or wall, but any access point such as stairways or ladders shall be enclosed with gates and latches or otherwise made inaccessible from the outside to small children.
- E. All swimming pool installations shall comply with the following standards:
1. All swimming pool and equipment shall be equipped to be completely emptied of water, and the discharged water shall be disposed of in an approved manner that will not create a nuisance to adjoining property.
 2. Private swimming pools shall not encroach upon any front or side yard required by this ordinance.

3. All swimming pools shall be provided with a recirculating skimming device or overflow gutters to remove scum and foreign matter from the surface of the water.
4. One or more means of egress shall be provided from the pool. Treads of steps or ladders shall have slip resistant surface and handrails on both sides.
5. All appurtenant structures, installations and equipment, such as showers, dressing rooms, equipment houses or other buildings and structures including plumbing, heating and air conditioning, among others, appurtenant to a swimming pool, shall comply with all applicable requirements of this ordinance and the Township Building Code.
6. The pool structure shall be engineered and designed to withstand the expected forces to which it will be subjected.
7. Any electrical wiring within twenty-five (25) feet of the water's edge of the pool shall be placed underground and in an appropriate conduit approved for such purposes to prevent electricity from being conducted into the water. No electric wires of any kind shall cross or be over the water surface. Any underwater lighting shall be accomplished by the use of methods and materials approved for such purposes. In addition, all electrical equipment and related components shall conform to the current National Electrical Code, as adopted by the Hampton Charter Township Board.
8. There shall be no cross-connections of any public water supply with any other source of water supply for the pool. The line from the public water supply to the pool shall be protected against back flow of water by means of an air gap and shall discharge at least six (6) inches above the maximum high-water level of the makeup tank or the pool.

SECTION 3.37 OUTDOOR FURNACES AND FUEL STORAGE

Description & Purpose: It is the intent for the and purpose of this Chapter to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of citizens of the Township by regulating Outdoor Furnaces and the storage of fuel.

A. Applicability.

This Chapter applies to all Outdoor Furnaces in the Township. However, this regulation does not apply to the following:

1. Grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
2. Burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used primarily for human or animal habitation; and
3. The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

B. Definitions.

As used in this Chapter the words defined in this section shall have the following meaning:

1. "Building Inspector" or "Zoning Administrator" means the Township Building Inspector of Zoning as appointed by the Township Board or Supervisor.
2. "Fire Chief" means the Chief of Hampton Charter Township Fire Department or other person designated by the Fire Chief.
3. "Outdoor Furnace" means a stove or furnace that is not located within a building. An Outdoor Furnace may also be referred to as an Outdoor Boiler or Heater.
4. "Chimney" means any flue or flues that carry off exhaust from an Outdoor Furnace.
5. "Refuse" means any waste including, but not limited to trash, plastics, gasoline, rubber, naphtha, household garbage, materials painted or treated with petroleum products (particle board, railroad ties and pressure treated wood), leaves, grass clippings and cardboard.

C. Outdoor Furnace.

An Outdoor Furnace may be located within any zone district and shall be installed and used in the Township only in accordance with all of the following provisions:

1. All Outdoor Furnaces, including those existing as of the effective date of these provisions shall be installed, constructed, operated, maintained, and used only when all of the manufacturer specifications or these requirements, whichever is greater, have been complied with and adhered to.
2. The Outdoor Furnace shall not be used to burn refuse.
3. The Outdoor Furnace shall be located at least 25 feet from all property lines. In no event shall an Outdoor Furnace be allowed to be placed in the front yard of a lot. An Outdoor Furnace is permitted in a side yard if adequate side yard distances exist to allow the minimum setback of 25 feet from the property line and the minimum separation between the furnace and the structure is required by the manufacturer's specifications.
4. The Outdoor Furnace shall have a chimney that extends at least 25 feet in height above the ground surface. Notwithstanding the foregoing, the height of the chimney shall be no less than the minimum height recommended by the manufacturer.
5. The Outdoor Furnace shall be located at least 15 feet from all other structures unless the manufacturer's specifications allow a lesser distance. In such case if the manufacturer's specifications allow a less than 15 foot separation from other structures the structures shall be constructed with a fire rated wall as determined by the Building Official/Building Inspector.
6. The property owner on which the Outdoor Furnace is located shall submit a type 1 site plan to the Building Inspector showing the location of the Outdoor Furnace, applicable setbacks and fuel storage location as well as waste removal program. The Building Inspector may require additional information on a case-by-case basis to determine compliance with this Chapter and other applicable Township laws.

7. The property owner on which the Outdoor Furnace is located shall obtain a mechanical permit from the Building Inspector.
8. An Outdoor Furnace shall be laboratory tested and listed to appropriate safety standards such as UL (Underwriter Laboratories), CAN/CSA (Canada National Standard/Canadian Standards Association), or ANSI (American National Standards Institute) standards or other industry recognized safety standards.
9. All fuel not consumed in an Outdoor Furnace within one week shall only be stored in the rear yard of the lot on which the Outdoor Furnace is located. Fuel, such as wood, corn, or other combustibles to be used in Outdoor Furnaces or indoor stoves or fireplaces and delivered some place other than the rear yard, shall be relocated to the rear yard within a maximum of 10 days after delivery. In all cases, a minimum distance of 10 feet shall be maintained between the storage area and any property line of the lot on which the storage area is located. No ashes, cinders, or other residual fuels, after the burning process, shall be allowed to accumulate on the lot.

D. Right of Entry and Inspection.

The Fire Chief and Building Inspector or another authorized officer, agent, employee or representative of the Township who present credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Chapter.

SECTION 3.38 ADEQUATE LOT DRAINAGE

Prior to construction of any residential, commercial, or industrial development within the Charter Township of Hampton, all drainage plans shall be approved by the Township Building Inspector or Township Engineer.

Where construction of a one (1) or two (2) family dwelling is proposed on a lot or parcel that is not part of an overall development with an approved drainage plan, the Township Building Inspector shall require, at a minimum, that drain tiles be installed along the property line on the left-hand side of the property, as viewed from the street, the entire depth of the property and across the entire rear property line of the residential parcel. If, in the Building Inspector's opinion, the lot is larger than ordinarily used for residential purposes, the tile may be installed in such a manner as to provide positive drainage for the normal residential area to be occupied by the house to be erected, but in no event less than one hundred twenty (120) feet of depth of tile and one hundred (100) feet of width of tile parallel to the street. For all other residential, commercial, and industrial construction, the drainage plans shall be approved by the Township Engineer.

SECTION 3.39 YARD OR GARAGE SALES AND VEHICLE SALES

- A. Within the "Agricultural" or any "Residential" district, no outside storage of personal property such as clothing, appliances, furniture, or other similar items shall be permitted unless it is not more than three (3) days before or after yard or garage sales, including auction, which are permitted as follows:

1. There must be a residential dwelling located on the same parcel.
 2. A maximum of three (3) sales are permitted during any calendar year.
 3. No sales shall last longer than (3) consecutive days.
 4. Any signs used to advertise such sales shall only be used during the time period of the sale.
- B. Within the "Agricultural" or any "Residential" district, vehicles sales are permitted as follows:
1. There must be a residential dwelling located on the same parcel.
 2. A maximum of five (5) vehicles including cars, trucks, motor homes, travel trailers, tractors or boats can be offered or sale during any calendar year.
 3. No vehicle offered for sale, shall be located on any street right-of-way or closer than ten (10) feet to any side property line.
 4. No vehicle can be offered for sale for more than thirty (30) consecutive days.
 5. Any sign used to advertise the sale of a vehicle shall be placed on the vehicle.
 6. Only one (1) vehicle can be offered for sale at a time.

SECTION 3.40 WIRELESS TELECOMMUNICATIONS TOWERS & ANTENNAS

A. Purpose

It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. It also is the purpose of this section to establish general guidelines for the siting of wireless communications towers and antennas which authorizes their use in a manner that will retain the integrity of neighborhoods and the aesthetic quality of the overall community. It is the further purpose and intent of this section to:

1. Encourage the location of towers in non-residential areas.
2. Minimize the number of towers throughout the Township.
3. Facilitate adequate and efficient provision of sites for needed facilities.
4. Promote the public health, safety and welfare.
5. Minimize the adverse impact of technological obsolescence of wireless communications towers and antennas.
6. Encourage the joint use of existing and new tower sites.

7. Enable tower and antenna users to provide facilities and services to the Township quickly, efficiently and effectively.
8. Ensure that facilities are situated in appropriate locations with respect to other land use, structures and buildings.

B. Use Regulations

1. The following are permitted uses subject to the Planning Commission granting Site Plan approval in accordance with the requirements of Chapter 14 and provided that all of the requirements of Section "C." are met.
 - a. Wireless telecommunications towers and antennas located in the "I-1", "I-2" or "B-3" Districts.
 - b. Telecommunication antennas that are mounted on an existing building or structure provided that the antenna does not extend more than thirty (30) feet above the highest point of the building or structure and provided further that the Zoning Administrator determines that the antenna would not have an adverse impact on other properties or uses in the vicinity.
 - c. An antenna, that is to be collocated on an existing tower, which has previously been approved for such collocation by the Township.
 - d. Antennas or towers located on property owned, leased or otherwise controlled by the Township and provided a lease authorizing such antenna or tower, has been approved by the Township.
2. Telecommunications towers and antennas may be permitted within any zone district, subject to the issuance of a Special Use Permit by the Planning Commission in accordance with the requirements of Chapter 19, if it is demonstrated by an applicant that a wireless communication facility cannot be reasonable established as a permitted use under paragraph "B.1." immediately above. Any application submitted must also satisfy all of the requirements of sections "C." and "D." unless a particular requirement is determined to be unnecessary and specifically waived by the Planning Commission.

C. Conditions & Requirements Applicable to all Wireless Telecommunications Towers and Antennas.

All applications shall include a Site Plan and shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its discretion.

1. Facilities shall not be demonstrated to be injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
2. Facilities shall be located and designed to be harmonious with the surrounding areas.

3. Wireless communication facilities shall comply with all applicable federal and state standards including standards relative to the environmental effects of radio frequency emissions.
4. Applicants shall demonstrate a justification for the proposal height of the structures and an evaluation of alternative designs, which might result in lower heights.
5. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for communication by the applicant. Any building necessary to enclose switching or other related equipment shall be limited to the maximum height permitted for other buildings within the zone district in which the facility is being proposed.
6. The front, side and rear yard setbacks of any new support structure shall be equal to or greater than the height of the support structure unless the application includes a signed certification by a State of Michigan licensed professional engineer indicating the maximum distance, from the base, that any portion of the support structure and antenna can fall. If that distance is less than the height of the structure, the Planning Commission may reduce the required setbacks as deemed appropriate based on that certification and other characteristics of the particular site.
7. The front, side and rear yard setbacks for any building related to the facility shall be the same as those required for any other building permitted with the particular zone district.
8. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided by an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
9. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning and land division requirements and conditions are met.
10. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principle building. The equipment enclosure may be located within the principal building or may be proposed as a separate building. If proposed as a separate building, it shall conform with all district yard setback requirements for principal building.
11. The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and approve the application so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surrounds. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly manner.

12. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission and all other governmental agencies with regulatory authority shall be noted.
 13. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure continuous, long-term maintenance of the structure.
 14. Towers and structures shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and the design chosen must cause the least disturbance to the surrounding area.
 15. No signs shall be allowed on any tower or antenna except as may be required by a governmental agency with the authority to require a sign.
 16. Any support structure, except those permitted in paragraph "B.1.b." shall be enclosed with "chain link" type of fencing with a height of six (6) feet and with a lockable gate. Said fencing shall be a minimum of ten (10) feet from the nearest portion of any support structure.
 17. The Planning Commission may require a performance bond, irrevocable bank letter of credit, cash deposit or other surety to guarantee the removal of the facility in the event its removal is required in accordance with paragraph "F."
- D. Additional Conditions & Requirements Applicable to Wireless Telecommunications Towers & Antennas Approved Only Upon the Issuance of a Special Use Permit.
1. The applicant shall demonstrate the need for the facility to be located at the proposed specific site based upon one or more of the following factors:
 - a. Proximity to an interstate or major thoroughfare.
 - b. Areas of population concentration.
 - c. Concentration of commercial, industrial, and/or other business centers.
 - d. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - e. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - f. Other specifically identified reason(s) creating facility need.

2. The minimum front, side and rear yard setback distances for the support structure must be equal to the height of the tower and cannot be reduced in accordance with the provisions of paragraph "C.6." above.
3. In granting a special use permit, the Planning Commission may waive any requirement, except paragraph "D.2." above, if it is deemed to be unnecessary and may impose additional conditions which it deems necessary to minimize any adverse effect of the proposed tower on adjoining or near by properties.

E. Factors to be Considered in Granting Special Use Permits

In addition to any standards for consideration of special use permit applications pursuant to Chapter 19 of the Zoning Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special 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 proposal 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;
7. Proposed ingress and egress; and
8. Availability of suitable existing towers or other structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers or other structures. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
 - a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provision required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

F. Removal of Abandoned or Unused Wireless Communications Tower or Antenna.

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - a. When the facility has not been used for six (6) months or more. For purposes of this section, the removal of antennas or other equipment from the facility or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 - b. Upon a determination by the Building Inspector, any tower which is in use or out of use for any period of time, but due to age, obsolescence, damage or lack of maintenance may pose a threat to public safety.
 - c. Failure to comply with the maintenance plan approved in paragraph "C.13."
2. The situations, in which removal of a facility is required, as set forth in paragraph "1." above, may be applied and limited to portions of a facility.
3. Upon the occurrence of one or more of the events requiring removal, specified in paragraph "1." above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with the complete removal and restoration of the premises to an acceptable condition as reasonably determined by the Township Building Inspector.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

**RESIDENTIAL ACCESSORY BUILDINGS CONDITIONS & REQUIREMENTS
TABLE 1**

LOT SIZE (SQ.FT.)	MAX. ACCESSORY BUILDING SIZE (SQ.FT.)	MAXIMUM HEIGHT (FEET)		MINIMUM SETBACKS (FEET)		
		PEAK	SIDEWALL	*SIDE OR REAR YARD	FROM THE PRINCIPAL BLDG	FROM ANY OTHER BLDG./STRUCTURE
LESS THAN 5,000	5% OF LOT AREA	11	8	10	20	15
5,000 - 11,999	5% OF LOT AREA	12	8	10	20	15
12,000 - 26,666	5% OF LOT AREA	16	10	10	20	15
26,667 - 43,559	5% OF LOT AREA	20	14	10/20**	20	15
ONE ACRE OR MORE IN RESIDENTIAL. DISTRICT	5% of lot area up to a maximum of 2,400	24	16	10/20**	20	15
ONE ACRE OR MORE IN THE AGRICULTURE. DISTRICT	5% of lot area up to a maximum of 3,200	24	16	10/20**	20	15

CONDITIONS:

1. These requirements apply to any residential lot within any residential or agricultural zone district.
2. No residential accessory building is allowed in the front yard area.
3. Residential accessory buildings cannot be used for commercial purposes.
4. There shall be no second story in a residential accessory building.
5. Lots cannot be divided or reduced in any manner that would cause the accessory building to exceed the size limitation imposed upon the remaining lot.
6. In a residential district, only one residential accessory building is permitted per lot in addition to an attached or detached garage.
7. In an agricultural district, a maximum of two residential accessory buildings are permitted in addition to an attached or detached garage on lots of 1 acre or larger if they do not exceed the allowed square footage when combined.
8. A pool house mechanical building up to 144 sf that is used for a pool pump and related mechanical equipment is allowed in addition to any other allowed accessory buildings. Its square footage is included in the maximum allowed accessory building size.
9. Subject to further regulation pursuant to section 3.07 of this ordinance.
10. Maximum grade elevation for an accessory building shall be one vertical foot of rise to the floor of the building for each 10 horizontal feet from the grade existing on the neighboring property.
11. Subject to further regulation pursuant to section 4.13 of this ordinance.
12. The minimum setback requirements for side or rear yard are contingent upon the property owner providing positive drainage for the accessory building as required by the building inspector, up to and including catch basins and drain tiles.
13. Lot size is determined by legal description of property.
14. All plans must be approved by the building inspector with a site visit.

* Any building equal to or less than 144 square feet is only required to maintain a 5 foot rear or side yard setback no matter what size lot the building is placed upon.
 ** If the sidewall of the accessory building is greater than 12', the minimum side and rear yard setbacks are increased to 20'.

Nonconforming Uses, Buildings, Structures or Parcels

SECTION 4.01 DESCRIPTION AND PURPOSE

Within the Districts established by this Ordinance or amendments thereto, there exists uses, buildings, structures, parcels and characteristics of uses which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or an amendment thereto. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, destroyed or otherwise conformed, but not to encourage their expansion or enlargement.

SECTION 4.02 CONTINUANCE OF NONCONFORMING USES, BUILDINGS, STRUCTURES OR PARCELS

- A. Except where specifically provided to the contrary and subject to the provisions of this Chapter, the lawful use of any building or structure, or of any land or premises upon which it is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance then on the effective date of such amendment, may be continued although such use, building, structure, or parcel does not conform with the provisions of this Ordinance or any amendment thereto.
- B. In addition, except where specifically provided to the contrary and subject to the provisions of this Chapter, a building or structure which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance then on the effective date of such amendment, may be remodeled, maintained, and continued, although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

SECTION 4.03 CHANGE OF OWNERSHIP

Change of ownership between private parties does not remove the nonconformity nor extend time limits.

SECTION 4.04 REMOVAL OF NONCONFORMING STATUS

Prohibition against re-establishment. A nonconforming building, structure or parcel may be made conforming by appropriate action or modification which caused the building, structure or parcel to fulfill the requirements of the district in which it is located. In order to remove the

nonconforming status said modifications and changes must meet the requirements of the district at the time of said changes or modifications. However, once the nonconforming status of the use of a building or the non-conforming building structure or parcel has been removed and has been made conforming to the conditions and requirements of the district in which it is located, the property forever loses its nonconforming status and this status may not be reasserted at any time in the future.

SECTION 4.05 EXPANSION OF NONCONFORMING USES AND/OR NONCONFORMING BUILDING, PARCEL, OR STRUCTURE.

A nonconforming use of a building, parcel or structure or nonconforming physical standard dealing with a building, structure, or parcel may be expanded only under the following terms and conditions.

A. **NONCONFORMING USE.** A nonconforming use which existed prior to the adoption of this ordinance or amendments thereto and which exists in or on a conforming structure, building or parcel may be extended or enlarged to occupy entire parcel, existing building or structure under a special use permit granted by the Planning Commission. In considering the grant or denial of a special use permit to allow the extension or expansion of this nonconforming use, the Planning Commission shall consider the following criteria and further, the Planning Commission has the discretion to grant a special use permit with any of the conditions it deems appropriate:

1. Roads and streets leading to and from the nonconforming use, as well as any additional traffic flow problems to be created by said expansion.
2. Any increase in noise, odor, fumes, lights, glare, waste, sewer discharge, or other like detrimental effects created by the proposed expansion.
3. Whether the proposed expansion of the nonconforming use is compatible with the surrounding areas and properties.
4. Whether the proposed expansion could be made less detrimental to surrounding properties and areas by the use of appropriate buffering and screening.

B. **NONCONFORMING PHYSICAL STANDARDS DEALING WITH A BUILDING, STRUCTURE OR PARCEL.** A nonconforming building or structure which is nonconforming due to failing to meet all required physical standards (i.e. setbacks, lot area, lot width, parking, etc.) may be enlarged or extended only upon approval of a special use permit by the Planning Commission, and further provided that the enlargement or extension complies with all required physical standards. In no event shall the Planning Commission approval extend to enlarge the nonconforming structure more than an additional 50% of the existing nonconforming structure. In considering the grant or denial or grant with conditions or this special use permit, the Planning Commission shall consider the following:

1. The scope of the nonconformity of the existing building or structure in contrast to the minimum physical standards as called for within the zoning classifications, including but not limited to:
 - a. Parking

- b. Setbacks
 - c. Height
 - d. Lighting
 - e. Drainage
 - f. Required public utilities
 - g. Lot area
 - h. Lot width
 - i. Landscaping
 - j. Compatibility with adjacent properties
 - k. Required greenstrips.
2. The Planning Commission has the discretion to grant with conditions the special use permit to extend or enlarge a nonconforming building structure. It is expressly conveyed to the Planning Commission the authority or power to make conditions effecting the existing structure, building or parcel, as a condition of granting the permission to extend or enlarge that parcel. The Planning Commission has the discretion to impose conditions on the original nonconforming structure, building, or parcel to make it less nonconforming up to and including all conditions which would be required to make it a conforming building, structure, or parcel.

SECTION 4.06 REMODELING OR DECORATING

A nonconforming building or structure may be remodeled or decorated so long as it does not in any way expand the nonconformity of the use or the structure. In no event shall remodeling or decorating extend the life of the nonconforming structure.

SECTION 4.07 ALTERATIONS OR REPAIRS

No structural alteration, remodeling, or repair is allowed except to repair damage caused by fire, wind, snow, acts of God, public enemy or other similar cause, and then only when the cost of said repair or alteration is less than the equivalent state equalized value of the structure repaired.

SECTION 4.08 REPLACEMENT

A nonconforming building or structure which has been damaged or destroyed by fire, wind, snow, acts of God, public enemy, or other similar causes and the cost of repair to said structure is greater than the equivalent State Equalized Value of the building to be repaired, then in such

event the building shall need to be replaced. No nonconforming structure may be replaced unless it conforms with all conditions and requirements of this ordinance existing at the time of replacement.

SECTION 4.09 CHANGE OR DISCONTINUANCE

The nonconforming use of a building or structure of any parcel shall not be:

- A. Re-established after a discontinuance, vacancy, lack of operation, or otherwise abandoned for a period of twelve (12) consecutive months.
- B. Re-established after it has been changed to a conforming use.
- C. A nonconforming use may be changed to another nonconforming use which is more restrictive than the current use, by receiving a special use permit from the Township Planning Commission. The Planning Commission shall evaluate this request under the criteria of Section 19.04 of this Ordinance. However, once a nonconforming use is changed to a more restricted nonconforming use, it may not be changed back to its original use. (By way of example, a commercial use in an agricultural zone, if changed to residential, may be allowed, but it may not be changed back to commercial.)

SECTION 4.10 RELOCATION OF NONCONFORMING STRUCTURE

Should a non-conforming building or structure be moved for any reason, for any distance whatever it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 4.11 BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE OR AMENDMENT

Any building or structure shall be considered existing and lawful, if, on the effective date of this ordinance or amendment thereto, a building permit has been issued, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

SECTION 4.12 LOTS OF RECORD

Where an existing lot has an area, width or both of not less than ninety percent of its zone district requirements and where such lot can provide the side, front and rear yard requirements of its district, the permitted uses of the district shall be allowed. An existing lot in single ownership of less than ninety percent of its area or width requirements may be utilized for permitted uses and for such purpose the required side and rear yards may be reduced by the same percentage the area or width of such lot bear to its district's requirements, provided that no side yard shall be less than five (5) feet and no rear yard less than twenty-five (25) feet and that off-street parking requirements are met.

Where two or more adjacent lots are in single ownership and where such lots contain less than ninety percent of the district requirements, such lots shall be utilized only in conformance with

the minimum requirements of the district. In the event two or three adjacent lots containing less than ninety percent of the district requirements are in single ownership and the Zoning Board of Appeals shall find that there is no practical possibility of obtaining additional land, it may permit their use as separate lots having less than the required lot area if it shall determine that they can be so used without adversely affecting the character of the neighborhood; provided however, that no side yard shall be less than five feet and that off-street parking requirements are met.

SECTION 4.13 CREATION OF NONCONFORMING LOT DUE TO RETENTION OF EXISTING AGRICULTURAL BUILDINGS UPON SALE OF FARM PROPERTY

- A. In recognition of the Land Division Act, a parcel of property may be granted a special use permit which would allow a nonconforming status to attach to existing agricultural buildings and homestead. The Planning Commission is authorized to grant a special use permit to create a nonconforming parcel which is nonconforming due to the following:

Accessory buildings greater in size and/or number than permitted by the resultant parcel as a result of a split of a legitimate farm operation from its buildings. The resulting parcel may have more than one accessory building which now becomes a residential accessory building.

- B. Said special use permit is permissible only under the following conditions:

1. That the split be for the purpose of separating legitimate agricultural and farm properties from the buildings once utilized for this farming operation. For purposes of this ordinance, it is determined a parent tract will be established as of the effective date of the Land Division Act, March 26, 1997. It is permissible to split buildings and houses from the legitimate parent farm operation one time only, from the parent tract as it existed on the above date. This split will not be recognized if the purpose for the split of property is other than preservation of agricultural land and it is being subdivided or otherwise divided and utilized for residential purposes.
2. That, for purposes of replacement of an accessory building which is subject to this nonconforming use permit as found in Section 4.08 of this ordinance, a building will be deemed to be destroyed and may not be rebuilt but will be in need of replacement if the cost of repair as a result of fire, wind, snow, act of God, public enemy, or other cause is greater than twenty-five percent of true cash value based on the state equalized value as shown on the latest tax roll (fifty percent of SEV).
3. In no event shall there be more than three (3) former agricultural structures permitted on a parcel as a result of a split, regardless of whether a residential dwelling is on the parcel to be split. If a residential dwelling is on the parcel to be split, one of the nonconforming former agricultural structures shall be designated as a garage, and there may be two (2) additional nonconforming accessory buildings. If the residential dwelling unit has an attached garage, only two (2) additional residential nonconforming accessory buildings may be permitted.
4. That, in order to approve this special use permit, all building setbacks must be met for side and rear yard setbacks for all buildings in order to create the lot for purposes of the split.

5. In the event a division has previously occurred, resulting in inappropriate setbacks, the Planning Commission may determine, in its discretion, whether to permit and allow this split to occur on terms and conditions it deems appropriate, including the ability to repair, replace, or rebuild any nonconforming structure due to its setback.
6. In order to obtain Planning Commission approval for this special use permit, all potential splits or divisions of property to be created, for which this special use permit is necessary, must conform to both the State Land Division Statute and Township Land Division Ordinance. Additionally, all resulting parcels shall conform to the minimum requirements as dictated by the zone classification within the Zoning Ordinance.
7. As a further limitation as to the size of the lot and structures permissible thereon, the first floor square footage of all buildings, including residential structures, garages, accessory buildings, etc., shall not exceed twenty-five (25) percent of the total lot area.
8. Once the special use permit is granted, no further expansion or placement of residential accessory buildings, garages, or other ancillary or accessory buildings may be permitted until such time as the agricultural buildings permitted to remain on the property once split shall have been removed or otherwise come into conformance with this ordinance.
9. The Building Inspector shall make the first determination whether a particular construction project is deemed to be alterations or repairs versus replacement of an accessory building as determined by Sections 4.07 and 4.08 of this ordinance and as modified within this section. The Building Inspector's decision is not appealable to the Board of Appeals inasmuch as the Planning Commission shall retain ultimate authority and jurisdiction over the special use permit; and, therefore, the Planning Commission has ultimate discretion to determine whether contemplated construction projects, in fact, constitute replacement of this nonconforming structure or are, in fact, alteration or repair. In the event that it is determined the project is, in fact, a replacement, the structure and/or property shall be brought into compliance with the then existing Zoning Ordinance. If, due to the existence of the structure in need of additional construction which constitutes replacement, it is impossible to bring the property into compliance with the existing Zoning Ordinance, the offending structure shall be removed by the owner.
10. That in the event a proposed division is contemplated wherein no principal residential use has been established and one is necessary to permit the continuation and utilization of former agricultural buildings as residential accessory buildings or, in the alternative, in any other circumstances as deemed appropriate and necessary by the Planning Commission, a bond for the cost of demolition of all nonconforming structures may be required. The bond may be in the form of cash, letter of credit, surety bond, or as otherwise directed by the Planning Commission.
11. In the event a residential structure is contemplated on the lot with former agricultural buildings, a permit shall be drawn contemporaneous with or within thirty (30) days of the approval of this special use permit in conjunction with compliance of bond requirements. Actual construction of the residential structure shall be required to commence within one (1) year of the date of approval of this special use permit, with completion to be completed within two (2) years and occupancy permit to be granted by that time. In the event these restrictions are not adhered to, the bond shall be utilized to remove the offending structures and bring the property into compliance with the existing zone

classification including square footage of residential accessory building, need for residential structure, and/or multiple residential accessory buildings, and the special use permit shall be null and void.

12. A special use permit may be granted only if the Planning Commission determines that the proposed use of the former agricultural buildings is consistent and lawful with the zone classification wherein the property is located at the time of issuance of the special use permit. If an agricultural structure has been built within two years prior to the requested special use permit, it is ordinarily not eligible to remain under this section. However, the applicant may request that it be eligible to be considered under the special use permit process by presenting evidence, at the time of public hearing, sufficient for the Commission to determine that, at the time of construction, there was a legitimate agricultural need for the placement of said structure and further that, due to a change of circumstances not contemplated by the applicant, the continuation of said agricultural business is not feasible. By way of example only and not by way of limitation, said circumstances may be demonstrated by death, bankruptcy, or insolvency of the agricultural enterprise placing the structure on the premises and the change in circumstances requiring the need for sale of the property at the time of application.
 13. The application filed by the applicant shall be in recordable form and recorded with the Register of Deeds, notifying any subsequent purchaser of this parcel of property of all of the terms and conditions of the special use permit. In the event that the Planning Commission determines that the application is not sufficient to place future purchasers on notice of all terms and conditions regarding this special use permit, the Planning Commission may require, as an additional condition of approval, that a detailed covenant and notice of restriction be recorded with the Register of Deeds in a form approved by the Planning Commission or its designee. All costs associated with recording such documents and preparation thereof shall be borne by the applicant.
- C. Lastly, no variances shall be granted to any of the requirements contained herein. This section specifically is attempting to address state statutory regulations regarding the Land Division Act and allow for the utilization of structures which no longer have viable useful life as an agricultural structure but may be permitted as a residential or other accessory structure. The intent of this section of the ordinance is not to encourage or prolong the life of these nonconforming structures but to allow them to exist and be productively utilized.

Mapped Zoning Districts

SECTION 5.01 MAPPED ZONING DISTRICTS

For the purpose of this ordinance, Hampton Charter Township is hereby divided into the following zoning districts:

- A. "A" – Agricultural
- B. "R-1" – Residential 1 - Low Density, Single Family Residential District
- C. "R-2" – Low Density Residential District
- D. "R-3" – High Density Residential District
- E. "R-4" – High Density/Mobile Home Park Residential District
- F. "R-5" – Special Density Residential District
- G. "R-6" – Residential Business Transitional District
- H. "R-7" – High Density Residential and Recreational District
- I. "B-1" – General Business District
- J. "B-2" – Agricultural/Business Transitional District
- K. "B-3" – Heavy Commercial District
- L. "I-1" – Planned Enterprise District
- M. "I-2" – Heavy Industrial District
- N. "PUD" – Planned Unit Development District.

SECTION 5.02 ZONING MAP

The locations and boundaries of such districts, shown upon the map, which is incorporated herein by reference, and made a part hereof, are hereby established, said map being designated as the "Zoning Map of Hampton Charter Township, Bay County, Michigan." Said

map and all the notations, references, and other information thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein. Regardless of the existence of copies of the zoning map which may be made, the official zoning map shall be located in the office of the Township Clerk and, together with official records, shall be the final authority as to the current zoning status in the Township.

The official zoning map shall be so identified by the signature of the Township Clerk. Said map is to be maintained in an up-to-date manner, and shall be accessible to the general public.

SECTION 5.03 BOUNDARIES OF DISTRICTS

Where uncertainty exists as to the boundaries of districts as shown on the official map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets shall be construed to follow such centerlines.
- B. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such change; boundaries indicated as approximately following the centerlines of streams or rivers shall be construed as following such centerlines.
- C. Boundaries indicated as approximately following lot or property lines shall be construed as following such lines.
- D. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- E. Where circumstances not otherwise indicated exist, the Zoning Board of Appeals shall interpret the district boundaries.

An unofficial copy of the zoning map is attached hereto.

“A” – Agricultural District

SECTION 6.01 DESCRIPTION AND PURPOSE

This zoning is intended for large tracts used for farming or which are idle. It is not intended for any use except agricultural, low density single family residential use and other specialized rural uses requiring large tracks of land. This restriction is necessary to prevent development without proper planning. If development and subdividing are to occur, they shall be preceded by re-zoning and sound planning. Additionally, the intent of this zone is to provide, through proper planning, a harmonious environment between agricultural uses and surrounding non-agricultural uses or zones.

SECTION 6.02 PERMITTED USES

In the "A" Agricultural District, land and buildings may be used for the following purposes only:

- A. Farming operations that comply with the Michigan Department of Agriculture and Rural Development's Generally Accepted Agricultural and Management Practices (GAAMPS).
- B. One (1) family dwellings and residential accessory buildings as regulated in Table 1 of Chapter 3 and Tables 3 and 4 of Chapter 7.
- C. Parks, playgrounds, community centers and facilities therein, owned and operated by a governmental agency or a non-profit neighborhood group.
- D. Churches, schools and libraries provided the building or structure maintains at least a twenty-five (25) foot side yard and meets the front and rear yard requirements of this Chapter.
- E. Farm markets provided an application for an occupancy permit and a site sketch is submitted to and approved by the Township Building Inspector in accordance with the following provisions and provided that a yearly operating license is applied for and approved by the Township Building Inspector.
 - 1. The application must state the name and mailing address of the applicant along with the legal description of the farm and the legal description of the property in which the Farm Market will be located, if it is a different parcel.
 - 2. The site sketch shall be drawn at a scale of one inch equals fifty (50) feet or less and shall clearly indicate the following:

- a. The boundaries of the parcel on which the Farm Market will be located.
 - b. The approximate size and location of all existing buildings and drives.
 - c. The proposed location of any portable structure, building and display area for the Farm Market.
 - d. The proposed location of access drives and off-street parking facilities.
 - e. The proposed location of any sign to be used in conjunction with the Farm Market.
3. Any parcel on which a Farm Market is located shall have a minimum of one hundred (100) feet of continuous frontage along a public street.
 4. Sale and display area shall be located a minimum of twenty-five (25) feet from any property line.
 5. Off-street parking shall be provided for a minimum of five (5) cars and all drives and parking areas shall be surfaced with gravel, stone, bituminous asphalt or concrete.
 6. Provisions shall be for safe and efficient ingress and egress to a public street.
 7. The placement of any sign shall be in accordance with the provisions of Chapter 18, Section 18.05.A.4.
 8. Farm Markets shall comply with the Michigan Department of Agriculture and Rural Development's Generally Accepted Agricultural and Management Practices (GAAMP) for Farm Markets.

F. Farm Products and Storage Buildings, including Agricultural Buildings –

1. Farm products, storage buildings, with or without freezing or cooling units for the storage of all kinds of farm produce, similar to that generally raised in the State of Michigan. Public food storage lockers are expressly forbidden in this district.
2. Existing Agricultural Buildings - Special Condition. Existing agricultural buildings may continue to exist and be used as agricultural buildings on the following conditions:
 - a. That the buildings be owned and occupied as agricultural buildings by a legitimate farm entity actively engaged in the agricultural business of raising, growing, harvesting crops and/or other agricultural products.
 - b. That the existing agricultural building be situated on lots that as a result of splitting maintain all minimum setbacks from the existing buildings.
 - c. That the minimum lot frontage of 120 feet be maintained with the existing agricultural buildings.
 - d. That the total area occupied by all buildings and structures shall not exceed 25 percent of the total lot area.

3. Farm products and storage buildings, including those permitting custom farm services, for such operations including, but not limited to, processing, washing, creating, storage and packaging of farm produce, grains or other agricultural products, when performed for other farmers on agricultural products grown on other farms, whether these buildings are owned individually or owned by a cooperative, may be located on parcels of no less than two acres if conditions 2a through 2d as set forth above for existing agricultural buildings are met and, further, on the condition that the lot have the required minimum frontage of M-25.
- G. Private Stables, when they meet the requirements of the definition as set forth in Chapter 30, for private stables.

SECTION 6.03 PERMITTED PRINCIPAL USES SUBJECT TO THE ISSUANCE OF A SPECIAL USE PERMIT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 19:

- A. Home Occupations.
- B. Group day care homes licensed by the State of Michigan pursuant to Public Act 116 of 1973 as amended. Approval of a special use permit for such a proposed use shall be granted if the group day care home meets the following standards:
1. Is not located within fifteen hundred (1,500) feet from any of the following as measured along a road, street, or other public roadway, not including an alley:
 - a. Another licensed group day care home.
 - b. An adult foster care small group home, adult foster care large group home, or adult foster care congregate facility.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - d. 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.
 2. Provides for adequate fencing for the safety of the children in the group day care home.
 3. Provides for the maintenance of the property consistent with the visible characteristics of the neighborhood.
 4. Provided that there shall not exceed sixteen (16) hours of operation during a twenty-four (24) hour period.
 5. Complies with applicable sign regulations.
 6. Complies with applicable off-street parking regulations.

- C. Milk pasteurization plants and poultry hatcheries, when operated in conjunction with a permitted farming or agricultural enterprise.
- D. Commercial enterprises for the operation of recreational facilities to include, by way of example and not limitation, snowmobile, motorcycle and race tracks, golf courses, athletic grounds or other similar recreational facilities.
- E. Any use involving special equipment used for custom agricultural work.
- F. Airports and heliports.
- G. Kennels - when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - 1. The size, nature and character of the proposed kennel;
 - 2. The proximity of the proposed kennel to adjoining properties and the current zoning and planned uses for the adjoining properties;
 - 3. The possibility of noise, odor and other disturbances or hazards for adjoining properties and the surrounding neighborhoods because of the proposed kennel; and
 - 4. Potential traffic congestion, which may arise because of the proposed kennel.

Kennels granted a special use permit by the Planning Commission shall meet the following requirements:

- a. A kennel shall have a minimum lot area of five (5) acres and two hundred fifty (250) feet of frontage.
- b. Each kennel building, including related dog runs, shall provide yards as follows:
 - (1) Front – one hundred (100) feet;
 - (2) Side – two (2) side yards of no less than fifty (50) feet each;
 - (3) Rear – fifty (50) feet.
- H. Public stables. In considering such authorization, the Planning Commission shall consider the following standards:
 - 1. The size, nature and character of the proposed stable;
 - 2. The proximity of the proposed stable to adjoining properties in the current zoning and planned uses for the adjoining properties;
 - 3. The possibility of noise, odor or other disturbances or hazards for adjoining properties in the surrounding neighborhoods because of the proposed stable; and
 - 4. Potential traffic congestion which may arise because of the proposed stable.

5. All public stables, shall meet the following requirements:
 - a. Stables shall have a minimum lot area of ten (10) acres and two hundred fifty (250) feet of frontage. Each public stable shall provide yards as follows:
 - (1) Front – one hundred (100) feet;
 - (2) Side – two (2) side yards of no less than fifty (50) feet each;
 - (3) Rear – fifty (50) feet;
 - b. The stable shall meet the requirements of Michigan Act 93 of 1974 as amended.

I. Open Space Preservation Developments for Residential Use (Cluster Development Option)

Required Conditions:

1. Land may be developed, at the option of the landowner, with the same number of single-family detached dwellings that could otherwise be developed on the land in accordance with the provisions of Table 3, found in Chapter 7, on not more than 50 percent of the land area, as specified by P.A. 177 of 2002, as amended, if all of all of the following apply:
 - a. Not less than 50 percent of the land area will remain in an “undeveloped state” by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that run with the land.
 - b. 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 extension.
 - c. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.
2. The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:
 - a. The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 16h of the Township Zoning Act as added by 2001 Public Act 177 (MCL 125.286h).
 - b. The Land Division Act (formerly the Subdivision Control Act, M.C.L. 560.101, et seq.).
 - c. Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
 - d. Rules relating to suitability of groundwater for on-site water supply for land not served by public water.

- e. Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
3. The term “undeveloped state”, as used above, includes all land area within the Open Space Preservation Development, not individually owned or part of a limited common area which is designed and intended to preserve environment features for the common use and enjoyment of the residents of the entire development for any of the following uses; active and passive recreation, forestry and/or open space conservation, community gardens or agricultural uses. It does not include golf courses or other exclusionary commercial recreational uses, lot area within setbacks for each specific lot, and ponds, lakes, streams or Michigan Department of Environmental Quality regulated wetlands.
4. In order for the Planning Commission to determine the number of dwelling units that will be permitted, a parallel or yield plan shall be submitted showing a feasible development under the requirements of Section 6.04 and the requirements of any and all State, County and Township subdivision regulations. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, flood plains, or drainage ways, as regulated by Federal, State, County or local agencies.

It must be determined by the Planning Commission that this parallel plan or conventional subdivision is able to be physically constructed and meet all current subdivision regulations, should the Open Space Preservation Development be denied or not constructed. If there is a question regarding water, septic, wetlands or flood plains, the Planning Commission may request validation from the proper regulatory authority. If it is determined, through these responses, that the number of lots proposed is unfeasible, the parallel or yield plan shall be revised and resubmitted, minus that number of lots. Detailed engineering is not required at this stage of the plan must be drawn to scale.

The Planning Commission may also waive the submission of a parallel or yield plan if it is determined that the number of dwelling units proposed for Open Space Preservation Development is, without question, well below what would be feasible for the site. Such waivers must be detailed in writing and recorded as part of the motion in the minutes of the Planning Commission that the proposed Open Space Preservation Development will be a major benefit to the Township and achieve all the goals and objectives of the Township.

5. Open Space Preservation Developments shall satisfy all of the following requirements:
 - a. All lots or homes sites shall satisfy all of the minimum requirements of the R-1 District as found in Tables 3 and 4 of Chapter 7 of this ordinance.
 - b. The maximum number of dwelling units permitted in a Open Space Preservation Development is the number contained in a parallel or yield plan approved by the Planning Commission or the number approved by the Planning Commission in a waiver of the parallel or yield plan.
 - c. A natural buffer with a minimum width of 50 feet shall be provided along any agricultural uses that are being preserved and abut proposed home sites and along any County Road or State Highway that is adjacent to an Open Space Preservation Development.

- d. A minimum of 50 percent of all dwelling units shall abut dedicated open space.
- e. A sufficient number of access points or paths shall be provided to afford convenient access to dedicated open space from home sites that do not abut dedicated open space.
- f. All dwelling units within a proposed Open Space Preservation Development shall be provided with vehicular access from proposed internal roads. No dwelling units shall have direct vehicular access onto an existing County Road or State Highway.

J. Utility-Grid Wind Energy System

Utility Scale Winds Farms may be allowed as a Special Use in the Agricultural District in Hampton Township. However, there are areas within the Agricultural District where Utility Scale Wind development is excluded. Please see the Wind Exclusion Zone map at the end of this Chapter.

These areas are excluded from Utility Scale Wind development based upon the goals of the Hampton Township Community Master Plan. The Lake Huron shoreline is deemed to be a valuable Natural Resource within the Township, providing exceptional recreational opportunities as well as unique costal wildlife habitat. This area provides hiking, birding, fishing, nature observation and boating. Further, Hampton Township understands that the scenic Great Lakes Coast line offers potential for future residential growth.

The US Fish and Wildlife department has recommended no Utility Scale Wind development within a three mile buffer from the Great Lakes coast line. As such, Hampton Township would like to do all it can to maintain the coastal area in its natural state for the use of citizens of Hampton Township. It is for these reasons that this area, as indicted on the Exclusion Zone map (at the end of this Chapter), is excluded from Utility Scale Wind Development.

1. Wind Site Assessment

- a. Prior to construction of a Utility-Grid Wind Energy System, a wind site assessment is conducted to determine the wind speeds and the feasibility of using the site. Installation of anemometer (“Met”) towers shall be considered a special use.
- b. Prior to the installation of the tower, applications for Site Plan Review and a Special Use permit shall be filed with the Hampton Charter Township Clerk according to the procedure set forth in Section 14.02(b) of this zoning ordinance for Type II site plans. An application for a building permit shall be completed and submitted to the Building Inspector, as described in Chapter 21, and shall include the following information in addition to the information requested on the zoning permit application:
 - (1) Applicant identification
 - (2) Site Plan
 - (3) Copy of that portion of the applicant’s lease, easement or other agreement with the land owner granting authority to install the Met tower and requiring the

applicant to remove all equipment and restore the site after completion of the wind site assessment.

- c. The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least the height of the Met tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties. Exceptions for adjacent property are allowed with the written consent of those property owners.

2. Utility-Grid Wind Energy System Special Use Permit Application

A Utility-Grid Wind Energy System is designed and built to provide electricity to the electric utility grid. Prior to the installation of a Utility-Grid Wind Energy System, applications for Type II Site Plan Review and a Special Use permit must be filed and approved by the Hampton Charter Township Planning Commission and shall include the following:

- a. Applicant Identification: Applicant name, address, and contact information.
- b. Project Description: A general description of the proposed project including a legal description of the properties on which the project would be located.
- c. Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include all required information noted in Section 14.03(b) of the Hampton Charter Township zoning ordinance. In addition, the site plan shall include the following information:
 - (1) Project area boundaries,
 - (2) The location, height, and dimensions of all existing and proposed structures and fencing,
 - (3) Storage location of all equipment and materials associated with the construction and maintenance of a Utility-Grid Wind Energy System,
 - (4) The location, grades, and dimensions of all temporary and permanent on-site and access roads, including width and surface material, from the nearest county or state maintained road,
 - (5) Water bodies, waterways, wetlands, and drainage channels,
 - (6) Existing infrastructure and utilities that is located underground and above-ground, and
 - (7) All new infrastructure that is located underground and above-ground related to the project.
- d. Fees: An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the Hampton Charter Township Board of Trustees. This schedule shall be based on the cost of the application review and may be adjusted from time to time.

- e. Engineering Data: Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of 3 feet.
 - f. Maintenance Schedule: Anticipated construction schedule, and description of operations, including anticipated regular and unscheduled maintenance.
 - g. Consent Documents: Copies of any written waivers from adjacent property owners.
 - h. Sound Pressure Level: Copy of the modeling and analysis report.
 - i. Certifications: Certification that the applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at time of the application.
 - j. Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
 - k. Environmental Impact: Copy of the Environmental Impact analysis.
 - l. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
 - m. Shadow Flicker: Copy of the Shadow Flicker analysis.
 - n. Manufacturers' Material Safety Data Sheet: Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
 - o. Decommissioning: Copy of the decommissioning plan.
 - p. Complaint Resolution: Description of the complaint resolution process.
 - q. Map of Electromagnetic Interference.
3. The Utility-Grid Wind Energy system project shall meet the following standards and requirements:
- a. Property Setback:
 - (1) The distance between a wind turbine within a Utility-Grid Wind Energy System and the property lines of adjacent non-leased properties shall be 1,320 feet, measured from the centerline of the base of the wind energy tower to the property line of adjacent non-leased properties.
 - (2) The distance between a wind turbine within a Utility-Grid Wind Energy System and internal property lines of leased property lines shall be at least 1.50 times the height of the wind energy system tower including the top of the blade in its vertical position.

- (3) The distance between a wind turbine within a Utility-Grid Wind Energy System and public rights-of-ways and roads shall be at least 1.50 times the height of the wind turbine, measured from the top of the blade in its vertical position to the centerline of its base, to the nearest edge of the public right-of-way or road.
- (4) Where property is leased on both sides of a public right of way, excluding roads, a wind energy system may be placed no closer than one rotor radius from the closest edge of the right of way. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.
- (5) SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property setback requirement. The setback shall be at least the height of the SCADA or Met tower.
- (6) An Operations and Maintenance Office building, a sub-station, and/or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment.
- (7) Overhead transmission lines and power poles shall comply with the setback requirements applicable to public utilities.
- (8) Exceptions for adjacent property or public rights of way are allowed with the written consent of those property owners. Written consent letters must be submitted at the time of the public hearing or for the special use permit.

b. Other Required Setbacks:

- (1) The distance between a wind turbine within a Utility-Grid Wind Energy System and a habitable structure on leased property shall be at least 1.5 times the height of the wind energy system tower including the top of the blade in its vertical position, measured from the centerline of the base of the wind energy tower to the nearest edge of the habitable structure. Exceptions for adjacent property owners are allowed with the written consent of those property owners. In these cases, the distance between a wind turbine within a Utility Grid Wind Energy System and a habitable structure on leased property shall be at least the height of the wind energy system tower including the top of the blade in its vertical position, measured from the centerline of the base of the wind energy tower to the nearest edge of the habitable structure. Written consent letters must be submitted at the time of the public hearing for the special use permit.
- (2) Turbine/tower separation shall be based on: Industry standards, manufacturer recommendation, and the characteristics of the particular site location. At a minimum, there shall be a separation between towers of not less than three (3) times the rotor diameter, and Utility Grid wind energy system shall be designed to minimize disruption to farmland activity. Separation between turbines with different rotor sizes shall be not less than three (3) times the diameter of the smaller rotor. Documents shall be submitted by the applicant confirming specifications for turbine/tower separation.
- (3) A wind turbine in a Utility-Grid Wind Energy System that is proposed to be located upon a shared property boundary may be exempt from the side and rear

setbacks requirements of Section 6.04 if the site plan submittal contains appropriate documentation demonstrating that a legally-binding easement agreement between the owners of the property with the shared boundary has been recorded with the Bay County Register of Deeds. This exemption applies only to leased property that is part of a Utility-Grid Wind Energy System. Distances from habitable structures as required under “Other Required Setbacks” (Section 6.03(j)3.b.(1) from above) shall be maintained.

c. Sound Pressure Level:

- (1) The sound pressure level generated by a Utility Grid wind energy system shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. Exceptions to this requirement are allowed with the written consent of property owners. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- (2) As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels.
- (3) Modeling and analysis shall conform to IEC 61400 and ISO 9613.
- (4) After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4.
- (5) Documentation of the sound pressure level measurements shall be provided to the local government within 60 days after construction is completed on the wind energy system project.

d. Construction Codes, Towers, and Interconnection Standards:

- (1) Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements.
- (2) Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Zoning Enabling Act (Public Act 110 of 2006), the Michigan Tall Structures Act (Public Act 259 of 1959), and local jurisdiction airport overlay zone regulations.
- (3) The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA.

e. Safety:

- (1) All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
- (2) All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system.
- (3) A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
- (4) The minimum vertical blade tip clearance from grade shall be 35 feet for a wind energy system employing a horizontal axis rotor.

f. Visual Impact:

- (1) Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color.
- (2) A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project.
- (3) No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owners' identification.
- (4) The applicant shall avoid state or federal scenic areas and significant visual resources listed in the comprehensive plan.

g. Environmental Impact:

- (1) The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- (2) The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands

(MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

(3) The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid wind energy system. In addition, the applicant shall submit to Hampton Charter Township and the appropriate Bay County office(s):

- i. A description of the routes to be used by construction and delivery vehicles
- ii. Any road improvements that will be necessary in Hampton Charter Township to accommodate construction vehicles, equipment or other deliveries
- iii. An agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility Grid wind energy system

h. Avian and Wildlife Impact:

- (1) The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- (2) Sites requiring special scrutiny include bird refuges and other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the Federal Endangered Species Act and Michigan's Endangered Species Protection Law.

The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.

i. Electromagnetic Interference:

- (1) No Utility Grid wind energy system shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception

unless the applicant provides a replacement signal to the affected party that will restore reception to the level present before operation of the wind energy system.

- (2) No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
- j. Shadow Flicker:
- (1) The applicant shall conduct an analysis on potential shadow flicker at occupied structures.
 - (2) The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sun-set over the course of a year.
 - (3) The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.
- k. Decommissioning. The applicant shall submit a decommissioning plan. The plan shall include:
- (1) The anticipated life of the project.
 - (2) The estimated decommissioning costs net of salvage value in current dollars.
 - (3) The method of ensuring that funds will be available for decommissioning and restoration.
 - (4) The anticipated manner in which the project will be decommissioned and the site restored.
- l. Storage of Equipment: All materials and equipment associated with construction and maintenance of a Utility Grid wind energy system shall be stored in an enclosed structure designated for the purposes of storing said equipment.
- m. Performance Guarantee: To ensure compliance with the provisions of the Hampton Charter Township zoning ordinance any conditions imposed, a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a Utility-Grid Wind Energy System project shall be deposited with the clerk of the Township to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the project. Deposit of the performance guarantee is not required prior to the issuance of said permit. The Township may return any unused portion of the cash deposit to the applicant in reasonable proportion to the ratio of work completed on the required improvements as work progresses.

n. Complaint Resolution:

- (1) The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project and submit for review to Hampton Township.
- (2) The process shall not preclude the local government from acting on a complaint.
- (3) During construction the applicant shall maintain a telephone number during business hours where nearby residents can reach a project representative.

K. Wineries, Distilleries, Micro-Breweries, - Wineries, Microbreweries, and Distilleries are considered to be appropriate Agricultural District activities. It is the intent of this section to promote local agriculture production by allowing construction of a tasting room and retail sale of associated products in the Agricultural District subject to this ordinance. It is also the intent of this section to encourage the growing of crops and production as an integral component of the rural and agricultural ambiance of Hampton Township, and to maintain the viability of farming through value added processing and direct sales beverages made from locally grown crops. Wineries, Distilleries, and Micro-Breweries are permitted subject to the following conditions:

1. The winery, microbrewery, or distillery must, if required, be properly licensed by any local, state, or federal regulatory agency.
2. The parcel area is at least ten (10) acres. The minimum parcel width shall be at least three hundred thirty (330) feet.
3. The parcel shall have 25% of the property used for planted farm crops that support the production of products produced by the licensee.
4. The total land area covered by buildings and structures used for processing, storage and sales does not exceed three percent (3%) of the contiguous lot area. This calculation does not include buildings and structures used for storage of agricultural equipment such as tractors.

5. SETBACKS

- a. All buildings shall be setback at least sixty (60) feet from any lot line. If the building is open to the public, that building shall be set back at least one hundred (100) feet from any lot line. To encourage the use of existing buildings, the setback requirements may be reduced to the other standards of the district, subject to site plan review. However, if residential dwellings are immediately adjacent the sixty (60) and one hundred (100) feet setback from any lot line shall apply.
- b. If land is split subsequent to adoption of this ordinance (1-27-17) for purposes of developing wineries, distilleries, or microbreweries, all buildings shall be setback at least sixty (60) feet from any lot line. If the building is open to the public, that building shall be set back at least one hundred (100) feet from any lot line.
- c. The building setback from M-25 shall be at least one hundred (100) feet.

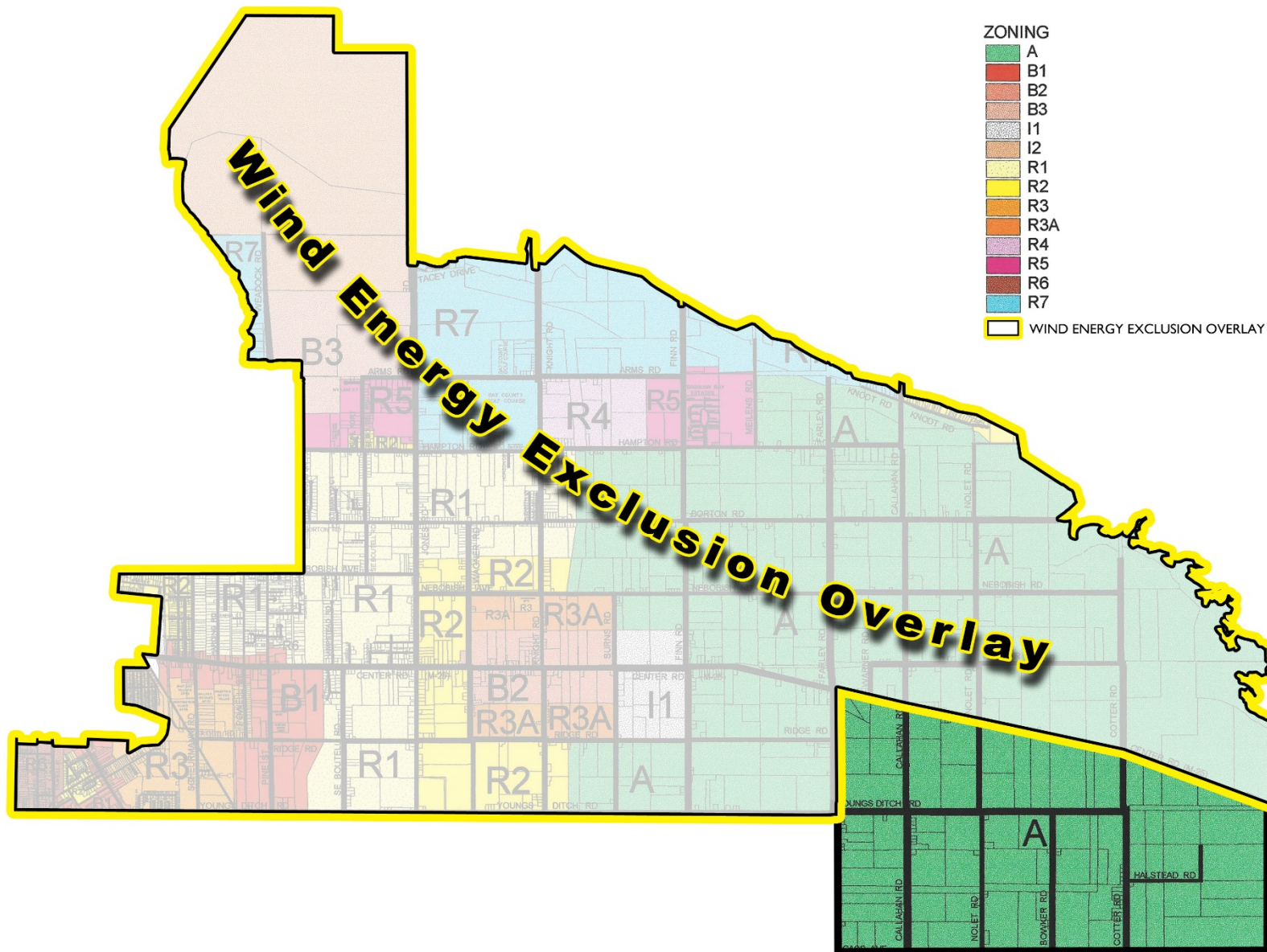
6. Tasting and retail sales are clearly accessory to production of the permitted beverage. The tasting and retail sales areas shall occupy no more than twenty-five (25) percent of the floor area devoted to processing and storage,
7. Retail sales shall be limited to beverages produced under the license of the facility, food products produced on the premises (such as jams, jellies), logo merchandise, and beverage related paraphernalia such as but not limited to corkscrews, bottle openers, glassware, or tableware.
8. Underground buildings are not limited to, and may be in addition to, the total square footage limitations of the facility provided that said buildings are below pre-existing ground level and have no more than one (1) loading dock exposed.
9. Equipment and materials related to the facility must be stored within a structure when not in use.
10. One (1) existing single family dwelling may be allowed upon the parcel utilized for the facility.
11. Landscaping – The portion of the parcel that is used for the winery, distillery, or micro-brewery shall be landscaped according to the provisions of Section 17.
12. Lighting shall be required in accordance with Section 15.08. To provide a night sky environment, lighting should be kept to a minimum when the facility is not open.
13. Parking – Parking is permitted within the building setback area, provided that a ten (10) foot wide greenstrip is maintained adjacent to the public street right-of-way line in accordance with the requirements of Chapter 17. If the facility is located on M-25, a twenty (20) foot wide greenstrip is required if parking is used within the building setback area.
14. Food provided for sale that is to be consumed on the premises shall be limited to hors d'oeuvres and snacks which must be prepared off-site.
15. Large outdoor gathering events such as weddings, private parties, and concerts or other gathering with more than 200 people are not allowed regardless of whether a tent is used.
16. Signs - see 18.D 3
17. Hours - open to the public are limited to 9:00 am to 9:00 pm, Monday through Saturday, and 12:00 pm to 9:00 pm on Sundays.
18. Dumpster/Trash - All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.
19. Noise – Outdoor noise amplification is not allowed.

- L. Large Animal Veterinary Hospital subject to the following conditions:
 - 1. A large animal veterinary hospital shall have a minimum lot area of five acres and 250 feet of frontage.
 - 2. Buildings, pens, and corrals shall have a minimum setback of 100 feet from the front lot line and 25 feet from any rear or side lot line.
 - 3. Signs – see 18.D.3
- M. Large-Scale Solar Photovoltaic Installations subject to the conditions outlined in Chapter 29.

SECTION 6.04 AREA REGULATIONS

All single-family homes shall conform to the area regulations as found in Tables 3 and 4 of Chapter 7 of this ordinance. No buildings or structures, other than single-family homes and residential accessory buildings referred to above, nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure or enlargement:

- A. Yard, front – there shall be a front yard of not less than sixty (60) feet for all nonresidential structures and a minimum front yard of not less than forty (40) feet for residential structures.
- B. Yard, side – a minimum side yard of twenty (20) feet shall be provided for each non-residential structure within the zone and, further, where a side yard adjoins a side street, a minimum side yard of sixty (60) feet is required.
- C. Rear yard – there shall be a rear yard of not less than fifty (50) feet.
- D. Lot Area
 - 1. A minimum of ten (10) acres, unless specified otherwise, is required for all non-residential permitted uses and uses permitted subject to the issuance of a special use permit.



Residential Zoned Districts

SECTION 7.01 R-1" – RESIDENTIAL 1 – LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

- A. **DESCRIPTION AND PURPOSE** - It is the intent of this residential zoned district to designate certain portions of the Township exclusively to low density, single family dwellings. Certain complementary religious, educational and recreational facilities may also be permitted as special uses. The regulation of this zoned district is set forth in Table 1 of Chapter 3 and Tables 2, 3, 4, and 5 of Chapter 7.

SECTION 7.02 "R-2" – LOW DENSITY RESIDENTIAL DISTRICT

- A. **DESCRIPTION AND PURPOSE** - It is the intent of this residential zoned district to designate certain portions of the Township exclusively for low density, single family dwellings and two (2) family dwellings. Certain complementary religious, educational and recreational facilities may also be permitted as special uses. The regulation of this zoned district is set forth in Table 1 of Chapter 3 and Tables 2, 3, 4, and 5 of Chapter 7.

SECTION 7.03 "R-3" – HIGH DENSITY RESIDENTIAL DISTRICT

- A. **DESCRIPTION AND PURPOSE** - It is the intent of this residential zoned district to designate certain portions of the Township for a variety of residential uses. In most instances, these districts are located adjacent to business areas to provide a transitional area between intensively developed businesses and low density residential uses. This zone is regulated as provided in Table 1 of Chapter 3 and Tables 2, 3, 4, and 5 of Chapter 7, and in the following section:
- B. **AREA REGULATIONS FOR MULTIPLE FAMILY DWELLINGS:**
1. The minimum lot area for each development shall be three (3) acres.
 2. Not more than fifteen (15) dwelling units per acre shall be permitted.
 3. Not more than fifteen (15) percent of the lot area may be occupied by building.
 - a. All private drives shall be surfaced with an asphalt, bituminous or portland cement binder pavement with a minimum surface width of twenty-eight (28) feet, exclusive of parking facilities.

- b. All private drives shall have concrete curbs and gutters and enclosed storm sewers.
- 4. There shall be a minimum front yard setback of fifty (50) feet from any public street and a minimum front yard setback of twenty-five (25) feet from any private street or parking area.
- 5. The horizontal distance, measured in feet, between parallel elements of buildings forming courts and courtyards shall not be less than twice the height of the taller building, measured in feet.
- 6. Provisions shall be made for safe and efficient ingress and egress to the public streets and highways serving the R-3 District without causing undue congestion.
- 7. All buildings shall be served by a public sanitary sewage disposal system and public water supply system. All power and telephone service shall be placed underground.
- 8. Minimum side and rear yards of forty (40) feet shall be maintained.
- 9. The minimum floor area for dwelling units with only one (1) bedroom shall be six hundred (600) square feet; and for dwellings with more than one (1) bedroom, the minimum floor area shall be seven hundred (700) square feet.
- 10. Off-street parking shall be provided in accordance with the provisions of Chapter 15.

Please refer to CHAPTER 3, GENERAL PROVISIONS for the legal descriptions of these zoned areas.

SECTION 7.03A "R-3A" – MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT

A. DESCRIPTION AND PURPOSE - It is the intent of this residential zoned district to designate certain portions of the Township for a variety of residential uses. In most instances, these districts are located adjacent to business areas to provide a transitional area between intensively developed businesses and low density residential uses. This zone is regulated as provided in Table 1 of Chapter 3 and Tables 2, 3, 4, and 5 of Chapter 7, and in the following section:

B. AREA REGULATIONS FOR MULTIPLE FAMILY DWELLINGS:

- 1. The minimum lot area for each development shall be three (3) acres.
- 2. Not more than ten (10) dwelling units per acre shall be permitted.
- 3. Not more than fifteen (15) percent of the lot area may be occupied by building.
 - a. All private drives shall be surfaced with an asphalt, bituminous or portland cement binder pavement with a minimum surface width of twenty-eight (28) feet, exclusive of parking facilities.
 - b. All private drives shall have concrete curbs and gutters and enclosed storm sewers.

4. There shall be a minimum front yard setback of fifty (50) feet from any public street and a minimum front yard setback of twenty-five (25) feet from any private street or parking area.
5. The horizontal distance, measured in feet, between parallel elements of buildings forming courts and courtyards shall not be less than twice the height of the taller building, measured in feet.
6. Provisions shall be made for safe and efficient ingress and egress to the public streets and highways serving the R-3A District without causing undue congestion.
7. All buildings shall be served by a public sanitary sewage disposal system and public water supply system. All power and telephone service shall be placed underground.
8. Minimum side and rear yards of forty (40) feet shall be maintained.
9. The minimum floor area for dwelling units with only one (1) bedroom shall be six hundred (600) square feet; and for dwellings with more than one (1) bedroom, the minimum floor area shall be seven hundred (700) square feet.
10. No building shall exceed two and one-half stories or thirty-five (35) feet in height, whichever is less.
11. All dwelling units shall have its vehicular access off from an internal drive or street. No proposed dwelling unit shall direct vehicular access off from an existing public country road or state highway that is located on the perimeter of the parcel on which the project will be constructed.
12. Landscaping Requirements.
 - a. Undulating, earthen berms ranging from two and one-half (2 1/2) to four (4) feet in height shall be constructed along any property line that is adjacent to a single family home and any existing, public street frontage, except they shall not be located closer than thirty (30) feet to the nearest edge of any intersecting drive or street. The slopes of the berms shall be constructed so that for each one (1) foot of rise there shall be a minimum of three (3) feet of run. The berms shall be landscaped with grass, canopy and coniferous trees, shrubs and ground cover. At a minimum, one (1) and two (2) shrubs shall be installed for each fifty (50) lineal feet of berm. All trees shall have a minimum caliper of one and three-fourths (1 3/4) inches at the time of planting and shall have an expected height at maturity of at least twenty (20) feet.
 - b. In addition to the landscaped berms, at least one (1) canopy or coniferous tree and two (2) shrubs shall be planted for each dwelling unit within the project. All trees shall have a minimum caliper of one and three-fourths (1 3/4) inches at the time of planting and shall have an expected height at maturity of at least twenty (20) feet.
 - c. Landscaped areas shall be neatly maintained, including mowing, fertilizing, pruning, and watering, if necessary. Any dead plant materials shall be replaced within one growing season.

- d. Where appropriate, plantings should be grouped or clustered to provide the maximum visual effect.

13. Off-street parking shall be provided in accordance with the provisions of Chapter 15.

SECTION 7.04 "R-4" – HIGH DENSITY/MOBILE HOME PARK RESIDENTIAL DISTRICT

- A. DESCRIPTION AND PURPOSE - It is the intent of this Ordinance to designate certain portions of the Township for a variety of residential uses. In most instances, these districts are located adjacent to business areas to provide a transitional area between intensively developed businesses and low density residential uses. Additionally, this zoned district provides more dense residential development than R-3 while permitting greater variety of construction methods. This zone is regulated pursuant to Table 1 of Chapter 3 and Tables 2, 3, 4, and 5 of Chapter 7, and in the following sections:
- B. AREA REGULATIONS FOR MULTIPLE FAMILY DWELLINGS - Same as found in the R-3 zone.
- C. AREA REGULATIONS FOR MOBILE HOME PARKS:
 - 1. Minimum Area and Maximum Densities - Each mobile home park shall be owned and operated as a single mobile home development or as a subdivision, and shall contain a minimum land area of twenty-five (25) acres. Each mobile home park shall contain a minimum of fifty (50) mobile home sites of which fifty (50) percent or twenty-five (25) contiguous mobile home sites, whichever is less, must be ready and available for occupancy before any mobile home is moved on a mobile home site for occupancy. No more than eight (8) single wide mobile homes per gross acre of a park shall be permitted, and no more than six (6) double wide mobile homes per gross acre of a park shall be permitted.
 - 2. Buffer Zones - All mobile home parks shall provide and maintain a minimum yard of not less than forty (40) feet around the entire boundary of the park, which may be included within the front, side and rear yard requirements of individual mobile home sites. Greenbelts meeting the requirements set forth in Chapter 17, Section 17.04 of this Ordinance are encouraged. Alternative screening devices may be utilized in lieu of this landscaping upon the request of the developer and approval of the Planning Commission.
 - 3. All mobile home parks shall be served by a public sanitary sewer disposal system and a public water supply system.
 - 4. Minimum Mobile Home Size - No mobile home in any park shall contain less than six hundred (600) square feet of living area nor have an outside dimension of less than twelve (12) feet in width and fifty (50) feet in length.
 - 5. Mobile Home Placement Separation - The front yard of each mobile home site shall be no less than thirty (30) feet as measured from the nearest edge of any street pavement to the nearest wall of the mobile home. The rear yard of each site shall be not less than ten (10) feet as measured from the nearest rear wall of the mobile home to the rear site line. The side yard adjacent to the principal entrance to a mobile home shall be not less

than fifteen (15) feet. The side yard adjacent to the side of a mobile home which is not intended to provide a principal means of ingress and egress to the mobile home shall be not less than ten (10) feet. In no event shall a mobile home or any addition to a mobile home be located nearer than twenty (20) feet to an adjacent mobile home. In the case of a double wide mobile home, triple wide mobile home, or addition to any mobile home structure, side yard requirements for the site of such mobile homes or additions shall be sufficient in width to meet the above stated minimum requirements.

6. Corner Lots - Where a mobile home site is bordered by two (2) streets, the front yard requirement as stated above shall be increased to forty (40) feet. No fence, structure, or planting over thirty (30) inches in height shall be located on any corner site within the required front yards.
7. Street, Sidewalk, and Draining Requirements - All streets and parking areas within a mobile home park shall be surfaced by an asphalt, bituminous, or portland cement binder pavement, or other impervious surface material approved by the Planning Commission. Streets with parking on both sides shall have minimum pavement width of forty-one (41) feet. Streets which do not provide for on-street parking shall have a minimum pavement width of twenty-one (21) feet. Each street within a park shall have concrete curbs and gutters and sidewalks at least three (3) feet in width located on at least one side of all streets within a mobile home park. All streets within a mobile home park shall also include enclosed storm sewers, and each park shall provide an adequate means for disposal of surface water.
8. Parking - There shall be no less than two (2) off-street parking spaces provided for each mobile home site. Each parking space shall be no less than two hundred (200) square feet in area and shall be hard surfaced with asphalt, bituminous, or portland cement binder pavement and shall be properly drained. Each parking space shall be conveniently located in relation to the mobile home site for which it is provided. An additional guest parking space shall be provided for each two (2) mobile sites.
9. Access of Major Streets - Each mobile home park shall have a minimum of two (2) access streets which enter from a state highway, primary, or local road, as designated in the General Development Plan, as amended, and shall provide a continuous route of ingress and egress through the park.
10. Signs - A maximum of one (1) identification sign is allowed at each access point to the mobile home park. Each sign shall not exceed the standards provided in Chapter 18 of this Ordinance. Each sign may be lighted, provided the source of light is not visible and that such lighting does not consist of a flashing or intermittent type of light; and furthermore, such signs shall be located from the street a distance equal to the required front or side yard so as to maintain a clear vision corner at all streets and intersections within a mobile home park.
11. Mobile Home Sale Prohibited - The offering for sale of new or used mobile homes as a commercial operation within a mobile home park is prohibited. However, the owner or operator of a mobile home park who is licensed as a mobile home dealer or broker by the Michigan Mobile Home Commission may offer for sale at one (1) time no more than five (5) mobile homes which are located upon sites within the mobile home park. Provided further that this prohibition shall not render unlawful or prevent the sale or offering for sale of a new or used mobile home by the owner of the mobile home who is

a resident of the mobile home park or by a duly licensed dealer or broker who is employed by such a resident owner.

12. Underground Utilities - All public and private utilities shall be installed underground and shall be constructed in conformity with Rules 932-940 as promulgated by the Michigan Mobile Home Commission from time to time.
13. Site Improvements - Every mobile home shall be supported on a permanent concrete pad or foundation, or upon permanent concrete pillars (piers) to be constructed in conformity with the minimum standards of the Michigan Mobile Home Commission. Each pad or pier shall be equipped with protective wind anchors or tie-down equipment which shall be connected to the mobile home to secure the home during high winds and shall be constructed in conformity with Rules as promulgated from time to time by the Michigan Mobile Home Commission. Skirting shall be installed along the base of each mobile home sufficient to hide the under-carriage and supports from view and installed in conformity with Rules as promulgated from time to time by the Michigan Mobile Home Commission.
14. Refuse Disposal - Each mobile home park shall provide an effective system of garbage and rubbish storage, collection, and disposal in conformity with Rules as promulgated from time to time by the Michigan Mobile Home Commission.
15. Lighting - Each mobile home park shall be provided with sufficient lighting to illuminate all parking bays, streets, and sidewalks in conformity with Rules as promulgated from time to time by the Michigan Mobile Home Commission.
16. Central Television Antenna - Each mobile home park shall have cable service or a master television antenna system. Distribution leads to individual mobile homes shall be underground. Exterior antennas shall not be permitted on individual mobile home sites.
17. Ground Cover - All exposed ground surfaces in the mobile park must be sodded, seeded, or covered with ornamental stone. Each lot shall provide at least one (1) shade tree. Other shrubs and landscaping are encouraged to provide each lot with a private or semi-private area.
18. Drainage - An adequate storm drainage system, including the necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided and maintained within a mobile home park and shall be constructed and maintained in conformity with Rules of the Michigan Department of Public Health.
19. Recreational Vehicle Storage - All mobile home parks which permit the parking of campers, trailers, motor homes, boats, snowmobiles, or other vehicles ordinarily towed or driven for a special purpose shall provide a storage area for these vehicles. The storage of these vehicles in the mobile home park is specifically prohibited except in the storage area provided by the mobile home park. The storage area shall be screened by a solid type fence at least five (5) feet in height around its perimeter or by some other screening device as required in the greenbelt provisions of this ordinance.
20. Recreation Area - Each mobile home park shall include a recreation area or areas equal to at least five (5) percent of the total area of the mobile home park. This area may be located within the required front, side, and rear yards. All recreation areas shall be

centrally located, well-drained, accessible to all residents of the mobile home park, and the addition of playground equipment and other facilities maintained for all age groups is recommended.

21. Storage Facilities - Any and all accessory building and storage sheds which may be installed within a mobile home park shall be constructed upon a cement foundation, and the outdoor storage of a mobile home resident's personal property, except within the wholly enclosed structure, is prohibited. Storage of personal property beneath a mobile home is also prohibited.

SECTION 7.05 "R-5" – SPECIAL DENSITY RESIDENTIAL DISTRICT

- A. DESCRIPTION AND PURPOSE - This residential zoned district is intended to provide flexibility in the regulation of land uses to promote the construction and maintenance of pre-manufactured and site-built housing on parcels of land smaller than that required in the other residential zoned districts within the Township; to encourage innovation and residential development on such smaller parcels of land; to achieve economy and efficiency in the use of land, natural resources, energy and the provisions of public services and utility; to preserve the public health, safety, and welfare of land owners within such districts and residents of the Charter Township of Hampton. This zoned classification is regulated pursuant to Table 1 of Chapter 3 and Tables 2, 3, 4, and 5 of Chapter 7, and in the following sections:
- B. AREA REGULATIONS FOR MULTIPLE FAMILY DWELLINGS - Same as found in the R-3 zone.
- C. AREA REGULATIONS FOR MOBILE HOME PARKS - Same as found in the R-4 zone.

SECTION 7.06 "R-6" – RESIDENTIAL BUSINESS TRANSITIONAL DISTRICT

- A. DESCRIPTION AND PURPOSE - This district provides for various residential uses and limited business and office uses. It is intended to create a transitional use area between low density residential areas and major hospital facilities. This zoned district is regulated pursuant to Table 1 of Chapter 3 and Tables 2, 3, 4, and 5 of Chapter 7.

SECTION 7.07 "R-7" – HIGH DENSITY RESIDENTIAL & RECREATIONAL DISTRICT

- A. DESCRIPTION AND PURPOSE - It is the intent of this Ordinance to designate certain portions of the township for a variety of residential uses. In most instances, these districts are located adjacent to the Saginaw Bay to provide a transitional area between intensely developed residential districts and to allow for residential, recreational, and limited commercial uses, taking advantage of the natural beauty of the Saginaw Bay.
- B. AREA REGULATIONS FOR MULTIPLE FAMILY DWELLINGS - Same standards as found in the R-3 zoning district.

PERMITTED & SPECIAL USES WITHIN RESIDENTIAL DISTRICTS – TABLE 2

USE	APPROVAL STANDARDS	ZONE DISTRICT							
		R-1	R-2	R-3	R-3A	R-4	R-5	R-6	R-7
PERMITTED USES									
Single Family Dwellings Accessory Buildings (Sec. 3.07-3.09) Signs (Chapter 18) Family Day Care Homes		X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X
Adult Foster Care Family Homes Foster Family Homes Family Day Care Homes Foster Family Group Homes Two Family Dwellings		X X X X X	X X X X X	X X X X X	X X X X X	X X X X X	X X X X X	X X X X X	X X X X X
Multiple Family Dwellings Mobile Home Parks Agricultural Buildings Garden Markets	1 Sec. 6.02(f)	X X	X X	X X	X X	X X	X X	X X	X X
PERMITTED USES SUBJECT TO THE ISSUANCE OF A SPECIAL USE PERMIT (CHAPTER 19)									
Home Occupations (Sections 30.91) Group Day Care Homes Churches	2 3 4	X X X	X X X	X X X	X X X	X X X	X X X	X X X	X X X
Public, Private & Parochial Schools & Colleges Libraries Museums High Density Multiple Family Dwellings	4 4 4 10	X X X	X X X	X X X	X X X X	X X X	X X X	X X X	X X X
Parks, Playgrounds, Community Centers Governmental Administration or Service Buildings Municipal, Denominational & Private Cemeteries Funeral Homes	4 4 4 5	X X X	X X X	X X X	X	X X X X	X X X X	X X X X	X X X X
Nursing Homes Homes for the Aged Institutions for the Mentally Ill or Developmentally Disabled Child Caring Institutions	5 5 5 5			X X X X		X X X	X X X	X X X	X X X
Adult Foster Care Small Group Homes Adult Foster Care Large Group Homes Adult Foster Care Congregate Facilities Veterans Facilities	5 5 5 5			X X X	X X	X X X X	X X X X	X X X X	X X X X
Mini-storage Rental Facilities Adult Foster Care Facilities for Persons Released from or assigned to Adult Correctional Institutions Hospitals & Maternity Homes	6 7 7			X	X	X X	X X	X X	X
County Infirmaries Alcohol & Substance Abuse Rehabilitation Centers Apothecary Shops Drugstores, Pharmacies Or orthopedic Supply Stores	7 7 8 8						X X	X X X X	
Optical Stores Professional Offices & Clinics for Physicians & Dentists Marinas & Boat Launching Facilities Campgrounds or Recreational Vehicle Parks	8 8 9 9							X X	X X
Golf Courses Miniature Golf Courses Exhibition Halls Motels	9 9 9 9								X X X X
Country Clubs Restaurants Horse Riding Stables or Clubs Farm Markets Ponds	9 9 9 Sec. 9.02(b) Sec. 3.35	X X	X X	X X	X X	X X	X X	X X	X X X X
Utility-Grid Wind Energy System Large-Scale Solar Photovoltaic Installations	Section 6.03(j) Chapter 29								X X

CHAPTER 7

MINIMUM LOT AREA & SETBACK REQUIREMENTS FOR ONE & TWO FAMILY HOMES – TABLE 3

ZONE DISTRICT	FRONT YARD SETBACK	SIDE YARD SETBACK *	REAR YARD SETBACK *	ONE-FAMILY HOMES				TWO-FAMILY HOMES	
						Lot Within A Recorded Subdivision & Served With Public Water & Sanitary Sewer			
				Lot Area**	Lot Width	Lot Area**	Lot Width	Lot Area**	Lot Width
R-1	40	10	40	14,500	100	11,000	85	-	-
R-2	40	10	35	14,500	100	10,000	80	14,400	120
R-3	35	10	30	12,000	100	10,000	80	14,000	120
R-3A	35	10	30	12,000	100	10,000	80	14,000	120
R-4	35	8	30	12,000	100	9,000	70	12,000	100
R-5	35	8	30	12,000	100	9,000	70	12,000	100
R-6	30	8	30	12,000	100	8,400	70	12,000	100
R-7	40	10	40	12,000	100	10,000	80	14,000	120
Agriculture	40	10	40	30,000	120	30,000	120	-	-

* ANY SIDE OR REAR YARD ADJACENT TO A STREET MUST SATISFY THE MINIMUM REQUIREMENT FOR A FRONT YARD.

** THE TOTAL AREA OCCUPIED BY ALL BUILDINGS, INCLUDING ACCESSORY BUILDINGS AND OTHER STRUCTURES SHALL NOT EXCEED A COMBINED TOTAL OF TWENTY-FIVE (25) PERCENT OF THE TOTAL LOT AREA.

CHAPTER 7

MINIMUM FLOOR AREA REQUIREMENTS FOR ONE & TWO FAMILY DWELLINGS – TABLE 4

ZONE DISTRICT	1 STORY W/OUT BASEMENT	1 STORY W/BASEMENT	1 STORY (1ST FLOOR)	2 STORY (1ST FLOOR)	BUILDING WIDTH	APPLICABLE BUILDING CODE		
						UNIFORM STANDARDS	STATE COSNTR. CODE	HUD
ONE FAMILY								
R-1	1196	1092	1092	884	24	X	X	
R-2	1144	1040	1040	832	24	X	X	
R-3	1092	960	960	720	24	X	X	
R-3A	1092	960	960	720	24	X	X	
R-4	1040	960	960	720	24	X	X	X
R-5	840	840	840	720	12	X	X	X
R-6	1040	960	960	720	24	X	X	
R-7	1040	960	960	720	24	X	X	
Agriculture	1196	1092	1092	884	24	X	X	
TWO FAMILY (PER DWELLING UNIT)								
R-1*	1200	1200	1200	1200	24	X	X	
R-2	1092	960	960	832	24	X	X	
R-3	1040	960	840	720	24	X	X	
R-3A	1040	960	840	720	24	X	X	
R-4	960	840	840	720	24	X	X	X
R-5	840	840	840	720	12	X	X	X
R-6	960	840	840	720	24	X	X	
R-7	1144	1040	1040	884	24	X	X	

*Only allowed with PUD rezoning.

CHAPTER 7

APPROVAL STANDARDS FOR PERMITTED & SPECIAL USES WITHIN RESIDENTIAL DISTRICTS – TABLE 5

APPROVAL STANDARDS	REQUIRED STANDARDS
1	Agricultural buildings are permitted on parcels with a minimum of ten (10) acres and on which there is a lawfully existing, non-conforming agricultural use upon a Type I Site Plan Approval as regulated in Chapter 14. Any such building must be constructed in accordance with the area regulations contained in Section 6.04.
2	<ol style="list-style-type: none"> (1) It is conducted entirely within a dwelling unit. (2) It is a use that is traditionally or customarily carried out in the home. (3) No article is offered for sale or service rendered except as is produced or performed by such home occupation. (4) No more than two persons, both of whom are members of the household, are engaged in such activity on either a part-time or full-time basis. (5) It does not require any internal or external alterations or construction features or equipment or machinery not customary in residential areas. (6) It does not change the character of the dwelling in which it is conducted and does not constitute, create or increase a nuisance. (7) It displays no sign not permitted in the zoning district within which it is located. (8) Not more than 20 percent of the useable floor area of the dwelling within which it is located shall be occupied by such home occupation. (9) Not more than one home occupation is permitted within any dwelling. (10) It does not require any additional off-street parking spaces. (11) The home occupation or any activity created by the home occupation does not change the character of the neighborhood nor adversely affect the uses permitted therein.
3	<ol style="list-style-type: none"> (1) Is not located within 1,500 feet from any of the following as measured along a road, street, or other public roadway, not including an alley: <ol style="list-style-type: none"> a. Another licensed group day care home. b. An adult foster care small group home, adult foster care large group home or adult foster care congregate facility. c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws. d. 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. (2) Provides for adequate fencing for the safety of the children in the group day care home. (3) Provides for the maintenance of the property consistent with the visible characteristics of the neighborhood. (4) Provided that there shall not exceed 16 hours of operation during a 24 hour period. (5) Complies with applicable sign regulations.

	(6) Complies with applicable off street parking regulations.
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APPROVAL STANDARDS	REQUIRED STANDARDS
4	<ul style="list-style-type: none"> (1) The minimum site size is two (2) acres. (2) Each site shall have a minimum of two-hundred (200) feet of frontage on a public street. (3) All buildings shall be a minimum of fifty (50) feet from any property line or street right-of-way. (4) In considering the Special Use the Planning Commission shall consider the following standards; <ul style="list-style-type: none"> a. The size, nature & character of the proposed use. b. The necessity of such use for the surrounding neighborhood. c. The parking facilities provided for the Special Use. d. Any traffic congestion or hazards which will be occasioned by the Special Use. e. How well the Special Use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.
5	<ul style="list-style-type: none"> (1) The minimum site size is three (3) acres. (2) Each site shall have a minimum <u>width</u> of three-hundred (300) feet of frontage on <u>and shall have a minimum 66-foot continuous frontage onto</u> a state highway or a county primary road as designated by the Bay County Road Commission. (3) All buildings shall be a minimum of seventy-five (75) feet from any property line or street right-of-way. (4) In considering the Special Use the Planning Commission shall consider the following standards; <ul style="list-style-type: none"> a. The size, nature & character of the proposed use. b. The necessity of such use for the surrounding neighborhood. c. The parking facilities provided for the Special Use. d. Any traffic congestion or hazards which will be occasioned by the Special Use. e. How well the Special Use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

APPROVAL STANDARDS	REQUIRED STANDARDS
6	<p>In considering the grant or denial of the Special Use Permit for mini storage rental structures, the Planning Commission may stipulate any additional conditions it deems necessary to protect the health, safety and general welfare and to prevent detrimental effects on other properties in the vicinity. Mini storage rental structures are allowed solely for the purpose of allowing storage for residential or recreational accessory items and are not intended for commercial, industrial, or agricultural storage. In considering the grant or denial of the Special Use Permit, the Planning Commission shall consider:</p> <ol style="list-style-type: none"> (1) The items to be stored. (2) Ingress and egress from the property to public roads. (3) Compatibility of the proposed mini storage facility to the surrounding vicinities. (4) The density of population in the vicinity. (5) The availability of public utilities. (6) In granting a Special Use Permit conditions which may be imposed include but are not limited to the following: <ol style="list-style-type: none"> a. Total number of unites permitted. b. Additional screening, fencing or greenbelt. c. Additional yards or open spaces. d. Additional restrictions regarding the size and locations of signs. e. That adequate lighting be provided and properly screened to prevent illumination on adjacent properties. f. Additional setbacks from property lines. g. Spacing requirements between units including internal roadway dimensions and construction. h. The architecture of the building shall be compatible with surround area as determined by the Planning Commission.
7	<ol style="list-style-type: none"> (1) The minimum site size is four (4) acres. (2) Each site shall have a minimum of four-hundred (400) feet of frontage on a state highway or a county primary road as designated by the Bay County Road Commission. (3) All buildings shall be a minimum of one-hundred (100) feet from any property line or street right-of-way. (4) In considering the Special Use the Planning Commission shall consider the following standards; <ol style="list-style-type: none"> a. The size, nature & character of the proposed use. b. The necessity of such use for the surrounding neighborhood. c. The parking facilities provided for the Special Use. d. Any traffic congestion or hazards which will be occasioned by the Special Use. e. How well the Special Use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

APPROVAL STANDARDS	REQUIRED STANDARDS
8	<ul style="list-style-type: none"> (1) The minimum lot area is twenty thousand (20,000) square feet. (2) All lots shall have a minimum of one hundred (100) feet of frontage measured at the front lot line and a twenty (20) foot wide greenstrip shall be provided in accordance with the provision of Chapter 17. (3) The minimum front yard setback is forty (40) feet. (4) The minimum side yard setback is ten (10) feet, provided that where a side yard adjoins a street a minimum side yard of forty (40) feet is required. (5) A minimum rear yard of fifty (50) feet shall be maintained. (6) A ten (10) foot side greenstrip shall be provided along any property line that abuts an existing residential use in accordance with Chapter 17. (7) Off-street parking must be provided in accordance with the requirements of Chapter 15. (8) Exterior lighting shall be arranged to reflect light away from any adjoining premises or street. (9) Adequate enclosed drainage facilities shall be provided. (10) In considering the Special Use the Planning Commission shall consider the following standards; <ul style="list-style-type: none"> a. The size, nature & character of the proposed use. b. The necessity of such use for the surrounding neighborhood. c. The parking facilities provided for the Special Use. d. Any traffic congestion or hazards which will be occasioned by the Special Use. e. How well the Special Use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

APPROVAL STANDARDS	REQUIRED STANDARDS
9	<ul style="list-style-type: none"> (1) The minimum lot area is two (2) acres except the minimum area for golf courses shall be 80 acres. (2) All lots shall have a minimum width of two hundred (200) feet measured at the front lot line and a twenty (20) foot wide greenstrip shall be provided along the entire street frontage in accordance with the provisions of Chapter 17. (3) The minimum front yard is sixty (60) feet. (4) The minimum side yard setback is thirty (30) feet, provided that where a side yard adjoins a street a minimum side yard of sixty (60) feet shall be maintained. (5) A twenty (20) foot wide greenstrip shall be provided along any property line adjoining an existing residential use or street right-of-way in accordance with the provision of Chapter 17. (6) Off-street parking must be provided in accordance with Chapter 15. (7) Exterior lighting shall be arranged to reflect light away from any adjoining premises or street. (8) Adequate enclosed drainage facilities shall be provided. (9) In considering the Special Use the Planning Commission shall consider the following standards; <ul style="list-style-type: none"> a. The size, nature & character of the proposed use. b. The necessity of such use for the surrounding neighborhood. c. The parking facilities provided for the Special Use. d. Any traffic congestion or hazards which will be occasioned by the Special Use. e. How well the Special Use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

APPROVAL STANDARDS	REQUIRED STANDARDS
10	<p>(1) The minimum lot area for each development shall be three (3) acres.</p> <p>(2) Not more than fifteen (15) dwelling units per acre shall be permitted.</p> <p>Not more than fifteen (15) percent of the lot area may be occupied by buildings.</p> <p>(3) All private drives shall be surfaced with an asphalt, bituminous or portland cement binder pavement with a minimum surface width of twenty-eight (28) feet, exclusive of parking facilities.</p> <p>All private drives shall have concrete curbs and gutters and enclosed storm sewers.</p> <p>(4) There shall be a minimum front yard setback of fifty (50) feet from any public street and a minimum front yard setback of twenty-five (25) feet from any private street or parking area.</p> <p>(5) The horizontal distance, measured in feet, between parallel elements of buildings forming courts and courtyards shall not be less than twice the height of the taller building, measured in feet.</p> <p>(6) Provisions shall be made for safe and efficient ingress and egress to the public streets and highways serving the R-3A District without causing undue congestion.</p> <p>(7) All buildings shall be served by a public sanitary sewage disposal system and public water supply system. All power and telephone service shall be placed underground.</p> <p>(8) Minimum side and rear yards of forty (40) feet shall be maintained.</p> <p>(9) The minimum floor area for dwelling units with only one (1) bedroom shall be six hundred (600) square feet; and for dwellings with more than one (1) bedroom, the minimum floor area shall be seven hundred (700) square feet.</p> <p>(10) All dwelling units shall have its vehicular access off from an internal drive or street. No proposed dwelling unit shall have direct vehicular access of from an existing public county road or state highway that is located on the perimeter of the parcel on which the project will be constructed.</p> <p>Undulating, earthen berms ranging from two and one-half (2 1/2) to four (4) feet in height shall be constructed along any property line that is adjacent to a single-family home and any existing, public street frontage, except they shall not be located closer than thirty (30) feet to the nearest edge of any intersecting drive or street. The slopes of the berms shall be constructed so that for each one (1) foot of rise there shall be a minimum of three (3) feet of run. The berms shall be landscaped with grass, canopy and coniferous trees, shrubs and ground cover. At a minimum, one (1) tree and two (2) shrubs shall be installed for each fifty (50) lineal feet of berm. All trees shall have a minimum caliper of one and three-fourths (1 3/4) inches at the time of planting and shall have an expected height at maturity of at least twenty (20) feet.</p> <p>In addition to the landscaped berms, at least one (1) canopy of coniferous tree and two (2) shrubs shall be planted for each dwelling unit within the project. All trees shall have a minimum caliper of one and three-fourths (1 3/4) inches at the time of planting and shall have an expected height at maturity of at least twenty (20) feet.</p> <p>Landscaped areas shall be neatly maintained, including mowing, fertilizing, pruning, and watering, if necessary. Any dead plant materials shall be replaced within one growing season.</p> <p>Where appropriate, plantings should be grouped or clustered to provide the maximum visual effect.</p> <p>(11) The applicant shall submit typical building elevation drawings to assist the Planning Commission in determining if the proposed project will be compatible with other land uses in the vicinity.</p> <p>(12) Off-street parking shall be provided in accordance with the provisions of Chapter 15.</p>

B-1 General Business District

SECTION 8.01 PREAMBLE

- A. General commercial districts are designed to provide for a variety of retail and service establishments in areas generally abutting major thoroughfares such as Tuscola Road (M-15) and Center Avenue (M-25). They are located and planned to provide safe access, convenient parking, store servicing, and pedestrian traffic movement within the business district and with a minimum of conflict with traffic on abutting traffic arteries. Each proposed use will be evaluated for its consistency with the long-range Comprehensive Plan. Further, to assure optimum site planning relationships and minimum internal and external traffic conflict, each use will be reviewed as it relates to its site and abutting sites and as it relates to the entire B-1 General Business District.

- B. The following regulations shall apply in all B-1 Districts and shall be subject further to provisions of Chapter 3, General Provisions, Chapter 16, Ingress and Egress Provisions, Chapter 15, Off-Street Parking and Loading Provisions, Chapter 17, Landscape and Greenbelt Provisions, Chapter 18, Signs, and all other applicable provisions of this Ordinance.

SECTION 8.02 PERMITTED USES

No building or land shall be used and no building shall be erected except for one or more of the following specific uses unless otherwise provided in this Ordinance.

A. PRINCIPAL USES PERMITTED BY RIGHT.

- 1. Any retail business whose principal activity is the sale of merchandise in an enclosed building.

- 2. Personal service establishments which perform services on the premises such as, but not limited to: watch, radio, television, shoe repair, tailor shops, beauty parlors, barber shops, photographic studios, health and physical fitness centers, self-service laundries, dry cleaners and printing.

- 3. Laundry, dry cleaning establishments, or pick-up stations dealing directly with the consumer. Dry cleaning plants serving more than one retail outlet are prohibited.

- 4. Business and professional offices.

5. Medical and dental offices, including clinics.
6. Banks, credit unions, savings and loan associations and drive-in facilities, including automated teller machines.
7. Any service establishment of an office, showroom or workshop nature of an electrician, plumber, decorator, dressmaker, tailor, baker, printer, upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct subject to the provision that no more than five (5) persons shall be employed at any time in the fabrication, repair and other processing of goods.
8. Restaurants or other places servicing food or beverage but not including drive-in/fast food restaurants.
9. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings.
10. Business schools and colleges or private schools operated for profit.
11. Dance hall or catering hall when conducted within a completely enclosed building.
12. Tire, battery and accessory sales.
13. Retail sales of plant materials, lawn furniture, playground equipment, and other house or garden supplies.
14. Lawn mower sales or service.
15. Private clubs or lodge halls.
16. Data processing, computer center.
17. Motels, hotels.
18. Funeral Homes.
19. Other uses similar to the above uses as determined by the Building Inspector.
20. Accessory structures and uses customarily incident to any principal use permitted.
21. Governmental administrative or service buildings and governmental support facilities for high density uses.

B. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use.

1. Veterinary hospital or clinic for small animals, dogs, cats, birds and the like, subject to the following conditions:

- a. Such hospital or clinic, including all treatment rooms, cages, pens or runways, shall be located within a completely enclosed building so that sound will be kept within the building.
 - b. The building shall have and maintain central air conditioning so that windows will not be open.
 - c. The use shall be operated in such a way as to produce no objectionable odors or noise outside its walls.
 - d. Main buildings shall have a minimum setback of one hundred (100) feet from any Residential District unless separated from the use by a major or secondary thoroughfare.
 - e. Customer service entrances to said use shall not be from an area which serves as a common entrance to other uses, such as a pedestrian mall, i.e., entrances shall be separated from entrances to other uses.
2. Open air business uses when developed in planned relationship with the B-1 District as follows:
- a. Retail sales of plant materials not grown on site and sales of lawn furniture, playground equipment, and other home garden supplies, when not located at the intersection of two (2) major thoroughfares.
 - b. Recreational space providing children's amusement park, shuffleboard, miniature golf and other similar recreation, when part of a planned development and not located at the intersection of two (2) major thoroughfares. The recreation space shall have a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street. All such recreation space shall be adequately fenced on all sides with a four (4) foot fence.
3. Automobile service stations subject to the following conditions:
- a. All buildings and structures shall have a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street.
 - b. Pump islands shall be located no closer than twenty-five (25) feet from the required front yard greenstrip.
 - c. The pump island canopies shall be located no closer than fifteen (15) feet from the required front yard greenstrip.
 - d. All repair, lubrication, and service work shall be done within an enclosed building.
 - e. All storage and display of equipment, materials, and merchandise, with the exception of fuel, shall be within the building.

- f. All outside storage areas for trash, used tires, auto parts, and similar items shall be enclosed by a six (6) foot high solid wall or fence.
 - g. No more than two (2) curb cuts shall be constructed to provide ingress and egress.
4. Drive-in/fast food or carry-out restaurants subject to the following:
- a. Vehicular access drives to a drive-in/fast food restaurant shall be located at least one hundred and fifty (150) feet from the right-of-way of any intersecting street.
 - b. No space set aside for the stacking of vehicles waiting to be served from a drive-in window shall be closer than thirty-five (35) feet to any adjacent residential zoned lot.
 - c. The lot occupied by such use shall not abut a Residential District unless the district is separated from the lot by a public street.
5. Outdoor space for sale or rental of new or used automobiles, boats, recreational vehicles, or other similar products, subject to the following:
- a. The display of new and used cars, boats or other similar products shall not be carried out within any required front yard greenstrip area.
 - b. All outdoor display areas shall be of an improved paved surface.
 - c. Vehicle, boat, or other similar product display or storage shall not be carried out within areas required for visitor, employee, or service parking.
 - d. Vehicle or product service and repair shall be carried out in accordance with the provisions of Section 8.02.B.6. below.
6. Automobile repair subject to the following:
- a. All repair work must be carried out within an enclosed building.
 - b. No outdoor storage of scrap or junk cars, spare parts, or dismantled cars shall be permitted.
 - c. Damaged vehicles awaiting repair may be stored outside of a building provided that the area for storage is enclosed within a six (6) foot high obscuring, masonry wall or fence. Such storage area shall maintain the minimum setback distances for a building within the "B-1" District and shall satisfy all of the requirements for an off-street parking lot within the "B-1" District.
 - d. All buildings shall have a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street.
7. Automobile car wash subject to the following:
- a. All washing facilities shall be within a completely enclosed building.

- b. Vacuuming and drying areas may be located outside the building but shall not be in the required front or side yard areas.
 - c. All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
 - d. Access points shall be located at least two hundred (200) feet from the intersection of any two (2) streets.
 - e. All off-street parking and waiting areas shall satisfy the requirements for an off-street parking lot within the "B-1" District.
 - f. One (1) traffic lane shall be provided as a means of exiting the facility without having to enter the car wash building; such lane to be in addition to those which would be used by customers obtaining gasoline and waiting in line for the car wash. Said lane shall not be counted as part of the required parking space.
 - g. All buildings, vehicular stacking space, vacuuming; or other outside use area, except employee parking, shall have a minimum setback of one hundred (100) feet from a Residential District, unless the district is separated by a public street.
8. Bowling alley, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation, provided that all buildings shall have a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street.
9. Mini-storage rental structures, and warehousing and recreational vehicle or boat storage yards subject to the following:
- a. All buildings and outside storage areas shall have a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street.
 - b. Any outside storage area or access drive shall be constructed in accordance with the provisions of Chapter 15 for off-street parking lots.
 - c. There shall be a minimum distance of thirty (30) feet between buildings.
 - d. The entire site shall be enclosed with a six (6)foot high cyclone fence or other type approved by the Building Inspector.
 - e. Any outside storage area shall be visually screened from any public street right-of-way by the placement of a ten (10) foot wide greenbelt along the entire length of the street frontage.
 - f. There shall be no outdoor storage permitted within any front yard area.

C. USES BY SPECIAL USE PERMIT

- 1. Multiple Family Dwellings may be permitted as a transitional use separating existing or future business uses from other nearby less-intensive uses; if the Planning Commission

determines that multiple family dwellings would be more compatible with the existing pattern of development than permitted business uses; or, when the proposed use is designed and included as part of a development that extends onto adjacent land which is zoned for high-density residential development. As a minimum, all approved developments shall satisfy the requirements of Section 7.03.B, except that all building setbacks shall satisfy the requirements of Section 8.03.A.1. and 2.

2. Adult Foster Care Congregate Facilities, Convalescent Homes, Assisted Living Facilities, Homes for the Aged and Nursing Homes may be permitted as a transitional use separating existing or future business uses from other nearby less-intensive uses or if the Planning Commission determines that the proposed use would be more compatible with the existing pattern of development than permitted business uses. As a minimum, all developments shall have :
 - a. Minimum site size of two (2) acres.
 - b. Two hundred (200) feet of frontage on a public street.
 - c. Minimum rear yard setback of fifty-five (55) feet.
 - d. Minimum side yard setback of fifty-five (55) continuous feet on one side and twenty-five (25) continuous feet on the other side. If the building height is over thirty-five (35) feet, the fifty-five (55) feet side yard setback shall be increased by one (1) foot for each two (2) feet in height over thirty-five (35) feet.
 - e. All building setbacks shall also satisfy the requirements of Section 8.03.A.1. and 2.
 - f. The Planning Commission is authorized to increase the minimum yard requirements by an additional one (1) horizontal foot setback for each vertical foot of height of the structure over thirty-five (35) feet, up to an additional fifteen (15) feet of setback. This is to enable adequate area for firefighting equipment, emergency personnel, and otherwise including the "fall zone" of the structure in the event of catastrophe.
3. Child Care Centers may be permitted as a transitional use separating existing or future business uses from other nearby less-intensive uses or if the Planning Commission determines that the proposed Child Care Center would be more compatible with the existing pattern of development than permitted business uses.

As a minimum, all Child Care Centers shall have:

- a. Minimum site size of one (1) acre.
- b. One hundred fifty (150) feet of frontage on a public street.
- c. Minimum rear yard setback of fifty-five (55) feet.
- d. Minimum side yard setback of fifty-five (55) feet continuous feet on one side and twenty-five (25) continuous feet on the other side.
- e. All building setbacks shall also satisfy the requirements of Section 8.03.A.1. and 2.

- f. The Planning Commission is authorized to increase the minimum yard requirements by an additional one (1) horizontal foot setback for each vertical foot of height of the structure over thirty-five (35) feet, up to an additional fifteen (15) feet of setback. This is to enable adequate area for firefighting equipment, emergency personnel, and otherwise including the “fall zone” of the structure in the event of catastrophe.
 - g. Any outside play area shall be located in the rear yard and shall be enclosed with a fence with a minimum height of four (4) feet.
4. Single Family Dwellings provided all requirements for a single family dwelling in Section 7.01.A. are satisfied and the Planning Commission determines it is the best transitional use for the property within the zone classification.
 5. Duplexes or Two-Family Dwellings as a transitional use provided all requirements for a two-family dwelling in Section 7.01.B. are satisfied and the Planning Commission determines this is the best and most appropriate use for this property in this zone classification.

SECTION 8.03 AREA REGULATION

No building or structure nor the enlargement of any building or structure shall hereafter be erected unless the following area regulations are provided and maintained in connection with such building, structure or enlargement:

A. BUILDING SETBACK

1. Setback adjacent to a Major Thoroughfare

The building setback from M-25, M-15, and Pine between Center and Youngsditch shall be at least one hundred (100) feet. Parking is permitted within the building setback area, provided that a twenty (20) foot wide greenstrip is maintained adjacent to the major thoroughfare right-of-way line in accordance with the requirements of Chapter 17.

2. Setback adjacent to any other Public Street

The building setback from any other public street shall be at least sixty (60) feet. Parking is permitted within the building setback area, provided that a ten (10) foot wide greenstrip is maintained adjacent to the public street right-of-way line in accordance with the requirements of Chapter 17.

3. Setback adjacent to a Private Drive or Service Road

The building setback from any private drive or service road shall be at least sixty (60) feet. Parking is permitted within the building setback area provided that a ten (10) foot wide greenstrip is maintained adjacent to the private street or service road right-of-way line in accordance with the requirements of Chapter 17. Provided further, that the building setback can be reduced to a minimum of thirty-five (35) feet if the entire portion of the front yard extended from the building to the street right-of-way is landscaped and a minimum ten (10) foot wide greenstrip is provided adjacent to the street right-of-way line for the remainder of the front yard.

B. YARD, SIDE

The minimum side yard within the "B-1" district is fifteen (15) feet except where a side yard is adjacent to any Residential District the minimum shall be twenty-five (25) feet, and a ten (10) foot wide greenbelt shall be maintained along said abutting property line as provided in Chapter 17.

C. YARD, REAR

The minimum rear yard within the "B-1" District is twenty-five (25) feet. If a rear yard is adjacent to any Residential District, a ten (10) foot wide greenbelt shall be maintained along said abutting property line as provided in Chapter 17.

SECTION 8.04 HEIGHT REGULATIONS

There are no height limitations in this zone.

SECTION 8.05 LOT COVERAGE

The total area occupied by all buildings and structures shall not exceed twenty-five (25) percent of the total lot area.

SECTION 8.06 REQUIRED CONDITIONS

- A. All business, servicing or processing, except for off-street parking, loading facilities and uses permitted with special conditions, shall be conducted within completely enclosed buildings unless otherwise permitted by this Ordinance.
- B. Lighting shall be arranged to deflect any light away from other properties.
- C. Where the Planning Commission determines that an excessive number of ingress or egress points may occur with relation to major thoroughfares, they may require service roads, and to assure adequate traffic circulation on the site, may require the development of parking so that contiguous lots on abutting properties will allow traffic circulation from one (1) property to another without re-entering the major thoroughfare.

The service roads shall have a paved surface, minimum width of twenty-four (24) feet, and shall be either dedicated as public right-of-way or shall be an easement permitting its use for traffic circulation from one property to another. Any easement shall be in a form acceptable to the Planning Commission and approved or denied as part of the required Site Plan Approval process. If an easement is granted, each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one property to another. The easement shall be recorded with the Bay County Register of Deeds prior to the issuance of an occupancy permit.

The Site Plan shall indicate the proposed elevation of the service road at all property lines and shall conform to elevations established by the Planning Commission or, if not

established, be not more than one (1) foot above or below the elevation of the adjoining property. Paving of the service road shall meet construction specifications set by the Township Board. If adjacent properties are not developed, the Planning Commission may defer the paving of the service road until such time as the adjacent properties become developed. If the paving is deferred, the Planning Commission may approve temporary entrances and exits onto a major thoroughfare until such time as the service road is completed. Further, the Planning Commission may require the escrow of funds, a performance bond, irrevocable bank letter of credit or other means to assure the paving of the service roads and the elimination of temporary entrances and exits.

D. Outdoor storage of goods or materials.

1. Material not for sale shall not be stored outdoors.
2. Unless approved otherwise by the Zoning Administrator or in the site plan review process, all outdoor display of goods shall be located immediately adjacent to the storefront and not in drive aisles, loading zones, fire lanes, or parking lots.
3. The area used for outdoor display or sales shall not occur on the sides and rear of buildings and shall be limited to no more than 25% of the length of the storefront, unless increased by the Zoning Administrator after taking into account aesthetic and safety concerns or other relevant factors. In the case of a shopping center, the "storefront" shall include the entire frontage of the shopping center, meaning that the total amount of display for all the in-line tenants combined shall not exceed 25 percent of the aggregate store front of the overall shopping center.
4. Gas stations are allowed to have merchandise displayed at the pump islands. This display shall not be more than four feet high (unless an exception to this provision has been granted by the Zoning Administrator) nor shall it impede pedestrian or vehicular traffic.
5. No goods shall be attached to a building's wall surface.
6. The height of the outdoor display shall not exceed six feet, unless an exception to this provision has been granted by the Zoning Administrator.
7. The outdoor display area shall take place on an improved surface such as a private sidewalk or pavement.
8. No outdoor displays shall be allowed in required landscape areas.
9. No pedestrian obstruction. At least five feet along the parking lot side of the display area shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.
10. The area devoted to the outdoor display of merchandise shall at all times be kept neat and orderly and not be allowed to become unsightly or a visual nuisance. Any debris,

scrap material, litter, empty shelves, racks, pallets, boxes or similar material not containing display items shall be removed from the outdoor display area.

11. Larger outdoor temporary displays of merchandise shall be regulated with a temporary accessory use permit.
- E. More than one principal or accessory building or structure can be located on a lot provided that all of the yard requirements are maintained, that there is a minimum distance between buildings or structures of sixty (60) feet, that adequate provisions for access to each building is shown on the Site Plan, and that all of the other requirements of the "B-1" District are satisfied for each building or structure.

B-2, Agricultural/Business Transitional District

SECTION 9.01 DESCRIPTION AND PURPOSE

This district is intended for future commercial development while recognizing the general agricultural and residential use currently in place. It is intended to allow for future growth of commercial activity within the Township as a transitional use while not prohibiting or eliminating the current utilization of the property within the district. It is the intent of this district to provide, through proper planning, a harmonious transition which will enable this district to become the future commercial growth center within the Township.

SECTION 9.02 PERMITTED USE

In the B-2, Agricultural/Business Transitional District, land and buildings may be used for the following purposes only:

- A. All uses permitted under the B-1, General Business District shall be permitted in the B-2, Agricultural/Business Transitional District, under the same terms and conditions as they are permitted in the B-1, General Business zoned district.
- B. The B-2, Agricultural/Business Transitional District allows farm markets as a transition use, provided that all of the conditions, restrictions, and requirements included in the Agricultural District regulating farm markets are met.
- C. Uses by Special Use Permit
 1. Deleted and intentionally left blank.
 2. Multiple Family Dwellings may be permitted as a transitional use separating existing or future business uses from other nearby less-intensive uses; if the Planning Commission determines that multiple family dwellings would be more compatible with the existing pattern of development than permitted business uses; or, when the proposed use is designed and included as part of a development that extends onto adjacent land which is zoned for high-density residential development. As a minimum, all approved developments shall satisfy the requirements of Section 7.03.B., except that all building setbacks shall satisfy the requirements of Section 8.03.A.1. and 2.
 3. Adult Foster Care Congregate Facilities, Convalescent Homes, Assisted Living Facilities, Homes for the Aged and Nursing Homes may be permitted as a transitional use separating existing or future business uses from other nearby less-intensive uses or if

the Planning Commission determines that the proposed use would be more compatible with the existing pattern of development that permitted business uses. As a minimum, all developments shall have:

- a. Minimum site size of two (2) acres.
 - b. Two hundred (200) feet of frontage on a public street.
 - c. Minimum rear yard setback of fifty-five (55) feet.
 - d. Minimum side yard setback of fifty-five (55) continuous feet on one side and twenty-five (25) continuous feet on the other side.
 - e. All building setbacks shall also satisfy the requirements of Section 8.03.A.1. and 2.
 - f. The Planning Commission is authorized to increase the minimum yard requirements by an additional one (1) horizontal foot setback for each vertical foot of height of the structure over thirty-five (35) feet, up to an additional fifteen (15) feet of setback. This is to enable adequate area for firefighting equipment, emergency personnel, and otherwise including the "fall zone" of the structure in the event of catastrophe.
4. Child Care Centers may be permitted as a transitional use separating existing or future business uses from other nearby less-intensive uses or if the Planning Commission determines that the proposed Child Care Center would be more compatible with the existing pattern of development than permitted business uses. As a minimum, all Child Care Centers shall have:
- a. Minimum site size of one (1) acres.
 - b. One hundred fifty (150) feet of frontage on a public street.
 - c. Minimum rear yard setback of fifty-five (55) feet.
 - d. Minimum side yard setback of fifty-five (55) continuous feet on one side and twenty-five (25) continuous feet on the other side. If the building height is over thirty-five (35) feet, the fifty-five (55) feet side yard setback shall be increased by one (1) foot for each two (2) feet in height over thirty-five (35) feet.
 - e. All building setbacks shall also satisfy the requirements of Section 8.03.A.1. and 2.
 - f. The Planning Commission is authorized to increase the minimum yard requirements by an additional one (1) horizontal foot setback for each vertical foot in height of the structure over thirty-five (35) feet, up to an additional fifteen (15) feet of setback. This is to enable adequate area for firefighting equipment, emergency personnel, and otherwise including the "fall zone" of the structure in the event of catastrophe.
 - g. Any outside play area shall be located in the rear yard and shall be enclosed with a fence with a minimum height of four (4) feet.

5. Single Family Dwellings provided all requirements for a single-family dwelling in Section 7.01.A. are satisfied and the Planning Commission determines it is the best transitional use for the property within the zone classification.
6. Duplexes or Two-Family Dwellings as a transitional use provided all requirements for a two-family dwelling in Section 7.02.A. are satisfied and the Planning Commission determines this is the best and most appropriate use for this property in this zone classification.

SECTION 9.03 AREA REGULATIONS

The area regulations in the B-2, Agricultural/Business Transitional District shall be the same as established in the B-1, General Business District for all uses permitted under the B-1 District. The area regulations for farm markets within the B-2, Agricultural/Business Transitional District shall be the same as those required in Chapter 6, Section 6.02.E. for farm markets. For garden markets, the area regulations shall be the same as those provided for in Chapter 6, Section 6.02.F., Farm Products and Storage Buildings.

SECTION 9.04 HEIGHT REGULATIONS

There are no height limitations in this zone.

SECTION 9.05 LOT COVERAGE

The total area occupied by all buildings and structures shall not exceed twenty-five (25) percent of the total lot area.

SECTION 9.06

Required conditions within the B-2 District shall be the same as those required within the B-1 District, Chapter 8, Section 8.06.

“B-3” Heavy Commercial-Industrial Transition District

SECTION 10.01 DESCRIPTION & PURPOSE

- A. Heavy Commercial-Industrial Transition Districts are similar to General Commercial Districts and Industrial Districts to provide a broader range of development and allow the flexibility for use of the zone. Because of the nature of the type of use or various processes associated with such uses, they sometimes require additional regulation to protect adjoining properties from negative impacts or adverse conditions.
- B. The following regulations shall apply In all "B-3" Districts and shall be subject further to provisions of Chapter 3, General Provisions; Chapter 16, Ingress and Egress Provisions; Chapter 17, Landscape and Greenbelt Provisions; Chapter 18, Signs; and all other applicable provisions of this ordinance.

SECTION 10.02 PERMITTED PRINCIPAL USES

No building or land shall be used and no building shall be erected except for (1) one or more of the following specific uses unless otherwise provided in this ordinance.

- A. Principal Uses Permitted by Right.
 - 1. Any principal use permitted by right in Chapter 8, "B-1" District.
 - 2. Any principal use permitted by right in Chapter 12, "I-2" District.
 - 3. Dry cleaning plants serving more than one (1) retail outlet.
 - 4. Blacksmith or welding shops.
- B. Principal Uses Permitted subject to Special Conditions.
 - 1. Any principal Use Permitted subject to Special Conditions in Chapter 8, "B-1" District, provided that there is compliance with all applicable special conditions.
 - 2. Mobile home, truck and farm implement sales and repair, provided any outdoor sales or rental area shall satisfy all of the requirements for an off-street parking lot within the "B-3" District.

3. Mini-storage rental structures, and warehousing and recreational vehicle or boat storage yards subject to the following:
 - a. All buildings and outside storage areas shall have a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street.
 - b. Any outside storage area or access drive shall be constructed in accordance with the provisions of Chapter 15 for off-street parking lots.
 - c. There shall be a minimum distance of thirty (30) feet between buildings.
 - d. The entire site shall be enclosed with a six (6) foot high cyclone fence or other type approved by the Building Inspector.
 - e. Any outside storage area shall be visually screened from any public street right-of-way by the placement of a ten (10) foot wide greenbelt along the entire length of the street frontage.
 - f. There shall be no outdoor storage permitted within any front yard area.
4. Contractor storage yards and truck freight terminals and yards, provided that any outside storage areas shall comply with the following:
 - a. There shall be no outside storage within any required front yard.
 - b. Except for the front yard, the entire site shall be enclosed with a six (6) foot high cyclone fence or other type approved by the Building Inspector.
 - c. Any building or storage area shall have a minimum setback of one-hundred (100) feet from any residential district.
 - d. The outside stacking or stockpiling of materials shall not exceed eight (8) feet above grade.
 - e. A ten (10) foot wide greenbelt shall be placed along any property or street right-of-way line that is adjacent to any residential district.
 - f. Any access drives and parking areas shall be constructed in accordance with the off-street parking requirements in Chapter 15, and any storage areas shall be graded, adequately drained, and surfaced or treated to control dust.
5. Temporary concrete and asphalt batch plants: Temporary permits for concrete and asphalt batch plants may be issued provided that the operation does not involve the excavation and removal of natural resources from the premises and further provided that:
 - a. No fixed machinery shall be erected or maintained within one hundred (100) feet of any adjacent property or street line. No stockpiling shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to prevent the mass movement of material onto surrounding property.

- b. Where it is determined by the Township Board to be a public hazard, all uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespassing and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.
- c. The Township Board shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. That portion of access roads within the area of operation shall be provided with a dustless surface.
- d. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling material upon the site, watering and paving.
- e. When processing operations are completed, all structures shall be removed and the affected area shall be reconditioned to support complete re-vegetation. No gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal-vertical). A layer of arable topsoil shall be spread over the affected area to a minimum depth of four (4) inches. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Building Inspector.
- f. In granting approval, the Township Board may require the posting of a letter of credit or certified check to insure compliance with this section.
- g. Upon approval of the application and approval of any required surety, the Building Inspector shall issue any necessary building permits and a temporary occupancy permit for a one (1) year period.
- h. An occupancy permit may be renewed for up to one (1) year at a time or for the duration of an accepted surety, whichever is less, upon a finding by the Township Board that all conditions and plans are being complied with and no nuisance has been created by prior operations. Where any new area is to be considered or where any area not shown by the original site plan is to be included the procedures for a new application shall be followed.
- i. The Building Inspector shall revoke an occupancy permit where operations do not conform to approved plans or special conditions. All operations shall cease fourteen (14) days following notification by the Building Inspector of such violations unless such conditions are corrected. Reinstatement of a revoked permit shall require a new application and approval therefore.

C. USES BY SPECIAL USE PERMIT

1. Single Family Dwellings provided all requirements for a single family dwelling in Section 7.01.A. are satisfied and the Planning Commission determines it is the best transitional use for the property within the zone classification.
2. Duplexes or Two-Family Dwellings as a transitional use provided all requirements for a two-family dwelling in Section 7.02.A. are satisfied and the Planning Commission

determines this is the best and most appropriate use for this property in this zone classification.

3. Large Scale Photovoltaic Installations subject to the provisions of Chapter 29.

SECTION 10.03 AREA REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall hereafter be erected unless the following area regulations are provided and maintained in connection with such building, structure or enlargement.

A. Building Setback

1. Setback adjacent to a Major Thoroughfare

The building setback from M-25, M-15, and Pine Street between Center and Youngsditch shall be at least one hundred (100) feet. Parking is permitted within the building setback area, provided that a twenty (20) foot wide greenstrip is maintained adjacent to the major thoroughfare right-of-way line in accordance with the requirements of Chapter 17.

2. Setback adjacent to any other Public Street

The building setback from any other public street shall be at least sixty (60) feet. Parking is permitted within the building setback area, provided that a ten (10) foot wide greenstrip is maintained adjacent to the public street right-of-way line in accordance with the requirements of Chapter 17.

3. Setback adjacent to a Private Drive or Service Road

The building setback from any private drive or service road shall be at least sixty (60) feet. Parking is permitted within the building setback area, provided that a ten (10) foot wide greenstrip is maintained adjacent to the private drive or service road right-of-way line in accordance with the requirements of Chapter 17. Provided further, that the building setback can be reduced to a minimum of thirty-five (35) feet if the entire portion of the front yard extended from the building to the street right-of-way is landscaped and a minimum ten (10) foot wide greenstrip is provided adjacent to the street right-of-way line for the remainder of the front yard.

B. Yard, Side

The minimum side yard within the "B-3" district is fifteen (15) feet except where a side yard is adjacent to any Residential District the minimum shall be twenty-five (25) feet and a ten (10) foot wide greenbelt shall be maintained along said abutting property line as provided in Chapter 17.

C. Yard, Rear

The minimum rear yard within the "B-3" District is twenty-five (25) feet. If a rear yard is adjacent to any Residential District a ten (10) foot wide greenbelt shall be maintained along said abutting property line as provided in Chapter 17.

SECTION 10.04 HEIGHT REGULATIONS

There are no height regulations in this zoned district.

SECTION 10.05 LOT COVERAGE

The total area occupied by all buildings and structures shall not exceed twenty-five (25) percent of the total lot area.

SECTION 10.06 REQUIRED CONDITIONS

- A. All business, servicing or processing, except for off-street parking and loading facilities, outdoor storage, and uses permitted with special conditions, shall be conducted within completely enclosed buildings.
- B. Lighting shall be arranged to deflect any light away from other properties.
- C. Where the Planning Commission determines that an excessive number of ingress or egress points may occur with relation to major thoroughfares, they may require service roads, and to assure adequate traffic circulation on the site, may require the development of parking so that contiguous lots on abutting properties will allow traffic circulation from one (1) property to another without re-entering the major thoroughfare.

The service roads shall have a paved surface, minimum width of twenty-four (24) feet and shall be either dedicated as public right-of-way or shall be an easement permitting its use for traffic circulation from one property to another. Any easement shall be in a form acceptable to the Planning Commission and approved or denied as part of the required Site Plan Approval process. If an easement is granted, each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one (1) property to another. The easement shall be recorded with the Bay County Register of Deeds prior to the issuance of an occupancy permit.

The Site Plan shall indicate the proposed elevation of the service road at all property lines and shall conform to elevations established by the Planning Commission or, if not established, be not more than one (1) foot above or below the elevation of the adjoining property. Paving of the Service Road shall meet construction specifications set by the Township Board. If adjacent properties are not developed, the Planning Commission may defer the paving of the Service Road until such time as the adjacent properties become developed. If the paving is deferred, the Planning Commission may approve temporary entrances and exits onto a major thoroughfare until such time as the Service Road is completed. Further, the Planning Commission may require the escrow of funds, a

performance bond, irrevocable bank letter of credit, or other means to assure the paving of the service roads and the elimination of temporary entrances and exits.

- D. The outdoor storage of goods or materials shall be prohibited except where specifically permitted as a special condition.
- E. More than one (1) principal or accessory building or structure can be located on a lot provided that all of the yard requirements are maintained, that there is a minimum distance between buildings or structures of sixty (60) feet, that adequate provisions for access to each building is shown on the Site Plan and that all of the other requirements of the "B-3" District are satisfied for each building or structure.

I-1, Planned Enterprise District

SECTION 11.01 DESCRIPTION & PURPOSE

- A. It is the intent of the I-1, Planned Enterprise District to provide for the development of a variety of industrial and ancillary uses that are characterized by low density land coverage; the absence of objectionable external impacts; and top quality, attractive industrial architecture. The regulations contained in this Chapter will facilitate the continued development of new, high-quality industrial facilities in a well planned environment so as to protect the public health, safety, and general welfare; promote economic stability and growth; prevent encroachment of uses that are incompatible with the industrial character of the district; encourage variety in the design and type of structures constructed; and provide for efficient traffic movement.
- B. The following regulations shall apply in all Planned Enterprise Districts and shall be subject further to provisions of Chapter 16, Ingress & Egress Provisions, Chapter 15, Off-Street Parking and Loading Provisions, Chapter 17, Landscape & Greenbelt Provisions, Chapter 18, Signs, and all other applicable provisions of this Ordinance.

SECTION 11.02 PERMITTED USES

No building, structure, or land shall be used and no building or structure erected in the Planned Enterprise District, except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

A. PRINCIPAL USES PERMITTED BY RIGHT

1. Non-manufacturing research and development establishments, including accessory laboratories, offices and other related facilities.
2. Laboratories or technology centers.
3. The manufacturing, compounding, processing, packaging or treatment, or the assembling from previously prepared materials, of such items as:
 - a. Food products, limited to baked goods, confectionery, and beverages.
 - b. Pharmaceutical products, cosmetics, and toiletries.
 - c. Toys, jewelry, novelties, and athletic goods.

- d. Furniture, fixtures, and office equipment.
 - e. Signs and displays.
 - f. Engineering, optical, medical, photographic, and similar instruments.
 - g. Electrical instruments or appliances.
 - h. Apparel and other finished products made from fabrics, leather, canvas, fur, or similar materials.
 - i. Paperboard containers, and printed, published or bound materials.
 - j. Plastic injection moldings.
4. Regional warehousing or distribution centers.
 5. Wholesale establishments.
 6. Municipal buildings, including governmental administrative or service buildings and governmental support facilities for high density uses, public service buildings or public utility buildings, telephone exchange buildings and communication or relay facilities.
 7. Indoor recreation centers and health or fitness centers, including indoor tennis or swim clubs, indoor hockey or ice skating rinks, and similar commercial recreational facilities completely within an enclosed building.
 8. Medical, executive, administrative, professional, accounting or clerical office facilities and data processing centers.
 9. Corporate office facilities.
 10. Banks and financial institutions.
 11. Restaurants or other places serving food or beverage but not including drive-in/fast food restaurants.
 12. Business schools or colleges and private schools operated for a profit.
 13. Tire, battery and automotive accessory and service facilities.
 14. Machine shops/tool & die.
 15. Other principal uses determined by the Planning Commission to be of a similar nature and subject to the issuance of a Special Use Permit in accordance with the provisions of Chapter 19.
 16. A single-family residential home may be placed in this zoned district provided the lot and proposed home meet all requirements of a single-family residential home found in the R-1 Residential District and, further, only after issuance of a special use permit by the

Planning Commission, in accordance with the provisions of Chapter 19, after public hearing and a Planning Commission determination that the use or placement of a single-family residential home will not be contrary to the general purposes and intentions of this ordinance nor a threat to public safety, health, and welfare.

SECTION 11.03 PERMITTED ACCESSORY USES

The following are permitted accessory uses in the I-1, Planned Enterprise District:

- A. Any structural or mechanical use customarily incidental to the permitted principal use.
- B. Dispensaries and clinics located on the premises of and clearly incidental to the permitted principal use.
- C. Cafeteria facilities located on the premises of and for the employees of the permitted principal use.
- D. Off-street parking to serve the permitted principal use as required by and subject to the regulations established in Chapter 15.
- E. Signs for the principal use subject to the regulations established in Chapter 18.
- F. Retail sales incidental to the permitted principal use.

SECTION 11.04 AREA REGULATIONS

No building or structure nor the enlargement of any building or structure shall hereafter be erected unless the following area regulations are provided and maintained in connection with such building, structure or enlargement.

A. Building Setback

- 1. Setback adjacent to a major thoroughfare or collector street.

The building setback from any state highway or county primary road shall be at least one hundred (100) feet. Parking is permitted within the building setback area provided that a twenty (20) foot wide greenstrip is maintained adjacent to the street right-of-way line in accordance with the requirements of Section 17.03.

- 2. Setback adjacent to a local or interior street.

The building setback from any street that is not a state highway or county primary road shall be at least sixty (60) feet. Parking is permitted within the building setback area provided that a ten (10) foot wide greenstrip is maintained adjacent to the street right-of-way line in accordance with the requirements of Section 17.03.

- 3. Yard, Side

The minimum side yard is twenty (20) feet except where a side yard is adjacent to any Residential District the minimum shall be thirty-five (35) feet and a ten (10) foot wide greenbelt shall be maintained along said abutting property line in accordance with the requirements of Section 17.04.

4. Yard, Rear

The minimum rear yard is twenty-five (25) feet. If a rear yard is adjacent to any Residential District a ten (10) foot wide greenbelt shall be maintained along said abutting property line in accordance with the requirements of Section 17.04.

5. Lot Frontage

All lots in this district shall have a minimum frontage of one-hundred & fifty (150) feet at the building line.

6. Lot Area

The minimum lot area for any use in this district shall be one (1) acre.

SECTION 11.05 HEIGHT REGULATIONS

There are no height limitations in this zone.

SECTION 11.06 LOT COVERAGE

The total area occupied by all buildings and structures shall not exceed twenty (20) percent of the total lot area.

SECTION 11.07 REQUIRED CONDITIONS

- A. All operations shall be conducted completely within the confines of a building. However, materials and equipment may be stored outdoors within the rear yard if screened from the view of any public street property by a solid uniformly finished wall or fence with solid gates. The wall or fence shall be at least as tall as the materials or equipment being stored. Chain link fencing with interwoven slates is prohibited as a screening wall or fence.
- B. Heating ventilation or air conditioning (HVAC) units or similar electrical or mechanical appurtenances shall be properly screened. All roof-mounted heating, ventilation, or air conditioning units and similar electrical or mechanical appurtenances shall be screened from view from street level.
- C. All exterior lighting shall be arranged to deflect any light away from other properties.
- D. Where the Planning Commission determines that an excessive number of ingress or egress points may occur with relation to major thoroughfares, they may require the development of parking so that contiguous lots on abutting properties will allow traffic circulation from one property to another without re-entering the major thoroughfare.

Easements may be required in a form acceptable to the Planning Commission and approved or denied as part of the required Site Plan Approval process. If an easement is granted, each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one property to another. The easement shall be recorded with the Bay County Register of Deeds prior to the issuance of an occupancy permit.

The Site Plan shall indicate the proposed elevation of the easement at all property lines and shall conform to elevations established by the Planning Commission or, if not established, be not more than one (1) foot above or below the elevation of the adjoining property. Paving of the easement shall meet construction specifications set by the Township Board. If adjacent properties are not developed, the Planning Commission may defer the paving of the easement until such time as the adjacent properties become developed. If the paving is deferred, the Planning Commission may approve temporary entrances and exits onto a major thoroughfare until such time as the easement is completed. Further, the Planning Commission may require the escrow of funds, a performance bond, irrevocable bank letter of credit or other means to assure the paving of the easements and the elimination of temporary entrances and exits.

- E. More than one principal or accessory building or structure can be on a lot provided that all of the yard requirements are maintained, that there is a minimum distance between buildings or structures of sixty (60) feet, that adequate provisions for access to each building is shown on the Site Plan and that all of the other requirements of the PE District are satisfied for each building or structure.

I-2, Heavy Industrial District

SECTION 12.01 DESCRIPTION AND PURPOSE

These uses, which include the manufacture or treatment of goods from raw materials, are permitted in the heavy industrial zone.

SECTION 12.02 USE REGULATIONS

In the "I-2" Heavy Industrial District, land and buildings may be used for the following purposes only:

- A. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, toiletries, and food products, except the rendering or refining of fats and oils.
- B. The manufacture, compounding, assembly or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semiprecious metal or stones, shell rubber, tine, iron, steel, tobacco, wood, yarn.
- C. The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
- D. Motor freight terminal garaging and maintenance of equipment.
- E. Warehousing and storage.
- F. Machine shop.
- G. Petroleum storage located at least five hundred (500) feet from any residentially zoned property.
- H. Transportation, communication, and utilities plants, towers, relay stations, and transmitters. Public & semi public utility plants and related facilities.
- I. Private heliports.
- J. Acetylene gas manufacture or bulk storage.

- K. Alcohol manufacture.
- L. Ammonia, bleaching powder or chlorine manufacture.
- M. Asphalt manufacture or refining.
- N. Brick, tile or terra cotta manufacture.
- O. Chemical manufacture.
- P. Concrete or cement products manufacture.
- Q. Electric power generating plants, buildings, structures and other related uses.
- R. Iron or steel foundry or fabricating plants and heavyweight casting.
- S. Lampblack manufacture.
- T. Mining.
- U. Oil cloth or linoleum manufacture.
- V. Paint, oil, shellac, turpentine, lacquer or varnish manufacture.
- W. Petroleum products manufacture.
- X. Plastic manufacture.
- Y. Railroad repair shops and classification yards.
- Z. Rolling mills.
- AA. Soap manufacture.
- BB. Sodium compounds manufacture.
- CC. Tar distillation or tar products manufacture.
- DD. Wool pulling or scouring.
- EE. Processing of junk, waste, discarded or salvaged materials, machinery or equipment, including the wrecking, disassembling or dismantling of used motor vehicles or trailers and the storage or sale of dismantled, obsolete or wrecked vehicles or their parts, provided such use is conducted within a completely closed building or is enclosed with a solid fence not less than six (6) feet high.
- FF. And in general, those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, contaminants or toxic materials, vibration and the like and not allowed in any other zone; provided, however, that any use not herein specified shall be approved by the Board of Appeals after hearing with notice to all property owners within three hundred (300) feet and such approval shall be made only after a determination that

all activity will be conducted in such a manner that no noise, smoke, dust, contaminants, toxic materials, or vibration or other similar nuisance shall exist so as to adversely affect the use of other properties in the vicinity.

GG. All uses permitted in the "I-1" Planned Enterprise District.

HH. Uses by special use permit - Commercial enterprises for the operation of recreational facilities to include, by way of example and not limitation snowmobiles, motorcycles and racetracks.

1. Commercial enterprises for the operation of recreational facilities to include, by way of example and not limitation, snowmobiles, motorcycles, and racetracks.
2. Utility-Grid Wind Energy System, developed per the Special Use Permit requirements of Section 6.03.J.
3. Large Scale Photovoltaic Installations subject to the provisions of Chapter 29.

II. Adult book stores or adult entertainment establishments as defined in Chapter 30.

SECTION 12.03 AREA REGULATIONS

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yard requirements are provided and maintained in connection with such building structure or enlargement:

A. Yard, Front

There shall be a minimum front yard of fifty (50) feet.

B. Yard, Side

There shall be a minimum side yard of twenty (20) feet except on the street side of a corner lot where fifty (50) feet shall be required.

C. Yard, Rear

There shall be a minimum rear yard of twenty-five (25) feet except that where such uses abut a residential zone, a minimum rear yard of fifty (50) feet shall be provided.

SECTION 12.04 REQUIRED CONDITIONS

A. All lighting shall be arranged to reflect any light away from residential or agricultural zoned property.

B. If any of the property abuts or adjoins residential or agricultural zoned property, a greenbelt shall be maintained along said abutting property line.

SECTION 12.05 OFF-STREET PARKING REQUIREMENTS

As regulated in Chapter 15.

SECTION 12.06 OFF-STREET LOADING FACILITIES

Off-street loading facilities shall be provided as follows:

<u>BUILDING FLOOR AREA</u>	<u>REQUIRED SPACES</u>
Up to 20,000 sq. ft.	1
20,000 - 50,000 sq. ft.	2
50,000 - 100,000 sq. ft.	3
Each additional 100,000 sq. ft.	1 Additional Space

SECTION 12.07 PHYSICAL STANDARDS FOR PARKING AND LOADING FACILITIES

- A. Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet, exclusive of access drives or aisles.
- B. Each loading space shall be at least ten (10) feet in width and twenty-five (25) feet in length.
- C. All off-street parking and loading areas shall be surfaced with asphalt, concrete or similar materials.
- D. Adequate enclosed drainage outlets shall be provided to handle the needs of off-street parking and loading facilities.
- E. All lighting provided for off-street parking and loading facilities shall be arranged to reflect away from adjoining residential districts.
- F. Off-street loading and parking areas greater than one thousand (1,000) square feet in area shall be effectively screened on any side that adjoins a residential district by a solid, uniformly painted fence or wall not less than four (4) nor more than six (6) feet in height, maintained in good condition; provided, however, that where the adjacent owners agree in writing, a screening of hedge or other natural landscaping may be substituted for the required fence or wall.

PUD – Planned Unit Development District

SECTION 13.01 DESCRIPTION AND PURPOSE

The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain large developments, these requirements might result in situations less in the interest of public health, safety and welfare than if a controlled degree of flexibility were allowed. The PUD - Planned Unit Development District is intended to permit and control the development of preplanned areas for various compatible uses allowed by the Hampton Township Zoning Ordinance and for other exceptional uses not so provided.

It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.

Under this Section, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and ground water quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area.

SECTION 13.02 OBJECTIVES

The following objectives shall be met by any application for any PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long-range, planning and development of such planned development:

- A. To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills and similar natural assets.
- B. To encourage, with regard to a residential planned unit development, the provision of open space and the development of recreational and, where included in the plan, other support facilities in a generally central location within reasonable distance of all living units.

- C. To encourage developers to use a more creative and imaginative approach in the development of residential, commercial and industrial areas.
- D. To encourage underground utilities which can be more efficiently designed when master planning a larger area.
- E. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the Township.
- F. To promote flexibility in design and permit planned diversification in the location of structures.
- G. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
- H. To combine and coordinate architectural styles, building forms, and building relationships within the planned unit development.
- I. To insure a quality of construction commensurate with other developments within the Township.

SECTION 13.03 CONCEPT PLAN

Concept plan approval by the Hampton Township Planning Commission is required for a PUD which is larger than 50 acres in size, or will be developed in more than three phases.

- A. The concept plan shall include the following information:
 1. A land use plan, showing the general land uses to which the land will be developed.
 2. A written description sufficiently developed to explain these land uses.
 3. The density of dwelling units per acre or for nonresidential development intensity parameters.
 4. On-site and off-site infrastructure requirements and method for providing the same.
 5. Any known or anticipated significant impacts on the natural environment or on the health, safety, or welfare of the Township. Planned mitigation measures also shall be included.
 6. An analysis of the PUD's impact on the Township's economy.
 7. A delineation of the PUD's phases and a general development schedule.
 8. A legal description of the property.
- B. Concept plan approval also shall be a statement of the policy by the Township that final PUD approval will be granted for subsequent phases if they meet the intent and. parameters

of the approved concept plan. An approved PUD concept plan shall constitute an amendment to the Hampton Township General Development Plan.

- C. The concept plan shall be submitted with the preliminary development plan for the first phase. It shall be subject to all of the processing requirements and of those review requirements applicable to the concept plan as outlined in Sections 13.05, 13.06, 13.07, 13.09, 13.10, 13.11, and 13.12. In addition, the concept plan adoption procedure shall conform to the requirements of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Subsequent phases of the PUD shall not require the submission and review of a preliminary development plan. Subsequent phases shall be submitted and reviewed as final development plans, provided that the information required on a preliminary development plan shall be shown on the final development plan.

Revisions to an approved concept plan may be approved according to the procedure for adoption of concept plan.

SECTION 13.04 PRELIMINARY DEVELOPMENT PLAN

Submission and Content: Except as provided in Section 13.03.C., applicants shall submit to the secretary of the Planning Commission four (4) copies of a preliminary development plan for the phase or phases being submitted for approval - one (1) copy for the Planning Commission, one (1) copy for the Township Board, one (1) copy for the Planning Consultant, and one (1) copy which shall be returned to the applicant. Said plan shall set forth, in general terms, the proposed uses to be developed in the PUD and the following information for the phase or phases being submitted for approval.

- A. Legal description of the property.
- B. Small scale sketch of properties, streets and uses within one-half (1/2) mile of the area.
- C. A map to scale showing any existing or proposed arrangement of:
 - 1. Streets
 - 2. Lots
 - 3. Access points
 - 4. Other transportation arrangements
 - 5. Buffer strips
 - 6. Natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills and similar natural assets
 - 7. Signs - location and lighting
 - 8. Buildings

D. A narrative describing:

1. The overall objectives of the PUD
2. Source of financing and statement of total estimated development costs of each stage
3. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and necessary yards
4. Densities
5. Proposed method of providing sewer and water service as well as other public and private utilities
6. Proposed method of providing storm drainage

E. A statement indicating the existing zoning of the property.

In addition to the above required information, said applicant shall submit a fee in accordance with the fee schedule established by the Township Board to cover the normal and specially incurred expenses of the Planning Commission and Township Board. One-half (1/2) of said fee shall be paid upon submission of the preliminary development plan and the balance upon application for rezoning.

SECTION 13.05 PLANNING COMMISSION REVIEW OF PRELIMINARY DEVELOPMENT PLAN

The Planning Commission shall review the preliminary development plan and make recommendations to the applicant based on the purposes, objectives and requirements of this Ordinance and specifically the following considerations where applicable:

- A. Ingress and egress to property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire, catastrophe or emergency.
- B. Off-street parking and loading areas where required, with particular attention to the items in Sections 13.01 and 13.02 above and the economic, noise, glare, and odor effects of each use in the PUD on adjoining properties and properties in the proposed PUD.
- C. Refuse and service areas with particular reference to the items in Sections 13.01 and 13.02.
- D. Sewer, water and storm drainage with reference to locations, availability and compatibility.
- E. Screening and buffering with reference to type, dimensions and character.
- F. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties in the proposed PUD.

- G. Required yards and other open space. For the purposes of this Article, the term "open space" shall mean a unified, usable area or areas of sufficient size, shape and location to provide recreational opportunities, either active or passive, for residents of the Township and/or the PUD district. Examples of open space areas include: open fields, wooded areas, streams, ponds, landscaped areas, and recreational facilities (i.e. tot lots, ball fields, swimming pools, tennis courts, golf courses, etc.). That area used for public or private streets or drives, parking lots, necessary yards, and buildings or structures shall not be used to comprise the required open space.
- H. General compatibility with adjacent properties and other property in the proposed PUD.
- I. The general purposes and spirit of this Ordinance and the Master Plan of the Township.

SECTION 13.06 ADVISORY PUBLIC HEARING AND TRANSMITTAL OF PLANNING COMMISSION RECOMMENDATIONS

During this time period, the Planning Commission shall call an advisory public hearing for the purpose of receiving comments relative to the preliminary development plan giving notice by publication in a newspaper of general circulation in the Township at least fifteen (15) days, prior to the hearing. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the zoning jurisdiction. If the name of the occupant is unknown, the term "occupant" may be used in making notification. The notice shall:

- A. Describe the nature of the request.
- B. Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exists within the property. If there are no street addresses, other means of identification may be used.
- C. State when and where the request will be considered.
- D. Indicate when and where written comments will be received concerning the request.

The Planning Commission shall transmit its recommendations for changes or modifications in the preliminary development plan to the applicant. A copy of the Planning Commission's recommendations shall also be transmitted to the Township Board.

SECTION 13.07 FINAL DEVELOPMENT PLAN AND SUBMISSION AND APPLICATION FOR REZONING

After receiving the recommendations of the Planning Commission on the preliminary development plan, an applicant proceeding under the PUD Planned Unit Development District section shall submit five (5) copies of the final development plan to the Secretary of the Planning Commission, one (1) copy for the Planning Commission, one (1) copy for the

Township Board, one (1) copy for the Building Inspector, one (1) copy for the Planning Consultant, and one (1) copy which shall be returned to the applicant under Section 13.11.

SECTION 13.08 FINAL DEVELOPMENT PLAN CONTENT

In addition, the applicant shall submit an application for rezoning according to the final development plan. The final development plan shall include the following information and such items as may be requested by the Planning Commission from its review of the preliminary development plan.

- A. A plot plan based on an accurate certified property survey showing:
 - 1. Location, size and type of present buildings to be retained or removed
 - 2. Location of proposed buildings
 - 3. Location of existing and proposed streets, drives, loading areas, and parking lot
 - 4. Location of water, sewer and other utility lines
 - 5. Storm drainage
 - 6. Topographical features, including contour intervals no greater than five (5) feet
 - 7. Ditches, water courses and floodplains
 - 8. Ground cover and other pertinent physical features of the site such as trees
 - 9. Proposed landscaping and screening
 - 10. Location of existing improvements
 - 11. Location of lot lines
 - 12. Signs
 - 13. Exterior lighting
- B. Preliminary architectural sketches or a general statement as to the type of construction and materials to be used in the proposed buildings. Height and area of buildings and structures shall be described.
- C. The period of time within which the project will be completed.
- D. Proposed staging of the project, if any.
- E. Gross area in building structures, parking, public and/or private streets and drives, necessary yards and parking ratios.
- F. Densities.

- G. Delineation of the one hundred (100) year floodplain and any proposed uses therein.
- H. Current proof of ownership of land to be utilized or evidence of contractual ability to acquire this land such as an option or purchase contract.
- I. Any update of financing procedures and development costs for each stage.

SECTION 13.09 PUBLIC HEARING

The Planning Commission shall hold a public hearing giving notice as required by statute for rezoning.

SECTION 13.10 PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN

The Planning Commission shall consider the final development plan based on all the requirements of this Chapter and shall, when appropriate, recommend that specific changes be made to conform with the purpose of Section 13.01, the objectives of Section 13.02, the intent and provisions of this Ordinance, and the intent and purpose of the General Development Plan.

If the Planning Commission shall determine that the proposed use of the land as shown on the final development plan might have an enervating, debilitating or offensive effect on adjacent properties, whether industrial, commercial, residential or other, through the effects of noise, smoke, odor, dust and dirt, obnoxious gases, glare and heat, vibrations, fire or explosion hazards, liquid or solid industrial wastes, traffic or adverse aesthetic effects, the Commission may require the owner, through the use of qualified technical persons and acceptable testing techniques, to demonstrate the devices which shall be utilized to control the factors determined to be offensive. Upon acceptance by the Planning Commission, the Commission may recommend that such control devices be incorporated as a part of the final development plan.

SECTION 13.11 TRANSMITTAL OF PLANNING COMMISSION RECOMMENDATION

The Planning Commission shall transmit its recommendations concerning the final development plan and the requested rezoning along with any recommended changes or modifications to the Township Board and the applicant.

SECTION 13.12 FINAL APPROVAL

- A. The Township Board shall review the final development plan as transmitted by the Planning Commission. The Township Board may require such considerations, restrictions and regulations for the PUD as it determines are in the best interest of the Township. The requirements or restrictions made by the Township Board shall be predicated on the requirements of this Ordinance. If the Township Board approves the final development plan with any change it deems appropriate, it shall approve the rezoning request. Upon approval of the rezoning, the final PUD development plan shall be incorporated into, and become part of, the zoning ordinance text and map. The Township Clerk shall forward a copy of the

Township Board's requirements, if any, and a copy of the final PUD development plan as approved to the applicant.

- B. Any building permit shall be valid only so long as the final PUD development plan as adopted by the Township is conformed with. Deviations from this Ordinance shall be deemed a violation of this Ordinance, unless approved as follows:
 - 1. Changes in size or location of improvements of less than five (5) feet and minor changes necessitated by good engineering, architectural or construction practice, as approved by the Zoning Administrator.
 - 2. Changes in building size or location of more than five (5) feet, provided the density or use intensity of the area is not substantially increased; as approved by the Planning Commission according to the site development plan requirements of Chapter 14.
 - 3. Other changes shall require a revision to the approved final development plan. Where applicable, these changes also shall require a revision to the concept plan.

SECTION 13.13 GENERAL PROVISIONS

- A. Maximum Densities - For the purpose of this Chapter, maximum densities shall be determined on the basis of the gross area of the proposed PUD.
- B. Sewer and Water Service – In the event public sewer and/or water service is not available at the time of development, a PUD may be allowed to utilize a private sewage and/or water system; provided such sewer and/or water system meets the approval and specifications of the Bay County Health Department and the Township Engineer and provided such sewer lines and water lines so installed meet the specifications of the Township for public water and/or sewer lines and are such that said systems can be readily connected to public water and/or sewer when they become available. At such time when public water and/or sewer service is within 500 feet of the PUD development, the developer or subsequent owner or owners shall connect to said sewer and/or water system within the time specified by the respective utility ordinance.
- C. Performance Bonds – The Township Board, in connection with reviewing any application for a final PUD development plan, shall require reasonable undertakings by the applicant to guarantee and assure, by agreement, including a performance bond, letter or credit, or certified check in an amount equal to the estimated cost of improvements associated with the phase. In making its determination as to the form of financial guarantee or deposit required hereunder, the Township Board shall take into account the following factors: (1) previous experience with the applicant; (2) the applicant's financial condition; (3) the nature and size of the proposed development; and (4) any other factors deemed by the Township Board to be reasonably related to its determination under the facts and circumstances existing in the individual case. Such bond or surety shall be posted with the Township Clerk at the time of issuance of a building permit or the beginning of site preparation, whichever shall occur first, in order to insure that the development will be executed in accordance with the approved final PUD development plan. The Township shall rebate a proportional share of the deposit when requested by the depositor based on the percent of improvements completed, as attested by the depositor and verified by the Zoning Administrator. The Zoning Administrator may, at his discretion, call upon professional assistance from the

Township Engineer or the Township Planner. Deviations from the approved final PUD development plan, except as provided for in Sections 13.03.C. or 13.12.B., shall be grounds for forfeiture of the performance bond, letter of credit or certified check.

In those cases where the aforementioned performance bond or certified check have been forfeited, they shall be used by the Township to render the property to be in a safe and healthy condition.

- D. Time Limitation on Development – Each PUD phase shall be under construction within one and one-half (1/2) years after the date of final PUD development plan approval by the Township. However, if final PUD development plan approval is granted, the Township may specify a specific time limitation on development for each stage so approved. Should the aforementioned time limits not be met, no building permit shall be issued without the developer first obtaining a new site plan review and approval from the Planning Commission. The developer may request an additional site plan review even if his time of commencing development has not expired. The Planning Commission has the discretionary authority to deny, approve, or approve with conditions this site plan. The objectives of this additional site plan review are to insure that the development still fulfills the needs of the Township as outlined in this ordinance and is suitable for the land under development, taking into regard all changes in character and circumstances of surrounding properties.
- E. Required Improvements Prior to issuance of Occupancy Permit – The Planning Commission is hereby empowered to stipulate that all required improvements be constructed and completed prior to issuing an occupancy permit. In the event that said improvements are partially completed to the point where occupancy would not impair the health, safety and general welfare of residents, but are not fully completed, the Zoning Administrator may, upon the recommendation of the Township Board, grant an occupancy permit so long as the developer deposits a performance bond with the Township Clerk in an amount equal to the cost of the improvements yet to be made, said improvements to be completed within one (1) year of the date of issuance of the occupancy permit. In the event the provisions herein are not complied with, the bond shall be forfeited and shall be used by the Township to construct the required improvements yet to be made.
- F. Recording of Plats - The Planning Commission and the Township Board are specially authorized to require the recording of a plat in connection with any such application when such would be required by the Land Division Act, as amended, for the State of Michigan.
- G. Additional Provisions – All of the provisions of the Zoning Ordinance and the appropriate district(s) therein, and other Ordinances of the Township shall control the PUD except where inconsistent therewith, in which case the provisions of this article shall supersede and control any other such provisions.
- H. Validity – In the event that any section, clause or provision of this PUD Section shall be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Section as a whole, or any part thereof, other than the part so declared to be invalid.
- I. Common Area Utilities – For any areas that are to be held under common ownership, a document showing future maintenance provisions shall be submitted to the Planning Commission. Such document shall require mandatory membership to all property owners in an association designed for maintenance of common area and common utility systems, and

shall be recorded with the Bay County Register of Deeds and shall be a restriction on all sales of the property within the PUD.

- J. Public Spaces – Where a proposed public playground, school or other public use shown in the Master Plan, or amendments thereto, is located in whole or in part in a proposed PUD, the Planning Commission shall bring the same to the attention of the proprietor and the Township Board so that they may address the question of acquiring such areas by dedication, reservation or payment.

SECTION 13.14 RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT

Over the past decade a need for an alternative, economical family housing has arisen. Among the housing concepts which have emerged to meet this need are townhouses, apartments, condo- minimums and similar types of housing units with common property areas; cluster types of single family subdivisions in which housing units are arranged in cluster forms, with clusters separated from each other by common open space, and housing units developed with related recreational space such as golf courses, swimming pools, private parks, community centers, and other recreation facilities. There is hereby created an R-1 PUD District, an R-2 PUD District, an R-3 PUD District, an R-4 PUD District, an R-5 PUD District, an R-6 PUD District, and an R-7 PUD District.

- A. Qualifying Conditions – Any application shall meet the following conditions to qualify for consideration as a residential PUD district:
 - 1. The PUD site shall not be less than three (3) acres in area.
 - 2. PUD must have direct access to a state highway, county primary, collector or local street as designated in the Hampton Township General Development Plan.
- B. Permitted Uses – the following uses of land and structures may be permitted within a residential PUD district:
 - 1. Within an R-1 PUD District, any use allowed within the R-1 District, including accessory uses, and two (2) family duplexes, including accessory uses.
 - 2. Within an R-2 PUD District, any use allowed within the R-2 District, including accessory uses.
 - 3. Within an R-3 PUD District, any use allowed within the R-3 District, including accessory uses.
 - 4. Within an R-4 PUD District, any use allowed within the R-4 District, including accessory uses.
 - 5. Within an R-5 PUD District, any use allowed within the R-5 District, including accessory uses.
 - 6. Within an R-6 PUD District, any use allowed within the R-6 District, including accessory uses.

7. Within an R-7 PUD District, any use allowed within the R-7 District, including accessory uses.
 8. Golf courses, tennis clubs, athletic clubs, and other recreational uses.
 9. Personal services intended for the residents of the PUD including barber and beauty shops, florist and gift shops, self-service laundry and dry cleaning pick-up stations, shoe repair and tailor. Other establishments which supply convenience commodities or perform services intended primarily for residents of the PUD may be permitted when authorized by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
 - a. The size of the PUD, including acreage and the number of dwelling units;
 - b. The proximity of the proposed use to adjoining properties and its location relative to major streets and the balance of the PUD;
 - c. The parking facilities provided for the proposed use;
 - d. Any traffic congestion or hazard which will be created by the proposed use;
 - e. How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhoods;
 - f. The need or necessity for the proposed use to serve the needs of the PUD residents; and
 - g. The effect of the proposed use on adjoining properties and this surrounding neighborhood. It is further required that the area designated for commercial use including parking, loading access ways and yards or open space shall not exceed ten (10) percent of the area of the PUD.
- C. Development Requirements - Under the PUD procedure, density increases are made possible in return for improvements in the design and amenities of the planned development, subject to such increase not producing adverse traffic conditions or undue burden on public facilities and also subject to the following additional conditions:
1. General Regulations - The regulations of the R-1, R-2, R-3, R-4, R-5, R-6, and R-7 Districts shall apply respectively to the R-1 PUD, R-2 PUD, R-3 PUD, R-4 PUD, R-5 PUD, R-6 PUD, and R-7 PUD Districts except as altered by this Section.
 2. Site Acreage Computation - Maximum density shall be determined on that portion of the PUD proposed for residential use and shall not include any area proposed for use pursuant to Section 13.14.B.9.

3. Maximum Density - Maximum densities are as follows:

<u>District</u>	<u>Density (Dwelling Units Per Acre)</u>	<u>Required Reservation of Open Space Per Dwelling Unit</u>
R-1 PUD	4.0	1,200 square feet
R-2 PUD	5.0	1,000 square feet
R-3 PUD	12.0	400 square feet
R-4 PUD	12.0	400 square feet
R-5 PUD	12.0	400 square feet
R-6 PUD	12.0	1,000 square feet
R-7 PUD	12.0	400 square feet

If the project is located in more than one zoning district, the density must be calculated separately for each zoning district, then combined to determine the total project density. The required open space shall be dedicated to the public or set aside for common use of the owners and users within the PUD so that there are assurances that the required open space shall remain open. That area used for public or private streets or drives, parking lots, necessary yards, and buildings or structures shall not be used to comprise the required open space. The open space shall be provided with ground cover suitable to control erosion and shall be maintained monthly.

4. Permissive Requirements:

- a. Lot dimensions including width, setbacks, and yard requirements shall be determined by the Planning Commission. In determining the appropriate requirements, the Planning Commission shall take into consideration the surrounding uses of land, the objectives of a PUD as contained herein, and the regulations of the Zoning District in which the PUD is to be located.
- b. Private roads may be permitted within a PUD when specifically approved in accordance with Chapter 16. The Planning Commission may recommend modifications to the requirements for private roads contained herein and in doing so the following criteria shall be considered:
 - (1) Number and type of dwelling units served by the private road.
 - (2) Traffic generation.
 - (3) Existing topography and vegetation.
 - (4) Security provisions.
 - (5) Inter-relationship with the public street network.
 - (6) Future provision of public utilities.
 - (7) Likelihood of public dedication of the roadway.

- c. Minimum Floor Area - The minimum required floor area shall be provided in the following amounts:

Structure	Area Per Unit	
	All Areas Other Than R-1	R-1
Single Family	850 square feet	1200 square feet
Two Family (duplex)	720 square feet	1200 square feet
Multiple Family Dwelling	600 square feet	Not allowed

5. Signs – As provided in Chapter 18.
6. Off-Street Parking – As provided in Chapter 15.
7. Greenstrip – Wherever a residential PUD abuts, or is adjacent to, a residential district, there shall be provided and maintained a greenstrip of no less than ten (10) feet in width in accordance with Section 17.03.

SECTION 13.15 COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT

Hereby created are B PUD Districts. They shall be regulated by the respective requirements of the B District, except as otherwise specified by this Section.

- A. Qualifying Conditions – Any B PUD shall meet the following conditions to qualify for rezoning to a commercial PUD.
 1. The proposed PUD shall be designed and developed with a unified architectural treatment.
 2. Utilities, roads and other essential services must be available for immediate use of occupants purchasing or leasing sites in the PUD.
 3. Compatibility of site use with nearby residential areas must be evidenced and can be determined in relationship to the following criteria:
 - a. The PUD site has direct access to a state highway, county primary, or collector street.
 - b. The distances separating all proposed uses and buildings from the surrounding area shall be no less than ten (10) feet and shall meet the requirements for greenstrips as contained in Section 17.03.
 - c. Loading docks and truck maneuvering areas and terminals should be farther removed from residential lot lines than the principal building.
- B. Permitted Uses – The following uses of land or structures may be permitted within a commercial PUD:

1. Within the B PUD District, any use allowed within the B District.
- C. Development Requirements - In addition to the qualifying conditions, the following requirements shall be met:
1. Minimum Site – The PUD site shall not be less than three (3) acres in area.
 2. Minimum Requirements – The requirements of the B District except as altered by this Section.
 3. No side yards are required where buildings are constructed immediately adjacent and attached to each other.
 4. Circulation and Parking –
 - a. Streets, building location parking areas, pedestrian ways, and utility easements shall be designed to promote the public safety, compatibility of uses, and minimize friction between uses.
 - b. Private streets may serve circulation and parking purposes if providing adequately for fire and police protection, rubbish collection, lighting and snow storage.
 - c. Adequate access for fire and emergency vehicles shall be provided on the site.
 - d. Driveways and circulation roadways shall be designed to minimize traffic and congestion within the PUD and to minimize the amount of paving.
 5. Open Space – At least five (5) percent of the total land area shall be open space unused for buildings, roads, drives or parking and loading facilities. All open space and landscaping shall be provided in conformity with an approved site plan to be included as a condition of the PUD.
 6. Signs – As provided in Chapter 18.
 7. Off-Street Parking and Loading – As provided in Chapter 15.
 8. Greenstrip – Wherever a commercial PUD abuts, or is adjacent to, a residential district, there shall be provided and maintained a greenstrip of no less than ten (10) feet in width in accordance with Section 17.03.

SECTION 13.16 INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT

- A. This type of PUD is intended to permit and control the development of preplanned, exclusively industrial areas and research and development centers. It is intended that this type of PUD afford industry reasonable protection from encroachment by retail commercial, residential and other incompatible land uses, and that reasonable protection will be afforded to adjacent uses.
- B. Qualifying Conditions –

1. The minimum area of an Industrial Planned Unit Development District shall be twenty (20) acres with direct access to a state highway, county primary, or collector street.
2. Utilities and roads must be available for the immediate use of occupants purchasing or leasing sites in the Industrial Planned Unit Development District.

C. Permitted Uses within the Industrial Planned Unit Development District –

1. Any use permitted in the I-1 or I-2 Districts.
2. Offices that are in conjunction with an industrial use or offices providing services to industry located within the Industrial Planned Unit Development District.
3. Research and development laboratories, offices and facilities for the development of new products and processes.

D. Development Requirements –

1. The application process set forth herein shall be followed and the provisions of the I-1 and I-2 Districts shall apply unless altered by this Section.
2. Whenever a building is to be constructed within this district, a site development plan must be submitted for approval.
3. Any private covenants or restrictions applying to the parcels within the Industrial Planned Unit Development District shall be submitted to the Planning Commission for review.
4. All business, services or processing shall be conducted wholly within enclosed buildings with the exception of outdoor contractor's storage yards which must be screened from view by a six (6) foot fence or other similar screening device of a like height.
5. Minimum Lot Area and Width - A minimum lot area of one (1) acre and lot width of two hundred (200) feet shall be required for each lot.
6. Minimum Yard Requirements –
 - a. Front Yard – A front yard of twenty-five (25) feet is required which must be landscaped with grass and shrubbery or trees. For buildings with parking in front, there shall be a front setback of sixty (60) feet, the front twenty-five (25) feet of which shall be landscaped with grass and shrubbery or trees.
 - b. Side Yard – A side yard shall be no less than twenty (20) feet wide.
 - c. Rear Yard – A rear yard of no less than twenty (20) feet shall be required.
7. Greenstrip – Wherever an industrial PUD abuts, or is adjacent to, a residential district, there shall be provided and maintained a greenstrip in accordance with Section 17.03.
8. Signs - As provided in Chapter 18.
9. Off-Street Parking and Loading – As provided in Chapter 15.

Site Plan Review

SECTION 14.01 PURPOSE

It is the purpose of this Chapter to require site plan review approval for certain buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained in this Chapter are intended to promote:

- A. Safe and convenient traffic movement, both within a site and in relation to access streets;
- B. Harmonious relationships of buildings, structures and uses, both within a site and with adjacent sites;
- C. Conservation of natural amenities and resources; and
- D. To insure compliance with the provisions of this Ordinance and all other applicable Township, state and federal laws.

SECTION 14.02 REQUIRED SITE PLAN APPROVAL

Site Plan approval is required for each use or activity listed below. Type I Site Plans are generally required for smaller or relatively simple uses or activities while Type II Site Plans are required for larger or more complicated projects as follows:

- A. The Type I site plan review shall be done by the Building Inspector as an administrative review. Type I Site Plans are required for the following:
 - 1. Accessory buildings.
 - 2. Home Occupations.
 - 3. Agricultural Buildings.
 - 4. Homes located within the floodplain.
 - 5. Other uses specifically stated in the ordinance.

The applicant may request a review of the Building Inspector's site plan review by the Planning Commission upon payment of the proper fee and submission of documentation to the Planning Commission.

- B. Type II Site Plans are reviewed and approved by the Planning Commission. Type II Site Plans are required for any new use or any change in use requiring five (5) or more off-street parking spaces and any expansion thereof.

SECTION 14.03 REQUIRED SITE PLAN INFORMATION

- A. Type I Site Plans shall contain the following:

1. Name of applicant and owner if not the same.
2. North arrow.
3. Legal description or tax parcel number.
4. A Site Plan map drawn to an appropriate scale to adequately portray the necessary information but in no instance greater than one hundred (100) feet to the inch, illustrating the following:
 - a. Any floodplain area.
 - b. Existing and proposed streets and storm drainage facilities.
 - c. Existing and proposed buildings and structures.
 - d. Lot dimensions.
 - e. New contour lines with no larger than two (2) foot contour intervals resulting from any proposed earth movement.
 - f. Existing and proposed curb-cuts, access drives and off-street parking spaces.
 - g. Any proposed landscaping.
5. Any other information as may be deemed necessary to determine compliance with all zoning requirements. Additionally, the Building Inspector or, if reviewed by the Planning Commission, the Planning Commission may waive any of the submittal requirements above deemed unnecessary for the particular review by the Building Inspector or Planning Commission.

- B. Type II Site Plans shall contain the following:

1. Name of applicant and owner if not the same.
2. Name of development (if any).
3. North arrow.

4. Legend.
5. Location – A location map that shows the location of the project in the broad context of the Township.
6. Scale – Site Plans shall be drawn to a scale so that all features required to be shown on the plan are readily discernible. The Building Inspector shall make the final determination whether the plans are drawn to a suitable scale.
7. Existing natural features.
 - a. Tree line of wooded areas.
 - b. Streams, ponds, drainage ditches, swamps and floodplains.
 - c. Contour lines with no larger than two (2) foot contour intervals.
8. Existing man-made features.
 - a. Curb-cuts, access roads and parking lots.
 - b. Existing storm water drainage facilities.
 - c. Underground utility lines, including water, sewer, electric power, telephone, gas, cable television.
 - d. Buildings, structures and signs.
 - e. Location of exterior light fixtures.
 - f. Location of dumpsters.
9. Existing legal feature.
 - a. Existing zoning district lines.
 - b. Property lines with dimensions.
 - c. Street right-of-way lines.
 - d. Utility or other types of easements.
10. New features.
 - a. Lot dimensions.
 - b. The location and dimensions of all buildings, structures and signs.
 - c. Areas intended to remain as open space.

- d. Streets, street names and curbs and gutters.
 - e. All storm water drainage improvements.
 - f. Sidewalks and walkways.
 - g. Any outdoor illumination.
 - h. Underground utility lines, including sewer, water, electric power, telephone, gas and cable television.
 - i. Dumpsters.
 - j. New contour lines at two-foot intervals resulting from any earth movement.
 - k. All curb-cuts, access drives and off-street parking facilities.
 - l. Proposed plantings to comply with screening requirements.
11. Documents and Written Information – The following is a representative list of types of information that may be requested. The Planning Commission may also request any other information it deems necessary to determine compliance with all zoning requirements. The Planning Commission may, at its option, waive any of the submittal requirements listed above if it determines that specific information is not necessary for reviewing the site plan for the purposes intended. Additionally, the following is a representative list of types of information that may be requested:
- a. Certifications from appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development.
 - b. Legal documentation establishing property owner associations or other legal entities responsible for control over required common areas and facilities.
 - c. Bonds, letters of credit or other surety devices.
 - d. Time schedules for the completion of phases in staged developments.
 - e. The environmental impact of proposed development.
 - f. A fiscal impact analysis of a development on the Township and other governmental units.

SECTION 14.04 REVIEW BY PLANNING COMMISSION

The applicant shall submit four (4) copies of the required Site Plan and related documentation to the Planning Commission for review. The Planning Commission shall review the Type II Site Plan to determine compliance with permitted land use, density of development, general circulation, and other provisions of this Ordinance. The Planning Commission shall respond to the Type II Site Plan within forty-five (45) days and, if denied, shall cite reasons for denial. If

approved, a Certificate of Zoning Compliance shall be issued to the applicant by the Building Inspector.

SECTION 14.05 CRITERIA FOR SITE PLAN APPROVAL

The Planning Commission or Building Inspector shall use the following criteria in evaluating a site plan submittal:

- A. Whether the required information has been furnished in sufficiently complete and understandable form to allow an accurate description of the proposed use(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, performance characteristics, parking, and traffic circulation.
- B. Whether there are ways in which the configuration of uses and structures can be changed which would improve the impact of the development on adjoining and nearby properties, persons, and activities, and on the community, while allowing reasonable use of the property within the scope of district regulations and other regulations of this Ordinance that are applicable to the property and proposed use and structures.
- C. The extent to which natural features and characteristics of the land will be preserved; the regard given to existing large trees, natural groves, watercourses, and similar natural features that would add attractiveness to the property and environs if they were preserved; the preservation of natural drainage systems, the dedication and/or provision, where appropriate, of scenic easements, natural buffering, and other techniques for preservation and enhancement of the physical environment.

SECTION 14.06 MODIFICATION OF APPROVED SITE PLAN

Once site plan approval has been granted by the Building Inspector or the Planning Commission, changes to the approved site plan shall require a resubmission and payment of fee and approval of the modifications or changes by the Planning Commission or Building Inspector, as appropriate.

SECTION 14.07 POSTING OF FINANCIAL GUARANTEE

The Planning Commission or Building Inspector is empowered to require a performance bond, letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping and drainage improvements associated with the project. Such performance guarantee shall be deposited with the Clerk of the Township at the time of issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan; if not, said performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Building Inspector. In cases where the provisions of this Chapter have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements; and the balance, if any, shall be returned to the applicant.

SECTION 14.08 SITE PLAN PROCEDURE

- A. When an applicant receives site plan approval, he must develop the site exactly as approved.
- B. In any case where rezoning of the land would be required to allow the proposed development and/or use of the property as provided for in the site plan, a concept approval of the site plan by the Township Planning Commission shall be considered, contingent upon rezoning of the subject property by the Township Board; such concept site approval shall not be construed as any assurance of such rezoning nor shall it be binding on the applicant if the rezoning is approved.
- C. Any site plans receiving approval shall be effective for a period of one (1) year, or the life of a building permit obtained pursuant to the approved site plan, whichever is longer. If construction is not commenced within the period that the site plan is effective, no construction shall take place unless there has been a new site plan submitted and approved by the Planning Commission or Building Inspector, as appropriate.
- D. Before a site plan is marked "approved", it shall be revised to reflect any conditions attached to the approval, or changes or corrections required to obtain approval.
- E. All requirements of this Ordinance, and any other applicable Township ordinance, standard, specification, or regulation shall be complied with even if not specifically included in an approved site plan.
- F. For any Type II Site Plan approved, three (3) complete sets of "as-built" drawings, certified by the project engineer or architect, must be submitted by the proprietor at the time of application for an occupancy permit.

SECTION 14.09 ADMINISTRATIVE PLAN REVIEW

A minor change to a Type II Site Plan may be approved administratively by the Building Inspector, provided the plan complies with all applicable requirements of this Ordinance and all other Township regulations and state law. The Building Inspector may approve a site plan for the following:

- A. Change of location or type of landscape materials.
- B. Minor changes to an approved site plan which involve the relocation of any of the following items:
 - 1. Sidewalks
 - 2. Refuse containers
 - 3. Lighting
 - 4. Signs

5. Retention/detention ponds

- C. An increase or decrease in building size from an approved site plan not exceeding five (5) percent of the gross floor area or five hundred (500) square feet, whichever is lesser.
- D. Moving a proposed building on an approved site plan no more than ten (10) feet, provided that all setbacks are maintained.

SECTION 14.10 USE OF OCCUPANCY BY TERMINATION OF WATER METERS

When a water meter is pulled or removed for non-payment, foreclosure, or shut off for more than thirty (30) days for non-payment or foreclosure (not due to a scheduled removal for seasonal residents or other similar occurrences), the property owner loses the Certificate of Occupancy, and the owner must re-apply for a Certificate of Occupancy and pay all appropriate fees, as set by the Township Board of Trustees.

Off-Street Parking and Loading Provisions

SECTION 15.01 INTENT

The purpose of this chapter is to permit and regulate off-street parking of motor vehicles and the off-street loading and unloading of vehicles in all zoning districts.

In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of buildings erected, altered or extended after the effective date of this ordinance shall be provided as prescribed herein. Such areas shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of spaces and area are provided elsewhere on the site in accordance with this ordinance.

SECTION 15.02 SIZE AND UNITS OF MEASUREMENT

All off-street parking facilities required by this article shall be of adequate size and design to provide safe ingress and egress to all parking spaces. For the purposes of this ordinance, the average parking area consisting of one (1) parking space with maneuvering lane shall be deemed to be three hundred (300) square feet.

- A. Minimum Size Standards: The minimum standards for parking spaces and aisles are as indicated in Schedule "A".

SCHEDULE "A" **Minimum Parking Space and Maneuvering Lane Standards**

Parking Pattern	Maneuvering Lane Width		Parking Space Width ⁽¹⁾	Parking Space Length ⁽²⁾	Total Width of Two Tiers Plus Lane	
	<u>One-way</u>	<u>Two-way</u>			<u>One-way</u>	<u>Two-way</u>
Parallel	11 ft.	18 ft.	9 ft.	25 ft.	29 ft.	36ft.
30 to 54 deg.	12 ft.	20 ft.	9 ft.	21 ft.	55 ft.	62 ft.
55 to 74 deg.	13 ft.	24 ft.	9 ft.	21 ft.	55 ft.	66 ft.
75 to 90 deg.	15 ft.	24 ft.	9 ft.	20 ft.	55 ft.	64 ft.

(1) Measured Perpendicular to the space centerline.

(2) Measured along the space centerline.

SECTION 15.03 ACCESS DRIVES

Each lane of driveway providing access to parking areas shall be a minimum of ten (10) feet in width. Where a turning radius is necessary, it shall be of an arc that allows unobstructed vehicle flow.

SECTION 15.04 REQUIRED CONSTRUCTION

All parking and loading facilities and access drives for uses other than single family residential and agricultural shall be provided with a pavement surface consisting of bituminous concrete or asphalt. Driveways shall be constructed with materials equal to or better than the standards set forth by the Bay County Road Commission for commercial driveways. Parking lots and driveways shall be completely constructed prior to the issuance of an occupancy permit, weather permitting. All parking surfaces shall be maintained in good condition, free from dust, trash and debris.

SECTION 15.05 ENTRANCES AND EXITS

All non-residential parking and loading facilities shall have entrances and exits within the zoning district in which the principal use is permitted.

SECTION 15.06 DRAINAGE

All off-street parking and loading areas shall be graded and drained to dispose of surface water. No surface water shall be permitted to drain onto adjoining property unless there is a common engineered drainage system shared with the adjoining property or an appropriate watershed easement has been obtained.

SECTION 15.07 LOCATION

Unless otherwise regulated under the provisions of Chapter 13, the location of all non-residential parking facilities shall be as specified in the regulations of each zoning district, and as follows:

- A. When a required non-residential parking facility is situated on a parcel adjoining a residential district or use, the parking facility shall be set back a minimum of thirty (30) feet from the adjoining residential property. Within this setback and nearest the respective property line, a greenbelt shall be required in accordance with the provisions of Chapter 17.
- B. For all residential buildings and for all non-residential uses of buildings located in residential districts, required parking shall be provided on the same parcel as the building or use.

SECTION 15.08 REQUIRED LIGHTING

Unless specifically modified by the Planning Commission as part of Site Plan Approval, all parking and loading facilities utilized during night-time hours shall be artificially illuminated to a

minimum level of one half (1/2) foot candles and a maximum of five (5) foot candles, with one (1) foot candle being the desired level of average illumination. Lighting fixtures providing illumination for or within parking facilities shall be designed and arranged to:

- A. Deflect light away from adjacent properties, streets and highways. The source of illumination in any parking facility located within two hundred (200) feet of a residential use or district shall not be more than twenty (20) feet above the parking surface and shall be shrouded to prevent glare. Lamps should be of either incandescent or color corrected sodium vapor variety.
- B. Allow a reduction of the amount of artificial light during other than normal parking hours.

SECTION 15.09 LANDSCAPING

Landscape features within front yard parking areas shall be installed in accordance with the minimum standards outlined in Chapter 17. They shall be protected by a raised concrete curb or anchored timbers around their borders to prevent motor vehicle infringement upon the landscape area.

SECTION 15.10 REQUIRED PARKING PER USE

The amount of required off-street parking area and space by type of use shall be determined and provided in accordance with the following schedule (Schedule B). The number of parking spaces required for land or buildings used for two (2) or more purposes shall be the sum of the requirements for the various uses, computed separately. Additional parking spaces shall be constructed when a change in use would require more parking area.

SCHEDULE B
Table of Off-Street Parking Requirements

<u>USE</u>	<u>MINIMUM NUMBER OF SPACES PER UNIT OF MEASURE</u>
1. RESIDENTIAL	
a. One or Two Family	2 Per Dwelling Unit.
b. Multiple Family-1 to 2 Bd.Rm.	1.75 Per Dwelling Unit.
c. Multiple Family-3 or more Bd. Rm.	2 Per Dwelling Unit.
d. Housing for the Elderly	1 Per Unit Plus 1 per 5 Units
2. INSTITUTIONAL	
a. Church	1 Per each 4 seats or 8 feet of pew in the main place of assembly.
b. Hospital	2 Per Bed.
c. Nursing Homes, Sanitariums	1 Per Bed Plus 1 Per Employee during the maximum shift.
d. Elementary & Jr. High Schools	2 Per Classroom plus additional for auditorium requirements and one (1) space for each 300 S.F. of Administrative Office area.
e. Senior High School	7 Per Classroom plus auditorium requirements, and 1 space for each 300 S.F. of Administrative Office area.
f. Day Care Centers	1 Per employee plus 1 for each 10 students.
g. Private Clubs and Lodges	1 Per each 3 persons allowed within the maximum occupancy load as established by the appropriate fire, health or building code.
h. Public or Private Swimming Pool Clubs, Tennis Clubs	1 Per each 1000 feet of net floor and similar uses area.
i. Auditorium, Stadium, Sports Arena, Theater	1 for each 3 seats or each 6 feet of bench.
3. BUSINESS AND COMMERCIAL	
a. Retail Stores, except as otherwise specified herein	1 Per each 150 square feet of floor area.
b. Auto Repair Shop and Service Stations	1 Per each 300 square feet of floor area.
c. Auto Wash - Self-wash	5 Per premises plus sufficient waiting space to accommodate 5 vehicles for each wash bay.

USE

MINIMUM NUMBER OF SPACES
PER UNIT OF MEASURE

- d. Auto Wash - Automatic Car Wash 7 Per premises plus a parking or waiting area sufficient to accommodate 20 vehicles awaiting entry into the automatic car wash.
 - e. Beauty Salon or Barber 1 Per 100 Sq. Ft. of floor area or 3 for each chair or station, whichever is greater.
 - f. Bowling Alley 5 Per lane plus additional for each accessory use.
 - g. Establishments for the sale & consumption of beverages, food or refreshments on the premises 1.5 Per 100 Sq. Ft. of floor area or 1 per each 3 persons allowed for the maximum occupancy load as established by the appropriate fire, health or building code, whichever is greater.
 - h. Motel 1 Per each unit plus 1 for each 5 units plus additional parking for dining and meeting rooms based on 1 space per each three persons allowed for the maximum occupancy load as established by the appropriate fire, health, or building code, whichever is greater.
 - i. Vehicle Sales, Machinery Sales, Wholesale Outlets, Furniture and Appliance Stores, Hardware, Paint and Home Improvement stores 1 Per each 200 Sq. Ft. of salesroom floor area plus 1 for each service stall.
 - j. Video Rental and Arcade Establishments 1.5 Per each 100 Sq. Ft. of floor area.
 - k. Winery, Microbrewery, Distillery 1 Per every 2 seats in the tasting area PLUS 1 per each employee on site at the busiest time PLUS 2 spaces.
4. OFFICES
- a. Banks, Business & General Offices 1 Per each 200 Sq. Ft. of floor area.
 - b. Medical, Dental & Veterinary Offices and Clinics 1 Per each 100 Sq. Ft. of floor area.
5. INDUSTRIAL
- a. Manufacturing, Assembly Research & Processing 1 Per each 300 Sq. Ft. of Industrial and Office floor area.
 - b. Warehousing 1 Per each 600 Sq. Ft. of floor area plus additional for Offices (1 per 200 Sq. Ft.).
 - c. Mini Storage 5 Per premises plus 1 for each 5 storage bays.

SECTION 15.11 LOADING SPACES

For every building or addition to an existing building hereafter erected of over ten thousand (10,000) square feet requiring the receipt or distribution of materials or merchandise in vehicles, there shall be provided and maintained, on the same premises with such building or addition, off-street loading spaces in relation to floor area as follows:

- A. Up to twenty thousand (20,000) square feet – one (1) space.
- B. Twenty thousand (20,000) to fifty thousand (50,000) square feet – two (2) spaces.
- C. Fifty thousand (50,000) to one hundred thousand (100,000) square feet – three (3) spaces.
- D. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof. Each loading space shall be at least ten (10) feet in width and twenty-five (25) feet in length and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any residence district unless wholly within a completely enclosed building or enclosed on all sides by a wall or a uniformly painted solid board or masonry fence not less than six (6) feet in height, and no such space shall extend into the front, side or rear yard setback areas. Refuse disposal service areas shall be screened from public view with a suitable fence or plant material.

SECTION 15.12 DEFERRED PARKING (NON-RESIDENTIAL USES)

As a means of avoiding construction of greater amounts of parking spaces and impermeable surface area than reasonably needed to serve a particular use while still ensuring site adequacy for a broad range of potential changes in the use of a building or premises, the Planning Commission may defer construction of the required number of spaces for any industrial, commercial, office or other non-residential use if the following conditions are satisfied:

- A. An application is filed in writing with the Planning Commission. Said application shall be accompanied by a site plan of the entire project showing the design and layout of all required parking areas, including areas proposed for deferred parking. An application for deferred parking plan approval shall be accompanied by a fee as established by the Township Board.
- B. The design of the parking area, as indicated on the site plan, includes sufficient space to provide for the total parking area as required by this Chapter in Section 15.10, Schedule B.
- C. The area designated for deferred parking shall not include areas required for setbacks, side or rear yards, landscaping or greenbelts or land otherwise unsuitable for parking due to environmental or physical conditions.

The Planning Commission, in acting upon a Deferred Parking Plan, may modify the requirements of Schedule B. The Planning Commission may also impose reasonably necessary conditions to protect the public interest and may require the provision of security to assure completion of any related improvements required as a condition of Deferred Parking Plan Approval. At any time subsequent to the approval and construction of a deferred parking plan, the Planning Commission may, based on review of parking needs by

the Planning Commission, require the construction of additional parking spaces as required in Schedule "B".

SECTION 15.13 MISCELLANEOUS OFF-STREET PARKING PROVISIONS

- A. Existing Off-Street Parking at the Effective Date of this Ordinance: Off-Street parking existing at the effective date of this Ordinance, which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.
- B. Fractional Requirements: When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, the fraction shall be considered one full required space.
- C. Requirements for use not listed shall be the same for that use which is most similar to the use not listed.
- D. For the purposes of determining off-street parking and loading requirements, the following provisions shall apply:
 - 1. Floor area shall mean net floor area of all floors of a building as defined in Chapter 30. .
 - 2. Joint or collective provision of off-street parking areas for buildings or uses on one (1) or more properties shall not be less than the sum of the requirements of the participating individual uses computed separately.
- E. It shall be unlawful to use any off-street parking or loading area established to meet the requirements of this Ordinance for any purpose other than parking of licensed vehicles or the loading or unloading of necessary service trucks, unless otherwise provided for in the provisions of this Ordinance.

Ingress and Egress Provisions and Private Streets

SECTION 16.01 INTENT

It is the purpose of this chapter to establish guidelines for location and design of driveways that can be used for new construction in undeveloped areas and for redevelopment of existing developed areas. The objectives of these requirements are to reduce the frequency of conflicts between vehicular movements and to increase the spacing between conflict points, thereby providing motorists with increased decision process time which will increase safety and assure smoother traffic flow.

SECTION 16.02 GENERAL PROVISIONS

- A. Turn Prohibitions: Left turns may be prohibited at the discretion of the Planning Commission to and from driveways under the following conditions:
 - 1. Inadequate corner clearance.
 - 2. Inadequate sight distance.
 - 3. Inadequate driveway spacing.
- B. Relationship to Opposing Driveways: To the extent desirable and reasonably possible, driveways shall be aligned with driveways on the opposite side of the street.
- C. Sight Distance: Adequate sight distance shall be ensured for all vehicles exiting from a proposed development. If certain movements cannot be made safely, then they shall be prohibited or joint access with adjoining property shall be encouraged.
- D. Driveway Permits: Prior to the granting of a building permit for any construction involving a new or expanded driveway opening to a public street, a permit for such driveway from the state and/or county agency having jurisdiction over the public street shall be submitted to the Building Inspector.

SECTION 16.03 INGRESS AND EGRESS PROVISIONS: COMMERCIAL DISTRICTS

- A. Driveway Spacing: Every effort shall be made to space the centerlines of driveways at a minimum of three hundred (300) feet. In cases where such spacing cannot be achieved, a minimum spacing of one hundred fifty (150) feet may be permitted provided that the average

spacing of driveways within three hundred (300) feet of the subject property is maintained at no less than two hundred (200) feet and/or the driveway results in a driveway consolidation with an existing driveway or joint access with an adjoining property.

- B. Property Clearance: The minimum distance between the property line and the nearest edge of the driveway shall be twenty-five (25) feet.
- C. Corner Clearance: The minimum tangent curb length between the centerline of a driveway and street intersection shall be one hundred fifty (150) feet. Traffic movements to driveways less than two hundred fifty (250) feet from a signalized intersection may, at the discretion of the Planning Commission, be limited to right turns only.

SECTION 16.04 INGRESS AND EGRESS PROVISIONS: "O" OFFICE AND "I" INDUSTRIAL DISTRICTS

- A. Driveway Spacing: Every effort shall be made to space the centerlines of driveways at a minimum of two hundred (200) feet. In cases where such spacing cannot be achieved, a minimum spacing of one hundred fifty (150) feet may be permitted by the Planning Commission, provided that the average spacing of driveways within three hundred (300) feet of the subject property is maintained at no less than one hundred (100) feet and/or the driveway results in a driveway consolidation with an existing driveway or joint access with an adjoining property.
- B. Property Clearance: The minimum distance between the property line and the nearest edge of the driveway shall be twenty-five (25) feet, except where the driveway provides access to more than one parcel.
- C. Corner Clearance: The minimum tangent curb length between the centerline of a driveway and street intersection shall be one hundred fifty (150) feet. Traffic movements to driveways less than two hundred fifty (250) feet from a signalized intersection may, at the discretion of the Planning Commission, be limited to right turns only.

SECTION 16.05 INGRESS AND EGRESS PROVISIONS: RESIDENTIAL DISTRICTS

- A. Residential: All residential driveway openings onto a public street shall be constructed to Bay County Road Commission standards. Copies of permits issued by the Road Commission shall be provided to the Building Inspector prior to issuance of building permit.
- B. Non-Residential: All driveway openings for non-residential uses permitted in the Residential Districts shall be reviewed and approved by the Planning Commission as part of site plan approval or the provision contained in Chapter 19, Special Use.

SECTION 16.06 PRIVATE STREETS

Private streets, as defined in Chapter 30, are permitted as a special use in all zoned districts, provided the following conditions and criteria are met:

- A. A preliminary street plan, prepared by a registered professional engineer, must be submitted to and approved by the Planning Commission. Said plan shall be at a scale of no less than one (1) inch one hundred (100) feet and shall clearly indicate the location of the private street, the length of the private street, and all parcels that will be served by the private street. Said plan shall also indicate any other facilities that will be located within the street right-of-way such as, but not limited to, storm drainage, sanitary sewers, water mains, natural gas lines, and underground electric and telephone lines.
- B. Proposed deed restrictions and/or deed conveyances must be submitted to and approved by the Planning Commission.
 - 1. How permanent access for pedestrian and vehicular traffic will be assured for each parcel.
 - 2. That the Charter Township of Hampton has a right to construct public or semi-public utility systems within the private street right-of-way.
 - 3. That the Charter Township of Hampton and/or the Bay County Road Commission will not be responsible for maintaining, snowplowing, or for improving the private street, or for constructing public or semi-public utility systems serving said street and that a methodology for assessing and collecting the costs of such maintenance and or improvements to the parcels and lots served by the private street be submitted to and approved by the Planning Commission.

In the event there are lots which abut the proposed private road which are not owned by the applicant and in the further event any of these owners are unwilling to agree to the requirements of Sections 16.06.B.3. and 16.06.B.4., the Planning Commission may waive such compliance provided that the costs under Section 16.06.B.3. attributable to these lots are satisfactorily provided for in the methodology and the waiver approved by the Township Board, and ownership of the entire road is satisfactorily provided for.

- 4. That all lots serviced by the private street shall own to the centerline of the proposed private street right-of-way. Further, the parcel of property subject to the private street right-of-way may not be conveyed separate and apart from the individual lots serviced by the private street unless the private street right-of-way is dedicated to a public entity and made a public street. The deed restriction shall also reserve the right to convey the private street right-of-way to a public entity and shall show the methodology for effectuating this conveyance. (For example, but not by way of limitation, the private street may be dedicated to a public entity upon presentation of a petition signed by a majority of the owners of those lots serviced by the private street.)
- C. The Planning Commission shall review the particular circumstances and facts applicable to each proposed private street in terms of general standards contained in Section 16.06 of this Chapter and the following standards and requirements and shall make a determination as to whether the proposed street to be developed on the subject parcel meets the following standards and requirements:
 - 1. It must be consistent with and in accordance with the general objectives, intent, and purposes of this Zoning Ordinance.

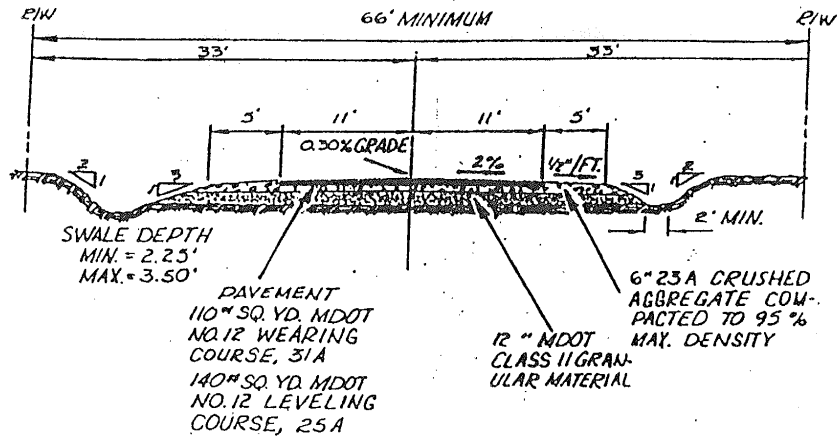
2. It must be designed, constructed, operated, maintained, and managed so as to be compatible with existing adjacent land uses and appropriate in appearance with the existing or intended character of the general vicinity.
 3. It must be served adequately by essential public facilities and services, including but not limited to highways, streets, police and fire protection, drainage structures, municipal sanitary sewer and water, refuse disposal, or that parties or agencies responsible for the establishment of the proposed use shall be able to economically provide any such service, together with sufficient deed restrictions and or easements to accomplish the said purpose.
 4. It must be consistent in assuring that the general public health, safety, and welfare will not be infringed upon.
 5. It must be in complete compliance with all general and specific standards and conditions imposed pursuant to this Zoning Ordinance, other applicable local ordinances, and other applicable state and federal requirements.
- D. If a Special Use Permit is issued, a construction permit shall be issued within (1) one year of the date of the issuance of the special use permit unless an extension is granted by the Planning Commission. Within one (1) year from the original date of issuance of a special use permit, the applicant may petition the Planning Commission for a one (1) year extension. After review by the Planning Commission, the Planning Commission may, within its sole discretion, grant an extension of time within which to obtain a construction permit, provided there is no change made to the proposed plan. If an additional extension is sought and requested within the first one (1) year extension, the Planning Commission may similarly review and approve, within its sole sound discretion, an additional one (1) year extension. In no event shall more than two (2) extensions be granted by the Planning Commission without a new Special Use Permit being obtained. Failure of the applicant to obtain a construction permit within one (1) year of the date of approval of the Special Use Permit or any extensions provided herein shall result in a revocation of the grant of the Special Use Permit.
- E. If a special use permit is issued, and prior to the start of construction, engineering construction plans sealed by a registered professional engineer shall be submitted to the Planning Commission for approval. If the Planning Commission determines that the plans are in accordance with the following private street standards, a construction permit may be issued by the Building Inspector.
1. A minimum right-of-way of sixty-six (66) feet.
 2. A maximum length to the radius point of any turn around of nine hundred (900) feet.
 3. A minimum street grade of three-tenths (.3) of a percent and a maximum street grade of five (5) percent.
 4. Horizontal curves shall have a centerline radius of not less than two hundred fifty (250) feet.
 5. A vertical street alignment which provides for a minimum of thirty (30) miles per hour and a stopping sight distance of at least two hundred (200) feet.

6. Utility plan showing electricity, gas, water, sewer, telephone, cablevision, street lighting, drainage, and fire hydrants. Further, all proposed traffic control devices shall be shown and a statement made whether the applicant requests the traffic control devices be approved by the township traffic control engineer for enforcement purposes.
7. Provide that the street shall be cleared and graded for the entire width of the roadway cross-section.
8. The street cross-section and turn-around shall conform to the drawing attached as Exhibit 1 or the minimum County Road Commission construction standards, or modifications thereof, which are approved by the Planning Commission.
9. Drainage structures (such as culverts) shall be provided to insure flow through any traversed drainage course as well as at driveways. End sections and or grouted bag (rip rap) headwells shall be constructed at the ends of all culverts. Drainage marker posts shall be placed at the ends of all culverts forty-eight (48) inches in diameter or less. The minimum diameter of a driveway culvert shall be twelve (12) inches.
10. If any county drain is traversed, plans shall be approved by the Bay County Drain Commissioner before construction.
11. The minimum road swale grade shall be two (2) percent.
12. Four (4) inches of topsoil with seed, fertilizer, and mulch, with Michigan Department of Transportation roadside mixture, shall be applied to all disturbed areas. Ditches shall be sodded for grades greater than two and one-half (2 1/2) percent or where the velocities in the ditch exceed three (3) feet per second.
13. Railroad crossings shall have approval from the Michigan Public Service Commission for new crossings. Advance warning signs and crossbuck signs are required.
14. All materials and construction methods shall be in accordance with the latest edition of the Michigan Department of Transportation Standard Specifications for Construction.
15. Public sanitary sewer and water shall be connected to all lots serviced by the private street where they are available.

EXHIBIT A
HAMPTON CHARTER TOWNSHIP

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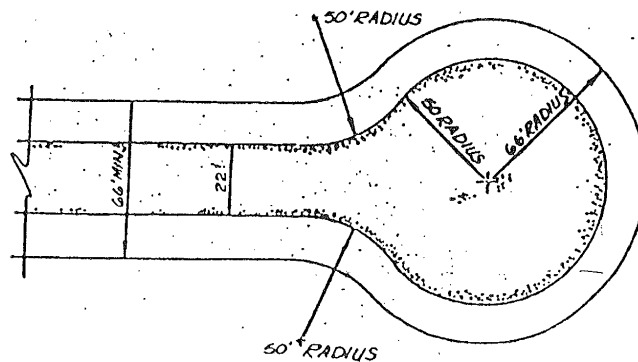
PRIVATE STREET STANDARDS



NOTES:

1. DIMENSIONS & GRADES ARE MINIMUM.
2. SLOPES ARE MAXIMUM.
3. USE ENCLOSED STORM SEWER WHEN SWALE
PITCH WOULD EXCEED 3.5% DEEP.
4. REQUIRED RIGHT-OF-WAY WIDTH VARIES BETWEEN
66' & 121' BASED ON DEPTH OF SWALE DITCH.

TYPICAL CROSS-SECTION



CUL-DE-SAC

NOT DRAWN
TO SCALE

Landscape and Greenbelt Provisions

SECTION 17.01 INTENT

The intent of this Chapter is to assist development proposals in meeting desired landscaping objectives and to set forth minimum yet flexible standards for required landscape areas.

The objective and primary functions of landscaping are both utilitarian and aesthetic. The utilitarian aspects and effects of good landscaping design include:

- The screening of lighted areas and unattractive features.
- The prevention of glare from buildings, cars and other sources.
- The control of air pollution by the absorption of noxious gases and the release of oxygen.
- The reduction of noise and the stabilization of soils.
- Decreased wind velocity and increased surface water retention.
- The definition of access and circulation.

SECTION 17.02 LANDSCAPING – GENERAL

For all uses except single-family residential and agricultural, every site upon which a building or structure has been placed shall be landscaped in accordance with a plan and specifications approved by the Planning Commission. The entire site not devoted to floor area, parking, access ways or pedestrian use shall be appropriately landscaped with grass, canopy and coniferous trees, shrubs and ground cover. Expansion areas shall be placed in grass and kept weed free. Any areas which become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Building Inspector.

- A. Landscaping shall be installed within one hundred eighty (180) days of completion of the building or structure, or unless permitted in writing by the Building Inspector at a later date.
- B. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one (1) growing season.
- C. Landscaped areas shall be neatly maintained, including mowing, fertilizing, pruning, and watering, if necessary.
- D. Parking and loading areas shall be landscaped and/or fenced in such a manner as to reasonably interrupt or screen the areas from view.

- E. For the purpose of this chapter, a corner lot is considered as having two (2) front yards, and the appropriate landscaping shall be provided for both.
- F. The extensive use of cobble stones, crushed stones or other non-living material as a ground cover is discouraged.
- G. Where appropriate, plantings should be grouped or clustered to provide the maximum visual effect.

SECTION 17.03 REQUIRED LANDSCAPING – GREENSTRIPS

In all non-residential and PUD districts and for permitted non-residential uses in the residential districts, required greenstrips shall be landscaped according to the following guidelines and in accordance with Sections 3.27 and 3.28.

- A. For each required greenstrip with a width of twenty (20) feet or less;
 - 1. One (1) tree for each fifty (50) feet of length of the greenstrip.
 - 2. Shrubs at a rate of one (1) per each tree required.
- B. For each required greenstrip with a width of greater than twenty (20) feet;
 - 1. A minimum of two (2) trees plus one (1) additional tree for each fifty (50) feet in length of the greenstrip.
 - 2. Shrubs at a rate of two (2) per each tree required.
- C. Where appropriate, plantings should be grouped or clustered to provide maximum visual effect.
- D. Tree Size: All trees credited in any required greenstrip shall have a minimum caliper of one and three-fourths (1 3/4) inches and shall have an expected height at maturity of at least twenty (20) feet. Trees shall be provided at a ratio of approximately two (2) understory trees for each one (1) canopy tree.
- E. Accessways. Necessary accessways through required greenstrips are permitted but shall be included in the dimensions used to determine required plantings.
- F. Berms. Undulating earthen berms not exceeding six (6) feet in height and 3:1 slopes may be permitted within a required greenstrip. Credit of up to twenty-five (25) percent may be received against providing the required plantings through the use of berms three (3) feet in height or greater.

SECTION 17.04 GREENBELTS REQUIRED

Where required, greenbelts shall be provided and maintained in accordance with the following guidelines and in accordance with Sections 3.27 and 3.28.

- A. Width: Required greenbelts shall have a minimum width of ten (10) feet.
- B. For each twenty-five (25) feet of length or portion thereof of greenbelt, desired plantings shall consist of:
 - 1. One (1) deciduous canopy tree
 - 2. Two (2) deciduous understory trees
 - 3. Three (3) evergreen trees
 - 4. Six (6) shrubs
- C. Berms and Walls: Earthen berms not exceeding 3:1 slope and/or decorative walls may be permitted within a required greenbelt. Credit of up to fifty (50) percent against providing the otherwise required plantings may be given through the use of earthen berms of five (5) to six (6) feet in height or walls of six (6) feet or greater, located where the greenbelt should be.
- D. Tree Size: All trees credited in any required greenbelt shall have a minimum caliper of one and three-fourths (1 3/4) inches when planted. All canopy and evergreen trees shall have an expected height at maturity of at least twenty-one (21) feet.
- E. Location: Trees shall be planted no less than seven (7) feet from the property line where a greenbelt is located entirely on property in one zoning district. If on property in two (2) zoning districts, the boundary between the districts shall be the approximate mid-point of the greenbelt.
- F. Responsibility: After the effective date of this ordinance, when a non-residential development is proposed which abuts a Residential District, the non-residential property shall provide the greenbelt.

SECTION 17.05 REQUIRED GREENSTRIPS AND GREENBELTS – ADDITIONAL PLANTING REQUIREMENTS

For reasons of conflicting uses, unfavorable topography, or other unique or extenuating physical circumstances, the Planning Commission may increase required landscape plantings by up to twenty-five (25) percent in any required greenstrip or greenbelt if, in its discretion, an increase is found to be necessary to reasonably achieve stated utilitarian and aesthetic objectives.

SECTION 17.06 REQUIRED GREENSTRIPS AND GREENBELTS – REDUCTIONS AND SUBSTITUTIONS OF PLANTINGS

Where, in certain situations, a physical hardship exists or existing topography and vegetation are determined by the Planning Commission to provide equal or better landscape and buffering effect, the Planning Commission may approve modifications only to the planting requirements of Sections 17.03 and 17.04 and Sections 3.27 and 3.28. In approving modifications due to physical hardship, the Planning Commission may require such alternate plantings and visual screens or hedges, fences, walls, and/or combination thereof which it deems necessary to ensure compliance with stated utilitarian and aesthetic objectives.

SECTION 17.07 GREENSPACE WITHIN THE PUBLIC RIGHT-OF-WAY AND PRIVATE EASEMENTS

For the land area lying between the required greenstrip in the front yard of properties and the edge of pavement of a public or private street, the following standards shall apply:

- A. As a minimum, grass or other living ground cover shall be neatly maintained and kept weed free by the owners of property abutting the public right-of-way or private easement.
- B. Trees within a public right-of-way shall not be planted without the written consent of the Bay County Road Commission or the Michigan Department of Transportation.

SECTION 17.08 PARKING AREAS, FRONT YARD – REQUIRED LANDSCAPING

Parking areas located in the front yard of a site that include in excess of fifty (50) vehicle spaces or fifteen thousand (15,000) square feet of area, including parking spaces, lanes and drives outside of the required greenstrips, shall be internally landscaped at a rate of one (1) square foot of green area for each twenty-five (25) square feet of impermeable parking area surface. Landscape features installed in fulfillment of this requirement should be designed and situated to break the monotony of large expanses of parking area, to protect lighting fixtures and fire hydrants, and to define access and circulation ways.

Such features shall be sized and planted to meet the following requirements and shall be credited as parking spaces for the purpose of meeting the minimum vehicle space requirements of this Ordinance.

- A. Landscape Islands and Peninsulas: Such features shall be a minimum of one hundred eighty (180) square feet in size.
- B. Raised Planting Strips: Such features used to separate the ranks of vehicle spaces shall be a minimum of four (4) feet in width.
- C. Required Plantings: For each two hundred (200) square feet of green area required within a created island, peninsula, or raised planting strip, one (1) tree and two (2) shrubs for each tree shall be provided.
- D. Trees shall have an expected height of at least fifteen (15) feet at maturity and be of a minimum one and three-fourths (1 3/4) inches caliper when planted. Shrubs shall be of a low growing variety and maintained below four (4) feet in height as measured from the parking surface around the base of the island. Trees shall be maintained to ensure clear vision for pedestrians and drivers.

SECTION 17.09 CREDITED SPECIES

The Building Inspector shall hold on file a suggested planting list to accommodate various site situations.

SECTION 17.10 UNCREDITED SPECIES

The following Schedule "A" enumerates species that are permitted but which will not be credited in required landscape areas due to their brittleness, susceptibility to disease and insects, excessive root structure, excessive litter, susceptibility to road salt damage and/or other undesirable characteristics.

SCHEDULE A LIST OF UNDESIRABLE SPECIES

<u>Botanical Name</u>	<u>Common Name</u>
<u>Trees:</u>	
Acer Negundo.....	Box Elder
Ailantus Altissima	Tree of Heaven
Betula Spp.	Birch
Catalpa Speciosa	Catalpa
Eleagnus Augustifolia	Russian Olive
Ginkgo Biloba (Female)	Female Ginkgo
Maclura Pomifera	Osage Orange
Morus Spp.	Mulberry
Populus Spp.	Cottonwood, Poplar, Aspen
Prunus Spp.....	Cherry, Plum
Salix Spp.	Willow
Ulmus Spp.	Elm
Pinus Strobus	White Pine
Morus Spp.	Mulberry
Juglans Nigra.....	Black Walnut
Robina Spp.....	Black Locus
Crataegus Spp.....	Hawthorn
Aesculus Hippocastanum	Horsechestnut
Carya Spp.	Hickory
Acer Saccharinum	Silver Maple

NOTE: Any multiple stem trees.

Prohibited Shrubbery:

Rhododendron.....	Rhododendron
Yucca	Yucca
Ilex.....	Holly
Mahonia.....	Grape Holly
Azalea	Azalea
Arborvitae	Globe Arborvitae

Signs

SECTION 18.01 DESCRIPTION AND PURPOSE

These regulations are intended to control and regulate the placement of signs within the various zone districts.

SECTION 18.02 EXCEPTIONS

The following types of signs are excluded from regulation by this ordinance:

- A. Devices on the inside of a commercial structure visible through a transparent portion of the structure unless the device is both permanent and lighted.
- B. Signs erected by governmental agencies including but not limited to Hampton Township information, direction, public service and business location signs and signs for the purpose of showing street names, traffic directions, the location of public buildings, public safety and signs erected by private parties, with the written approval of the Township Building Inspector to identify geographical areas, points of historical interest, and public safety.

SECTION 18.03 SIGN PERMITS

No regulated sign shall be erected or altered without filing an application and receiving a sign building permit in accordance with the following:

- A. Permanent and temporary signs - It shall be unlawful for any person, firm or corporation, by themselves or by their agents or servants, to construct, erect, install, structurally alter, or relocate any sign or advertising display without having first obtained a permit for such sign or device from the office of the Building Inspector. Application for such permit shall be filed with the Building Inspector and accompanied by the fee therefore, and shall set forth the name of the person who is to erect or alter the sign, the plans and specifications of the sign, and the proposed method of erection or alteration, together with complete information regarding the equipment to be used for such work. If the Building Inspector, and in the case of an electrical sign, the Electrical Inspector, finds that such a sign, when constructed and erected in accordance with the plans and specifications, will comply with the provisions of this Chapter and all other Ordinances of this Township or statutes of this State, and that the equipment to be used is adequate to protect the public safety during the erection or alteration thereof, the Building Inspector shall issue a permit. Each sign shall be inspected by the Building Inspector immediately after it is erected. Each application for a permit under

this Section shall state that the owner of the property on which the sign is to be situated does, upon grant of the permit by the Building Inspector, grant the Building Inspector the right thereafter to enter upon the property at reasonable times to inspect the sign for purposes of determining compliance with the provisions of this Chapter and the right of either the Building Inspector or other persons designated by the Building Inspector to enter upon said property for purposes of removal of the sign if the sign is later determined not to comply with the provisions of this Chapter. No application for a permit under this Section shall be granted until the owner of the property on which it is to be situated shall have signed the application. Permits for temporary signs shall be limited to a maximum of fifteen (15) days and no more than three (3) permits shall be issued for the location of portable signs on any parcel of land during any one (1) year. In issuing a permit for a temporary sign, the Building Inspector shall require a reasonable cash deposit to insure the removal of such sign within the time limit prescribed in the permit. If the sign is not removed within the specified time, the deposit shall be forfeited.

SECTION 18.04 GENERAL PROVISIONS

A. Permanent or Temporary Signs

1. Maintenance – All signs and advertising displays now erected and maintained or hereafter to be erected and maintained shall be erected and at all times maintained in a neat and orderly condition and with secure supports and fastenings to prevent the same from falling. Any person or firm erecting or maintaining such signs or displays shall, within forty-eight (48) hours after being notified by the Building Inspector, repair or replace supports for any sign and comply with said order in a manner satisfactory to the Building Inspector.
2. Traffic Hazards – It shall be unlawful for any person or firm to place a sign, advertising device, or display in a location where it will cause a hazard to vehicular or pedestrian traffic. If any such sign is determined to be a hazard by the County or State Traffic Engineers or the Township Board, notice thereof shall be given to the Building Inspector who shall thereupon notify the owner to remove same in the interest of public safety.
3. Public Nuisance – The Building Inspector shall notify the owner to alter or remove any sign, device, or display which is deemed a public nuisance by being neglected, in poor repair, hazardous to the public, or which may cause a nuisance or harassment to residents nearby, either by way of light glare or by vision interference, with radio or television reception, or by blocking the natural flow of air currents.
4. Failure to Comply – When a person or firm has been notified by the Building Inspector to remove or repair a sign and shall fail to comply within the time specified in the notice, the Building Inspector is authorized to have the sign removed by Township, County, or State employees. The cost thereof to the governmental agency performing the removal shall become a lien against the property from which the sign is removed, to the extent such costs are not covered by the bond required by this Chapter.
5. Nonconforming Signs – No person or firm shall alter, remodel, relocate or reconstruct any sign which does not conform with the provisions of this Chapter nor shall the Building Inspector issue a permit for same unless the altering, remodeling, relocation, or reconstruction includes modification or reconstruction of the sign so it will conform with

this Chapter and all other Ordinances of this Township. Repainting or redecorating a sign, provided the subject matter thereon is not materially changed, shall not be considered prohibited by this Section.

6. Unauthorized Signs – The following signs are prohibited. Any sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device, or railroad sign or signal, or an emergency vehicle blinker light signal, or which attempts to direct the movement of traffic on public streets, or which obstructs or interferes with the effective operation of any traffic control device or any railroad sign or signal or the normal flow of traffic which is determined by the Township Building Inspector to cause or to be likely to cause distraction to motorists. Any sign of any kind which has been erected or installed on private property without the consent of the owner of such property. Additionally, it shall be unlawful to attempt to utilize, either as a permanent or temporary sign, a mobile home, wagon, tractor, tractor trailer, motor vehicle, or other similar type structure or vehicle for advertising purposes. Commercial motor vehicles may not be parked in the required front yard of any premise or establishment unless they are parked at the authorized loading docks for the purpose of loading or unloading said vehicle and may only be allowed to be parked at said location for the time required to accomplish the task of loading or unloading said vehicle.
7. Electrical Signs – All electrical signs shall be approved by the Township Electrical Inspector to assure that they satisfy the electrical code before a permit will be issued. No exterior sign shall be illuminated by flashing or intermittent lights of a duration of less than twenty (20) seconds. All lighting used for the illumination of signs, business buildings, or areas surrounding them shall be completely shielded from the view of vehicular traffic and adjacent parcels, except for diffused lighting within translucent signs. No illumination or sign shall be so placed or designed to be confused with or appear similar to a high sign or traffic safety device.

SECTION 18.05 USE REGULATIONS

A. Signs permitted in any zone district.

1. Signs that are excepted from regulation in Section 18.02.
2. Political signs as regulated in Sections 18.03.B. and 18.04.B.
3. One (1) nameplate on any parcel provided the sign surface does not exceed four (4) square feet.
4. One (1) identifying sign with a maximum of two (2) sign surfaces for a subdivision, apartment complex, mobile home park, or condominium project, provided that any sign surface does not exceed thirty-two (32) square feet and it is located a minimum of five (5) feet from any property line or street right-of-way line and fifteen (15) feet from any entrance road and, further, provided that it conforms to the requirements of Section 3.27. Provided, however, that a sign may be located within the median of a boulevard entranceway if it meets the following requirements.
 - a. The sign is less than thirty-six (36) inches in height.

- b. The sign is a minimum of five (5) feet from the road right-of-way.
 - c. The sign is a minimum of five (5) feet from the paved surfaces of the entrance road boulevard if the boulevard has curb and a minimum of ten (10) feet from the entrance road boulevard if there is no curb provided.
5. One (1) temporary real estate sign for a subdivision, apartment complex, mobile home park, or condominium project with a maximum of two (2) sign surfaces, provided that any sign surface does not exceed seventy (70) square feet, it is located a minimum of five (5) feet from any property line or street right-of-way line and fifteen (15) feet from any entrance road and, further, provided that it conforms to the requirements of Section 3.27. Provided, however, that a sign may be located within the median of a boulevard entranceway if it meets the following requirements:
- a. The sign is less than thirty-six (36) inches in height.
 - b. The sign is a minimum of five (5) feet from the road right-of-way.
 - c. The sign is a minimum of five (5) feet from the paved surfaces of the entrance road boulevard if the boulevard has curb and a minimum of ten (10) feet from the entrance road boulevard if there is no curb provided.
6. One (1) temporary construction sign with a maximum of two (2) sign surfaces per project denoting architects, engineers, contractors, or financial institutions associated with the project, provided that any sign surface does not exceed sixty-four (64) square feet and it is located a minimum of five (5) feet from any property line or street right-of-way line and fifteen (15) feet from any entrance road and, further, provided that it conforms to the requirements of Section 3.27. Provided, however, that a sign may be located within the median of a boulevard entranceway if it meets the following requirements:
- a. The sign is less than thirty-six (36) inches in height.
 - b. The sign is a minimum of five (5) feet from the road right-of-way.
 - c. The sign is a minimum of five (5) feet from the paved surfaces of the entrance road boulevard if the boulevard has curb and a minimum of ten (10) feet from the entrance road boulevard if there is no curb provided.
- B. Additional signs permitted within any B-1, B-2, B-3, I-1, I-2, or PUD District.
1. Wall Signs
- a. Wall signs shall be located directly on or attached to a building parallel to the side on which they are attached and cannot project above the building roof line.
 - b. A wall sign can be placed on two sides of a building, provided that the total sign surface does not exceed one hundred fifty (150) square feet and that any sign surface does not exceed ten (10) percent of the wall area to which it is attached.
 - c. In addition to the above, if there is more than one (1) independently owned and operated business within one building, each separate business may have a wall sign

provided, it is located on or attached to the front wall of the building and it does not exceed a maximum of forth-eight (48) square feet.

2. Freestanding or Pylon Signs.

- a. One freestanding sign is permitted along each public street frontage of a parcel, provided that no part of the sign structure is located closer than ten (10) feet to any property line, street right-of-way line or a driveway and provided that the entire sign, including the sign surface, is completely located on the parcel on which the sign is located.
- b. The sign surface of a freestanding sign, for an individual business, shall not exceed eighty (80) square feet for parcels having less than two hundred (200) feet of frontage along the street on which the sign is oriented. The sign surface may be increased by sixteen (16) square feet for each one hundred (100) feet of frontage, along the street on which the sign is oriented, in excess of two hundred (200) feet up to a maximum sign surface of two hundred (200) square feet as illustrated in the table below.
- c. If the sign serves more than one independently owned and operated business on a single parcel, the sign surface area provisions are increased by fifty (50) percent.
- d. No sign can exceed thirty (30) feet in height.
- e. The bottom of the sign surface shall be a minimum of eight (8) feet above grade if it is within twenty-five (25) feet of a driveway or street right-of-way line.
- f. If the sign is within twenty-five (25) feet of a driveway or street right-of-way line, it shall be mounted on a singular freestanding pole that shall not exceed 16" in width or diameter.

PERMITTED SURFACE AREA OF FREESTANDING OR PYLON SIGNS		
STREET FRONTAGE OF A LOT IN A BUSINESS OR INDUSTRIAL DISTRICT	MAXIMUM SIGN SURFACE AREA	
	SIGN SERVING ONE BUSINESS	SIGN SERVING MORE THAN ONE BUSINESS
Less than 200'	80 sq. ft.	120 sq. ft.
200' – 299'	96 sq.ft.	144 sq. ft.
300' – 399'	112 sq. ft.	168 sq. ft.
400' – 499'	128 sq. ft.	192 sq. ft.
500' – 599'	144 sq. ft.	216 sq. ft.
600' – 699'	160 sq. ft.	240 sq. ft.
700' – 799'	176 sq. ft.	264 sq. ft.
800' – 899'	192 sq. ft.	288 sq. ft.
900' or more	200 sq. ft	300 sq. ft.

3. Ground Mounted Signs.

A ground mounted sign can be used instead of a freestanding or pylon sign, provided that it satisfies all of the following conditions:

- a. The height of the sign shall not exceed five (5) feet from the surrounding grade.
- b. The sign surface shall not exceed eighty (80) square feet.
- c. The entire sign is located within a front yard greenstrip area.
- d. No part of the sign shall be located closer than twenty-five (25) feet from any property line, street right-of-way line, or driveway.
- e. No part of the sign shall be located closer than one hundred (100) feet from the point of intersection of two (2) street right-of-way lines.

4. Additional Permitted Signs

Automobile Service Stations, Automobile Repair establishments and Automobile Wash establishments may display, in addition to the foregoing signs, the following signs which are customary and necessary to their respective business:

- a. Directional signs or lettering displayed over individual entrance doors or bays, each of which does not exceed five (5) square feet.

- b. Customary lettering and insignia which are a structural part of a gasoline pump.
- c. A sign surface including a logo or lettering placed on not more than three (3) sides of a pump island canopy, provided that no sign surface exceeds ten (10) square feet.

5. Portable Signs

A portable sign can be used instead of a freestanding sign or a ground-mounted sign provided it satisfies all of the requirements for a freestanding or ground-mounted sign.

C. Additional signs permitted in any I-2 District - Billboards are permitted, provided they comply with all provisions regulating billboards in the Highway Advertising Act (P.A. 106, 1972, as amended), no sign surface exceeds two hundred (200) square feet, and they are not located within three hundred (300) feet of any residential district.

D. Signs permitted for approved special uses.

- 1. Signs permitted in any zone district as provided and regulated in Section 18.05.A.
- 2. In instances where a specific use requires the issuance of a special use permit within a particular zone district but is a use permitted by right within another district, the standards regulating signs within the district in which the use is permitted by right shall serve as the minimum standards to which any sign shall be designed. In such cases where there are conflicting standards, the most restrictive shall apply, unless specifically modified by the Planning Commission. Provided further, however, upon review of an application for a special use permit, the Planning Commission may impose stricter sign standards where it is deemed necessary for the protection of adjacent and nearby property rights and values, the general welfare, and for insuring that the intent and objectives of this Ordinance are observed. In establishing these standards, the Planning Commission shall consider the type and nature of the proposed use, the size of the parcel on which the use is being located, the amount of traffic on the street on which the property fronts, the type and nature of adjacent and nearby uses, and the size and types of signs, if any, presently located in the area.
- 3. If the proposed special use is not a permitted use by right within another zone district, the Planning Commission shall establish specific standards for each particular sign at each particular location based on the standards provided above in Section 18.05.D.2.

Special Uses

SECTION 19.01 INTENT

The provisions of this Chapter are intended to set forth the procedures and standards applicable to certain land uses, structures, or activities which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and/or the community as a whole.

Because of these characteristics, the use of the land for certain purposes in certain districts will not be permitted without first obtaining a special use permit from the Planning Commission.

SECTION 19.02 PROCEDURES

- A. An application for a special use permit shall be submitted to the Township Clerk on a form for that purpose, together with a site plan prepared to the specifications contained in Chapter 14 of this Ordinance. Each application shall be accompanied by the payment of fee as determined by the Township Board. In the event the allowance of a proposed use requires both a rezoning and a special use permit, the application for rezoning shall be processed in its entirety prior to final action on the special use.
- B. Upon receipt of an application for a special use permit, a notice that the Planning Commission will hold a public hearing on the application shall be published in a newspaper which circulates in the Township, and sent by mail or by personal delivery to the owners of property for which approval is sought, 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 property, regardless of whether the property or occupant is located within the zoning jurisdiction. 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.

The notice shall:

1. Describe the nature of the special use request.
2. Indicate the property which is the subject of the special use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

3. State when and where the Special Use Permit request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
- C. The Planning Commission shall, within a reasonable time after the public hearing, deny, approve, or approve with conditions the request. The decision by the Planning Commission shall be incorporated in a statement containing the conclusions relative to the special use under consideration, which specifies the basis for the decision and any conditions imposed.

SECTION 19.03 ZONING BOARD OF APPEALS ACTION

Owing to the discretionary nature of the decision to approve or deny a request for special use, the Zoning Board of Appeals is without jurisdiction to accept appeals or grant variances from the general standards of this chapter and the decision of the Planning Commission with respect to the approval or denial of special uses.

SECTION 19.04 SPECIAL USE APPROVAL STANDARDS – GENERAL

In formulating recommendations or approving any special use, the Planning Commission shall require that the following general standards be satisfied:

- A. Upon review of each application there shall be a determination as to whether each use on the proposed site will:
 1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area in which the use is proposed.
 2. Be adequately served by essential facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer facilities, and schools.
 3. Not create excessive additional requirements at public cost for public facilities and services.
 4. Not cause traffic congestion, conflict, or movement in greater proportion to that normally prevailing for the use in the particular zoning district.
 5. Not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason or noxious or offensive production of noise, smoke, fumes, glare, vibration, odor, or traffic.
- B. All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof.
- C. As a minimum, the dimensional standards and landscape, buffering, and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within

the other various applicable chapters of this Ordinance. For uses permitted by right in one (1) district but which require special use approval in another district, the standards relating to the district in which the use is permitted by right shall serve as the minimum standards to which the site shall be designed. In such cases where there are conflicting standards, the most restrictive shall apply, unless specifically modified by the Planning Commission.

- D. Upon review, the Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the protection of individual property rights and values, the general welfare, and for insuring that the intent and objectives of this Ordinance are observed. Said conditions and safeguards include the ability to require the posting of a bond, either in the form of cash, certified letter of credit, or surety bond, in an amount appropriate to insure the conditions of approval are completed within an appropriate time period as established by the Planning Commission and in no event more than one (1) year from the date construction is commenced. In the event the applicant fails to provide all safeguards and conditions imposed as a condition of this approval process, the bond, cash deposit, or letter of credit may be utilized by the Township to complete construction of the safeguards and conditions as soon as practical thereafter.

Amendment to the Ordinance

SECTION 20.01 INITIATION OF AMENDMENTS

This Ordinance may be amended or supplemented from time to time in accordance with Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act. Amendments to this Ordinance may be initiated by the Township Board, the Planning Commission, or by any interested person or persons by petition to the Planning Commission.

SECTION 20.02 AMENDMENT PETITION PROCEDURE

Individuals submitting petitions for amendment to this Ordinance shall be in writing, signed and filed with the Township Clerk for presentation to the Planning Commission. Such petitions shall include the following:

- A. The petitioner's name, address and interest in the petition and, if applicable, the name, address and interest of each person having a legal or equitable interest in any land which is to be rezoned.
- B. The nature and effect of the proposed amendment.
- C. If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private rights-of-way and easements bounding and intersecting the land to be rezoned.
- D. The alleged error, if any, in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
- E. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
- F. Criteria for rezoning review.

In reviewing an application for the rezoning on land, whether the application is made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:

1. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan.
 2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area:
 3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; 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.
- G. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
- H. A remittance to cover the cost encountered in notifying and conducting a public hearing, such fee to be determined from time to time by the Township Board.

SECTION 20.03 AMENDMENT PROCEDURE

After initiation, amendments to this Ordinance shall be considered as follows:

- A. The Planning Commission shall authorize the preparation of the proposed amendment to be considered.
- B. Prior to the Planning Commission submitting its recommendations for a proposed zoning ordinance amendment to the Township Board, the Planning Commission shall hold at least one public hearing. The Planning Commission shall fix a reasonable time for the hearing of the request and a notice that a request has been received shall be published in a newspaper which circulates in the township. The notice shall be given not less than fifteen (15) days before the date the application will be considered.
- C. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the Planning Commission shall fix a reasonable time for the hearing of the zoning request and a notice that a request has been received shall be published in a newspaper which circulates in the township, and sent by mail or personal delivery to the property 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(s) in question, and to the occupants of all structures within three hundred (300) feet of the property, regardless of whether the property or occupant is located within the zoning jurisdiction. 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. The notice shall:
 1. Describe the nature of the rezoning request.
 2. Indicate the property(s) which is the subject of the rezoning request. The notice shall include a listing of all existing street addresses within the property. Street addresses do

not need to be created and listed if no such street addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

3. State when and where the rezoning will be considered.
 4. Indicate when and where written comments will be received concerning the rezoning request.
- D. If eleven (11) or more adjacent properties are proposed for rezoning, the Planning Commission shall fix a reasonable time for the hearing of the rezoning request and a notice that a request has been received shall be published in a newspaper which circulates in the township. The notice shall be given not less than fifteen (15) days before the date the application will be considered. The notice shall:
1. Describe the nature of the rezoning request.
 2. State when and where the rezoning request will be considered.
 3. Indicated when and where written comments will be received concerning the rezoning request.
- E. At said hearing, the Planning Commission shall establish that the applicant has paid to the Township the fee established by the Township Board and that proper notices have been made.
- F. The Planning Commission shall hold public hearing, noting all comments and reports requested, or noting the absence of such.
- G. Prior to voted approval, the Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct typographical or grammatical errors. The omission of the name of any owner or occupant of property who may, in the opinion of the Township Planning Commission, be affected by such amendment or change shall not invalidate any ordinance amendment passed hereunder; it being the intention of this Section to provide reasonable notice to the persons substantially interested in the proposed change that an ordinance is pending before the Township Board, proposing to make a change in the Zoning Map or the regulations set forth in this Ordinance. The changed text shall be forwarded as above without further hearing.
- H. If the Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above.
- I. The Planning Commission shall forward the proposed amendment to the Township Board with recommendation for approval or denial. Any decision or recommendation shall contain the reasons therefore.
- J. In case of a protest presented to the Township Board against a proposed change in the boundaries of a District signed by the owners of twenty (20) percent or more of the frontage included in such change, or by the owners of twenty (20) percent or more of the frontage immediately in the rear thereof, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be changed, such amendment shall not be

passed except by the favorable votes of five (5) members of the Township Board of the Charter Township of Hampton.

- K. If a Township Board shall deem any amendments, changes, additions, or departures advisable as to the proposed amendment, it shall refer the same back to the Planning Commission for a report thereon within a time specified by the Board. After receiving the report, the Board shall grant a hearing on any proposed ordinance provision to any property owner who, by certified mail addressed to the Township Clerk, requests to be so heard and shall request the Planning Commission to attend any such hearing.
- L. The Township Board shall publish the Ordinance amendment in a newspaper of general circulation within the Township within fifteen (15) days after adoption.
- M. The Township Board shall then file the Ordinance in the official ordinance book of the Township within seven (7) days after publication, with a certification of the Clerk stating the vote on passage, date published, and date filed.

SECTION 20.04 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 the Michigan Zoning Enabling Act (MZEA)(MCL 125.3405), 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 same 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 of 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. Similar to approving a Planned Unit Development (in Chapter 13 of this Ordinance), all deviations and special land uses that may be required to effectuate the proposed rezoning may be considered and allowed as part of the final rezoning conditions.
5. 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.

6. The offer of conditions may be amended during the process or 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. The owner shall pay the costs incurred by the Township for each additionally amended offer of conditions.

C. Planning Commission Review.

The Planning Commission after public hearing and consideration of the factors for rezoning set forth in Section 20.02 of this Ordinance, 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 factors for rezoning set forth in Section 20.02 of this Ordinance. If the Township Board considers 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 may, in accordance with Section 401 of the MZEA (MCL 125.3401), 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. 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 Condition shall:
 - a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, by 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.
 - b. Contain a legal description of the land to which it pertains.

- c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. 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.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
 - f. Contain the notarized signature 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. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. 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.
 4. 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.

F. 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 Condition 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 any applicable Statement of Conditions.

G. 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 18 months after the zoning 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.

H. Reversion of Zoning

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. 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.

- I. 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 Subsection H 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 may, if appropriate, record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G 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.

K. 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 the MZEA (MCL 125.3101, et seq.).

L. 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.

Administration and Enforcement

SECTION 21.01 ZONING ADMINISTRATION

The provisions of this Ordinance shall be administered and enforced by the Building Inspector, acting as the Zoning Administrator, or such other person as designated by the Township Board who shall be entitled the Zoning Administrator.

SECTION 21.02 ZONING ADMINISTRATOR

The Zoning Administrator shall be appointed by the Township Board. To be eligible for appointment to the post of Zoning Administrator, the applicant must:

- A. Be generally informed of the provisions of this Ordinance.
- B. Have a general knowledge of the building arts and trades.
- C. Be certified by the State, if required.

Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility, or device entering into, or used in connection with, building construction.

SECTION 21.03 DUTIES AND LIMITATIONS OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall administer and enforce the provisions of this Ordinance and the Building Code; he shall have the power to grant such permits and certificates of occupancy as are required by this Ordinance and the Building Code, as amended; and he shall be responsible for the inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance and the Building Code.

SECTION 21.04 PERMITS REQUIRED

It shall be unlawful for any person, firm or corporation to excavate, erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in Hampton Township without first obtaining such a permit from the Zoning Administrator in accordance with the provisions of Section 21.05.

SECTION 21.05 APPLICATIONS FOR BUILDING PERMITS

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

- A. Identify and describe the work to be covered by the permit for which application is made.
- B. Describe the land on which the proposed work is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
- C. Indicate the use or occupancy for which the proposed work is intended.
- D. Be accompanied by plans and specifications, as required in Section 21.06.
- E. State the valuation of the proposed work.
- F. Be signed by the applicant, or his authorized agent, who may be required to submit evidence to indicate such authority.
- G. State whether the Planning Commission has required a site development plan, and if so required, attach a certified copy of the Planning Commission's approval of same.
- H. If site plan approval is not required, give such other information as reasonably may be required by the Building Inspector, including, but not limited to, the following:
 1. The actual shape, location and dimensions of the lot; if the lot is not a lot of record, sufficient survey data to locate the lot on the ground.
 2. The shape, size, area, and location of the building or structure to be excavated, erected, constructed, enlarged, altered, repaired, moved, improved, converted, or demolished, and of any buildings or other structures already on the lot.
 3. The existing and intended use of the lot and of all structures upon it.
 4. Such other information concerning the lot, adjoining lots or other matters as may be essential for determining whether the provisions of this Ordinance and the Uniform Building Code are being observed.

SECTION 21.06 BUILDING AND ZONING PERMIT PLANS AND SPECIFICATIONS

With each application for a building permit or zoning permit, and when required by the Zoning Administrator for enforcement of any provisions of this Ordinance and the Building Code, two sets of plans and specifications shall be submitted. The Zoning Administrator may require plans and specifications to be prepared and designed by an engineer or architect licensed by the State to practice as such. Exceptions to this provision may be granted as provided in the Building Code.

SECTION 21.07 INFORMATION ON PLANS AND SPECIFICATIONS

Plans and specifications shall be submitted to the Zoning Administrator in accordance with the requirements of the building code.

The Zoning Administrator, at his discretion, may require a certified property survey to insure that the provisions of this Ordinance are met. Also, the Zoning Administrator shall be provided a certified survey if one is required by State law prior to issuance of any permits.

SECTION 21.08 ISSUANCE OF BUILDING PERMITS OR ZONING PERMITS

The application plans, and specifications filed by an applicant for a permit shall be checked by the Zoning Administrator. Such plans may be reviewed by other officials of the Township to check compliance with the laws and ordinances under their jurisdiction. If the Zoning Administrator is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this Ordinance, the Building Code, and other pertinent laws and ordinances, and that the fee has been paid, he shall issue a permit therefore to the applicant.

- A. Issuance of a permit shall in no case be construed as waiving any provision of this Ordinance or the applicable construction codes (i.e. UBC or BOCA).
- B. The Zoning Administrator, under no circumstances, is permitted to grant exceptions to the actual meaning of any clause, order or regulation contained in this Ordinance or the Building Code to any person making application to excavate, erect, construct, enlarge, move, alter, improve, remove, convert, demolish or use either buildings, structures or land.
- C. The Zoning Administrator shall issue a permit when the imposed conditions of this Ordinance and the Building Code are met by the applicant, regardless of the effect of such a permit on contracts, such as deed covenants or private agreements.
- D. If any application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval.

SECTION 21.09 EXPIRATION OF BUILDING PERMITS

Every permit issued by the Zoning Administrator under the provisions of this Ordinance shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within six (6) months from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall be first obtained to do so; and the fee therefore shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one (1) year.

Every building permit issued shall be valid for a period of one (1) year, after which it shall be null and void. If construction has not been completed within that time, the building permit shall be renewed by the Zoning Administrator for a period of one (1) year. The fee therefore shall be

one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work. In the event changes have been made or will be made in the original plans and specifications, the building permit shall be charged on the basis of a new permit.

SECTION 21.10 FEES

Building permit and zoning permit fees shall be charged and collected by the Zoning Administrator in accordance with the fee schedule adopted by resolution of the Township Board. Where work for which a permit is required by the Building Code is started prior to obtaining a building permit, the fees specified in the Building Code shall be doubled.

SECTION 21.11 INSPECTIONS

All construction or work for which a permit is required shall be subject to inspections by the Zoning Administrator as required in the Building Code. The Zoning Administrator, upon notification from the permit holder or his agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with the building code:

- A. Foundation Inspection – To be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job.
- B. Frame Inspection – To be made after the roof, all framing, fireblocking, and bracing are in place and all pipes, chimneys, and vents are complete.
- C. Lath and/or Wallboard Inspection – To be made after all lathing and/or wallboard, interior and exterior, is in place but before any plastering is applied or before wallboard joints and fasteners are taped and finished.
- D. Final Inspection – To be made after building is completed and prior to occupancy.

In addition to the inspections specified above, the Zoning Administrator may make or require other inspections of any construction work to ascertain compliance with the provisions of the Building Code and other applicable codes.

SECTION 21.12 CERTIFICATE OF OCCUPANCY

No building or structure, except as provided in the Building Code, shall be used or occupied, and no change in the use or occupancy of a building or structure or portion thereof shall be made, until the Zoning Administrator has issued a Certificate of Occupancy. Such Certificate shall affirm that the building or structure conforms in all respects with the provisions of this Ordinance and the Building Code.

- A. A temporary Certificate of Occupancy may be issued by the Zoning Administrator for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. A temporary Certificate of Occupancy shall state its expiration. The Zoning Administrator may condition a temporary certification on reasonable conditions and

safeguards to insure completion of the structure. Said conditions and safeguards include the ability to require the posting of a bond, either in the form of cash, certified letter of credit, or surety bond, in an amount appropriate to insure the conditions of approval are completed within an appropriate time period as established by the Planning Commission and in no event more than one (1) year from the date construction is commenced. In the event the applicant fails to provide all safeguards and conditions imposed as a condition of this approval process, the bond, cash deposit, or letter of credit may be utilized by the Township to complete construction of the safeguards and conditions as soon as practical thereafter.

- B. Upon written request from the owner or tenant, the Zoning Administrator may issue a Certificate of Occupancy for any building, structure, or premises existing at the time of enactment of this Ordinance, certifying, after inspection, the extent and kind of use made of the building, structure, or premises and whether such use conforms to the provisions of this Ordinance.
- C. No permit or certificate shall be issued for any illegal use or occupancy existing at the time of the adoption of this Ordinance. Furthermore, the issuance of a Certificate of Occupancy shall in no case be construed as waiving any provision of this Ordinance.

SECTION 21.13 OTHER FEES

All fees required by the terms of this Ordinance, including fees required with applications and petitions shall be established and amended from time to time by resolution of the Hampton Township Board.

SECTION 21.14 ZONING PERMIT

In all instances where any type of construction or placement of permanent fixtures and/or structures are being contemplated by an owner of property, a zoning permit shall be obtained from the Zoning Administrator. In instances where a building permit is also required, this process shall be part of the issuance of a building permit and incorporated therewith and shall not cause a separate fee to be charged for the issuance of a zoning permit in conjunction with a building permit.

In circumstances which required the issuance of a zoning permit only are for the construction, repair, remodeling or placement of the following facilities, agricultural buildings or other construction which is exempt from building permits pursuant to section 105.2 of the Michigan Building Code as may be amended from time to time, which includes swimming pools, fences, storage sheds, and playground equipment permanently affixed or attached to the ground.

Planning Commission

SECTION 22.01 TOWNSHIP PLANNING COMMISSION

The Hampton Township Planning Commission has been established as specified in Act 110 of 2006, as amended. All powers, duties, and responsibilities provided by Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act for a zoning commission created thereunder, are transferred to the Planning Commission by resolution of the Township Board and this ordinance. The Planning Commission shall perform the duties of said zoning commission as provided in these Acts, 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.

SECTION 22.02 MEMBERSHIP, COMPENSATION AND FUNDING

- A. The Planning Commission shall consist of seven (7) members, who shall be representative of major interests as they exist in the Township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors [and property owners] of the Township. One (1) member of the Township Board shall be a member of the Planning Commission.
- B. All members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. The Township Board shall provide for the removal of a member of the Planning Commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing, pursuant to Public Act 110 of 2006, as amended.
- C. The term of each member shall be for three (3) years, except that of the members first appointed, one-third (1/3) shall serve for one (1) year, one-third (1/3) for two (2) years, and one-third (1/3) for three (3) years. All vacancies for unexpired terms shall be filled for the remainder of such term. If no appointment is made, then members shall continue to hold office until replaced.
- D. Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Board annually shall appropriate and make funds available for carrying out the purposes and functions permitted under this Act, and may match Township funds with federal, state, county or other local government or private grants. The Township Board may accept and use gifts and grants for Planning Commission purposes. Money so accepted shall be deposited with the Township Treasurer in a special non-reverting Planning Commission Fund for expenditure by the Planning Commission for the purpose

designated by the donor. The expenditures of the Planning Commission, exclusive of gifts and grants, shall be within the amounts appropriated by the Township Board.

- E. An elected official of the township or an employee of the legislative body shall not serve simultaneously as a member or an employee of the Planning Commission, except that one (1) member of the Planning Commission maybe a member of the legislative body.

SECTION 22.03 OFFICERS, MEETINGS, PROFESSIONAL ADVISORS, AND RULES

- A. The Planning Commission shall elect a chairman, vice chairman, and secretary from its members, and create and fill such other offices or committees as it may deem advisable. The Commission may appoint advisory committees outside of its membership. The terms of all officers shall be one (1) year.
- B. The Planning Commission shall hold at least four (4) regular meetings each year and, by resolution, shall determine the time and place of such meetings. Special meetings may be called by two (2) members upon written request to the Secretary or by the Chairman.
- C. The Township Board, upon recommendation of the Planning Commission, may employ a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.
- D. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations. It shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

SECTION 22.04 RESPONSIBILITY FOR PREPARATION AND ADOPTION OF THE LAND USE PLAN: PLAN CONTENT

The Planning Commission shall make and adopt a land use plan as a guide for the development of unincorporated portions of the Township. The land use plan shall include maps, plats, charts, and descriptive, explanatory and other related matter, and shall show the Planning Commission's recommendations for the physical development of the unincorporated area of the Township.

SECTION 22.05 APPROVAL OF PUBLIC IMPROVEMENTS

- A. After the Planning Commission has adopted the land use plan of the Township, no street, square, park or other public way, ground or open space, or public building or structure, shall be constructed or authorized in the Township or in the planned section and district until the location, character, and extent thereof shall have been submitted to, and approved by, the Planning Commission.

- B. The Planning Commission shall communicate its reasons for approval or disapproval to the Township Board, which shall have the power to overrule the Planning Commission by a recorded vote of not less than a majority of its entire membership.
- C. If the public way, ground, space, building, structure or utility is one, the authorization or financing of which does not, under the law governing same, fall within the province of the Township Board, then the submission to the Planning Commission shall be by the board, commission or body having jurisdiction, and the Planning Commission's disapproval may be overruled by resolution of the board, commission or body by a vote of not less than a majority of its membership.
- D. The failure of the Planning Commission to act within sixty (60) days after the official submission to the Commission shall be deemed approval.
- E. The Planning Commission shall promote public understanding of an interest in the land use plan and shall publish and distribute copies of the plan and of any report, and may employ such other means of publicity and education as it determines necessary.

SECTION 22.06 APPROVAL OF PLATS

The Township Board shall refer plats or other matters relating to land development to the Planning Commission before final action thereon by the Township Board.

SECTION 22.07 SPECIAL USE PERMITS

The Planning Commission shall have the authority to issue special use permits as required by this Ordinance pursuant to Chapter 19.

Zoning Board of Appeals

SECTION 23.01 CREATION, MEMBERSHIP, TERM OF OFFICE, OFFICERS, RULES

- A. There is hereby created a Zoning Board of Appeals consisting of five (5) members: the first member of such Zoning Board of Appeals shall be a member of the Planning Commission; the second member shall be a member of the Township Board appointed by the Township Board; and the remaining three (3) members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township; provided that no elected officer of the Township nor any employee of the Township Board shall serve simultaneously as one of the three (3) members or as an employee of the Township Zoning Board of Appeals.
- B. Initially, two (2) members of the Zoning Board shall be appointed for a term of three (3) years; two (2) members shall be appointed for a term of two (2) years; and one (1) member shall be appointed for a term of one (1) year. Thereafter, each member, when appointed, shall have a term of three (3) years.
- C. The Zoning Board of Appeals shall elect one (1) of its members as its and one (1) of its members as secretary, and shall prescribe rules for the conduct of its affairs. The member of the Township Board who is a member of the Zoning Board of Appeals shall not serve as the Chairman of the Zoning Board of Appeals. Copies of the rules shall be made available to the public at the Office of the Township Clerk.
- D. 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 to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the 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.

SECTION 23.02 POWERS AND DUTIES

The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by this chapter which are more particularly specified as follows:

- A. Interpretation – Decide any question involving the interpretation of any provisions of this Ordinance, including determination of the exact location of any district boundary of the Zoning Map if there is uncertainty with respect thereto.
- B. Variances – Grant variances from the terms and provisions of this Ordinance as provided in this Chapter.
- C. Appeals – Hear and decide appeals of decisions made by the Building Inspector in the enforcement of this Ordinance.

SECTION 23.03 COMPENSATION

Each member shall receive a reasonable sum as determined by the Township Board for his/her services in attending each regular or special meeting of said Zoning Board of Appeals. Sums to pay said compensation and the expenses of the Zoning Board of Appeals shall be provided annually in advance by the Township Board.

SECTION 23.04 REMOVAL

Members of the Zoning Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

SECTION 23.05 MEETINGS – RECORDS

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the Zoning Board, in the rules of procedure, may specify. The Chairperson, or in his/her absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and which shall be a public record.

SECTION 23.06 PROCEDURE

- A. The presence of three (3) members shall constitute a quorum, but the concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirements, decision or determination of any administrative official or to decide in favor of the applicant in any matter upon which it is required to pass under this Ordinance or to effect any variation in such Ordinance.
- B. Applications or appeals shall be taken within such time as shall be prescribed by the Zoning Board of Appeals, by general rule, by filing with the Building Inspector and with the Zoning Board of Appeals a notice of application or appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record from which the application or appeal was taken.
- C. Following receipt of a written request concerning a request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and a notice that a

request for a variance 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 of the property, regardless of whether the property or occupant is located within the zoning jurisdiction. 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. The notice shall:

1. Describe the nature of the variance request.
 2. Indicate the property which is the subject of the variance request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the variance request will be considered.
 4. Indicate when and where written comments will be received concerning the variance request.
- D. Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet of the property, regardless of whether the property or occupant is located within the zoning jurisdiction of the boundary of the property in question. If a occupant's name is not known, the term "occupant" may be used.
- E. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice, as it deems proper, to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing.
- F. Upon the hearing, any party may be heard in person or by agent or attorney.
- G. The Zoning Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as, in its opinion, ought to be made in the premises and, to that end, shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.

- H. The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court for Bay County, as provided in Public Act 110 of 2006. An appeal to the Circuit Court for Bay County shall be filed within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.
- I. Each appeal or application for variance shall be accompanied by a filing fee according to the fee schedule adopted by the Township Board which shall be deposited by the Building Inspector with the Township Treasurer.

SECTION 23.07 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him/her, that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case 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 on application, on notice to the Building Inspector, and on due cause shown.

SECTION 23.08 CONDITIONS OF APPROVAL

In authorizing a variance or exception, the Zoning Board may, in addition to the conditions of approval called for in this Ordinance, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest, including the right to authorize such variance or exception for a limited period of time.

SECTION 23.09 TIME LIMIT ON VARIANCES

Any variance or exception granted by the Zoning Board of Appeals shall automatically become null and void after a period of twelve (12) months from the date granted unless the applicant shall have taken substantial steps toward effecting the variance within said period; provided, however, that the Zoning Board of Appeals may extend such period for a further period of time not exceeding one (1) year upon application and without further notice.

SECTION 23.10 VARIANCES PERMITTED

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the Ordinance shall be observed, public safety promoted, and substantial justice done. The Zoning Board of Appeals may grant such variances only upon finding that all of the following conditions exist:

- A. Where it is found that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel or property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately

adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which would, without undue hardship, be included as part of the lot.

- B. Where it is found that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request is made to vary such regulations so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.
- C. Where it is found that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this Ordinance.

SECTION 23.11 VARIANCES PROHIBITED

No variance granted under this Ordinance shall permit a use not otherwise permitted within the zoning district wherein the subject property is located. No variance in the provisions or requirements of this Ordinance shall be effected by the Zoning Board of Appeals unless it finds, from reasonable evidence, that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and welfare and, further, that at least two (2) of the following facts and conditions exist:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone;
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance; or
- C. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

SECTION 23.12 SPECIAL CONDITIONS

In considering any applications, the Zoning Board of Appeals shall review the case within the intent of the Ordinance. Before granting a variance, the Zoning Board of Appeals shall determine whether the variance would be unduly hazardous or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values, or psychological effects. For such purpose, the Zoning Board may require the appellant to enlist experts, technicians and consultants. The Zoning Board may impose such additional requirements and conditions necessary to preserve the intent of this Ordinance as provided in Section 23.08.

Severability Conflict with Other Ordinances and Codification

SECTION 24.01 SEVERABILITY

The provisions of this Ordinance are severable and it is the intention of the Hampton Charter Township Board to confer the whole or any part of the powers herein provided. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Township Board that this Ordinance would have been adopted had such unconstitutional provisions not be included therein.

SECTION 24.02 CONFLICT WITH OTHER ORDINANCES

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this Ordinance conflicts with any other part, it shall be administratively appealed to the Township Board for a final determination of intent. The remainder of the Ordinance shall have the full force and effect and be liberally construed in favor of preservation of public health, safety, and welfare.

SECTION 24.03 CODIFICATION

It is the intention of the Township Board that the provisions of this Ordinance shall become and be made a part of a Hampton Charter Township Development Code; and that sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be corrected by the Township Board without need of public hearing by filing a corrected or codified copy of same with the Township Clerk and publishing such changes in a newspaper of general distribution within the Township within fifteen (15) days of such authorization.

Miscellaneous Provisions

SECTION 25.01 ADMINISTRATIVE LIABILITY

No officer, agent, employee, or member of the Planning Commission, Township Board, or Zoning Board of Appeals shall render himself/herself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his/her duties and responsibilities pursuant to this Ordinance.

SECTION 25.02 REPEAL

This former Zoning Ordinance of the Township, effective April 28, 1979, and all amendments thereto, are hereby repealed; provided, however, that the same shall remain in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of any penalty or liability thereunder. All other ordinances and parts of ordinances, or amendments thereto, of the Township of Hampton in conflict with the provisions of this Ordinance, except those ordinances and parts of ordinances or amendments thereto which are more restrictive than this Ordinance, are hereby repealed.

Penalties

SECTION 26.01 VIOLATIONS AND PENALTIES

Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Building Inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance. A record of the disposition of complaints shall be filed. Any owner or agent and any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof or who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure, or who shall put into use any lot or land in violation of any statement or plan submitted hereunder, or shall refuse reasonable opportunity to inspect any premises, shall be liable to a fine of not more than five hundred dollars (\$500) or to imprisonment for not more than ninety (90) days in the Bay County Jail, or both. Each and every day such violation continues shall be deemed a separate and distinct violation.

The owner of any building or structure, lot or land, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, or any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who assists in the commission of such violation shall each be guilty of a separate violation and, upon conviction thereof, shall each be liable to the fine or imprisonment, or both, as specified in this Section.

SECTION 26.02 VIOLATIONS DECLARED NUISANCES

Any building or structure erected, altered, enlarged, rebuilt, or moved, or any use carried on in violation of any provisions of this Ordinance is hereby declared to be a nuisance per se. Any court of competent jurisdiction may order such nuisance abated and the owner guilty of maintaining a nuisance per se.

SECTION 26.03 PROCEDURE

The Township Board, the Zoning Board of Appeals, the duly authorized Attorney for the Township, the Prosecuting Attorney for Bay County, or any owners or occupants of any real estate within the Township may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Regulations for Small Wind

SECTION 27.01 PURPOSE AND INTENT

The purpose of this Chapter is to establish siting guidelines for small wind energy turbines in Hampton Charter Township that:

- Promotes the development of a clean renewable energy resource,
- Establishes safe, effective, and efficient use of small wind energy turbines,
- Minimizes potential adverse impacts between land uses, and
- Establishes standards and procedures for the siting, design, engineering, installation, operation, and maintenance of small wind energy turbines.

SECTION 27.02 PERMITTED USES

A Building-Mounted Wind Turbine (Building Mounted) and a Small Tower Wind Turbine (Small Tower) shall be considered a permitted use in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a building permit has been issued to the Owner(s) or Operator(s).

All Building Mounted and Small Tower turbines are subject to the following minimum requirements:

A. Siting and Design Requirements:

1. Visual Appearance

- a. A Building Mounted or Small Tower turbine, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the Building Mounted or Small Tower turbine.
- b. A Building Mounted or Small Tower turbine shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
- c. Building Mounted or Small Tower turbine shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.

2. **Ground Clearance:** The lowest extension of any blade or other exposed moving component of a Building Mounted or Small Tower turbine shall be at least twenty (20) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of the tower) and, in addition, at least twenty (20) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the Building Mounted or Small Tower turbine.
3. **Noise:** Noise emanating from the operation of a Building Mounted or Small Tower turbine shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a Building Mounted(s) or Small Tower turbine shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
4. **Vibration:** Vibrations shall not be produced which are humanly perceptible beyond the property on which a Building Mounted or Small Tower turbine is located.
5. **Guy Wires:** Guy wires shall not be permitted as part of the Building Mounted or Small Tower turbine.
6. **Building Mounted Tribunes.** In addition to the Siting and Design Requirements listed previously, the Building Mounted turbine shall also be subject to the following:
 - a. **Height:** The height of a Building Mounted turbine shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
 - b. **Setback:** The setback of the Building Mounted turbine shall be a minimum of forty (40) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the Building Mounted turbine is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of forty (40) feet. The setback shall be measured from the furthest outward extension of all moving parts.
 - c. **Location:** The Building Mounted turbine shall not be affixed to the wall on the side of a structure facing a road.
 - d. **Quantity:**
 - (1) In the Agricultural (A) district, no more than one (1) Building Mounted turbine is allowed to be affixed to each principal building and accessory building.
 - (2) For one-family homes, two-family homes, and multiple-family dwellings in any zoning district except the Agricultural (A) district, no more than one (1) Building Mounted turbine shall be installed on any parcel of property.
 - (3) In all other zoning districts except the Agricultural (A) district, no more than three (3) Building Mounted turbines shall be installed on any parcel of property.

- e. Separation: If more than one Building Mounted turbine is installed, a distance equal to the height of the highest Building Mounted turbine must be maintained between the base of each Building Mounted turbine.
7. **Small Tower Turbines:** In addition to the Siting and Design Requirements listed previously, the Small Tower turbine shall also be subject to the following:
- a. Height: The Total Height of a Small Tower turbine shall be equal to the distance from the location of the Small Tower turbine to the nearest property line, or up to one hundred (100) feet, whichever is smaller.
 - b. Location: Small Tower turbines shall only be located in a rear yard of a property that has an occupied building.
 - c. Occupied Building Setback: The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.
 - d. Other Setbacks: The setback shall be equal to the Total Height of the Small Tower turbine, as measured from the base of the Tower, from the property line, public right-of-way, public easement, or overhead public utility lines. This setback may be reduced if the applicant provides a registered engineer's certification that the wind turbine is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the wind turbine.
 - e. Quantity:
 - (1) In the Agricultural (A) district, no more than five (5) Small Tower turbines shall be installed on any parcel of property.
 - (2) For one-family homes, two-family homes, and multiple-family dwellings in any zoning district except the Agricultural (A) district, no more than one (1) Small Tower turbine shall be installed on any parcel of property.
 - (3) In all other zoning districts except the Agricultural (A) district, no more than three (3) Small Tower turbines shall be installed on any parcel of property.
 - f. Separation: If more than one Small Tower turbine is installed on a parcel of property, a distance equal to the height of the highest Small Tower turbine must be maintained between the bases of each Small Tower turbine.
 - g. Electrical System: All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.
 - h. Rotor Diameter: A Small Tower turbine may have a rotor diameter that does not exceed fifteen (15) feet.

SECTION 27.03 ANEMOMETERS

The following is permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein, and the applicable small wind turbine regulations.

- A. The construction, installation, or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- B. An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.
- C. An anemometer shall be permitted for no more than thirteen (13) months for a Building Mounted or a Small Tower wind turbine.

SECTION 27.04 PERMIT APPLICATION REQUIREMENTS

- A. Name of property owner(s), address, and parcel number.
- B. A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the Building Mounted or Small Tower turbines, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.
- C. The proposed type and height of the Building Mounted or Small Tower turbine to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
- D. Documented compliance with the noise requirements set forth in this Ordinance.
- E. Documented compliance with applicable local, state and federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- F. Proof of applicant's liability insurance.
- G. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- H. Other relevant information as may be reasonably requested.
- I. Signature of the Applicant.
- J. In addition to the Permit Application Requirements previously listed, the Application shall

also include the total proposed number of Building Mounted turbines, if applicable, or in the case of a Small Tower turbine, a description of the methods that will be used to perform maintenance on the Small Tower turbine and the procedures for lowering or removing the Small Tower turbine in order to conduct maintenance.

SECTION 27.05 SAFETY REQUIREMENTS

- A. If the Building Mounted or Small Tower turbine is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
- B. The Building Mounted or Small Tower turbine shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
- C. A Clearly visible warning sign regarding voltage shall be placed at the base of the Building Mounted or Small Tower turbine.
- D. The structural integrity of the Building Mounted or Small Tower turbine shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and/or IEC 61400-2, "Small Wind Turbine Safety", IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

SECTION 27.06 SIGNAL INTERFERENCE

The Building Mounted or Small Tower turbine shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

SECTION 27.07 DECOMMISSIONING

- A. The Building Mounted or Small Tower turbine Owner(s) or Operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or assigns of the Building Mounted or Small Tower turbine, and for a good cause, the Hampton Charter Township Board of Trustees may grant a reasonable extension of time. The Building Mounted or Small Tower turbine will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months as evidenced by the appearance of missing turbine parts, poor aesthetics, or a deteriorated condition. All decommissioning expenses are the responsibility of the Owner(s) or Operator(s).
- B. If the Building Mounted or Small Tower turbine Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above, the Hampton Charter Township Board of Trustees may designate a contractor to complete decommissioning with the expense

thereof to be charged to the violator and/or to become a lien against the premises.

- C. In addition to the Decommissioning Requirements listed previously, the Small Tower turbine shall also be subject to the following:
1. Decommissioning shall include the removal of each Small Tower turbine, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.
 2. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.

General Solar Energy Systems

SECTION 28.01 INTENT AND PURPOSE

General solar energy systems come in a variety of sizes and designs. General solar energy systems are typically designed as a single solar panel, or a set of solar panels, which can be either freestanding structures or structurally attached panels. Such panels contain an interconnected assembly of photovoltaic cells including associated inverters, batteries and interconnection wiring. This technology harnesses sunlight and converts it into energy which can be used directly on-site. Because of the variety of available solar energy system designs, the purpose of this Chapter is to establish minimum siting requirements for general solar energy systems in the Township. These requirements balance the development of a clean renewable energy resource while minimizing potential adverse impacts between land uses. The overall intent of this Chapter is to ensure that general solar energy systems are compatible for private use in agricultural, residential and business settings.

SECTION 28.02 ACCESSORY STRUCTURES

A general solar energy system shall be considered an accessory structure in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance, including conformance to Sections 3.07, 3.08 and 3.09, unless a zoning permit has been issued to the Owner(s) or Operator(s). A general solar energy system also requires approved mechanical, electrical, and building permits. An exception to the requirements of Section 3.07, 3.08, and 3.09 may be granted when a yard has a privacy fence. Yards with a privacy fence may be allowed to install ground-mounted solar panels within the setback area, only when approved by the Zoning Administrator. When the solar panel is directly adjacent to the privacy fence, the height of the solar panel shall not exceed the height of the privacy fence. However, for every three (3) feet the solar panel is separated from the privacy fence, the solar panel may have an additional foot of height. In no case shall the ground-mounted solar panel exceed eight (8) feet in height.

SECTION 28.03 SITING AND DESIGN REQUIREMENTS

All general solar energy systems are subject to the following minimum requirements:

- A. A general solar energy system exceeding two (2) square feet in area is not permitted in any front yard, on any face of a building or structure facing a street unless integrated with the construction of said building or structure, or in view of any adjacent street, except roof-mounted solar panels as set forth below.

- B. A general solar energy system is limited to a maximum generating capacity of up to 30 kilowatts (Kw) in residential districts and up to 150 kilowatts (Kw) in all other zoning districts. These limits do not apply to solar energy systems that are integrated into the design of a building or structure, such as, though not limited to, flexible photovoltaic solar cells packaged in the form of roofing shingles.
- C. The reflection angles of solar energy systems should be oriented away from neighboring windows and, to the extent possible, away from public areas, to minimize glare on adjacent properties and roadways, As such, solar panels shall be finished with non-reflective coatings and exposed frames and components shall have a non-reflective surface.
- D. A ground-mounted general solar energy system shall:
 - 1. Be located in a side or rear yard only.
 - 2. Not exceed the allowed maximum lot coverage for accessory structures.
 - 3. Not exceed eight (8) feet in height above the ground.
- E. Roof-mounted general solar energy systems:
 - 1. Permitted roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface. A flush-mounted solar panel is anchored directly against the roof. It is parallel to the surface of the roof and does not stick up and away from the roof.
 - 2. Separate flush-mounted solar panels shall be located on a rear-or side-facing roof, as viewed from any adjacent street, unless such installation is proven to be ineffective or impossible. The removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front-facing roof installation.
 - 3. Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five (5) feet above a flat roof installation.

Large-Scale Solar Photovoltaic Installations

SECTION 29.01 INTENT AND PURPOSE

The intent of this Chapter is to promote the creation of large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such installations that address public safety, and minimize impacts to adjacent uses. The provisions set forth in the Chapter shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations. A Large-Scale Ground-Mounted Solar Photovoltaic Installation is defined as solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted and has a generating capacity greater than 150 kilowatts (kW). It is also known as a Solar Energy Facility (SEF).

SECTION 29.02 GENERAL REQUIREMENTS

- A. **Special Use.** Large-scale ground-mounted solar photovoltaic installations shall be considered a special use in the Agricultural (A), High Density Residential and Recreational (R-7), Heavy Commercial (B-3), Planned Enterprise District (I-1), and the Heavy Industrial (I-2) zoning districts. Prior to the construction of a large-scale ground-mounted solar photovoltaic installation, applications for Type II Site Plan Review and a Special Use permit must be filed and approved by the Hampton Charter Township Planning Commission.
- B. **Procedure.** The Planning Commission review of a Special Land Use Permit application for a Solar Energy Facility is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Chapter 19. The second step, which may occur at a separate meeting for a Solar Energy Facility, is the site plan review process by the Planning Commission as described in Chapter 14. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed Solar Energy Facilities, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), and any operations/maintenance building(s).
- C. **Compliance with Laws, Ordinances, and Regulations.** The construction and operation of all large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state, and federal requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the Michigan Building Code.
- D. **Building Permit and Building Inspection.** No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

E. Fees.

1. Applications to build a large-scale ground-mounted solar photovoltaic installation in Hampton Charter Township must be accompanied by the fees required for a Special Use Permit and a Type II Site Plan Review.
2. Escrow for Permitting Costs: An escrow account in the form of a cash deposit of not less than \$10,000, or such other amount estimated by the Township Board, shall be set up when the Applicant applies for a Special Use Permit. The deposit shall be sufficient to cover all reasonable costs and expenses associated with the special land use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall include regularly established fees. At any point during the zoning review process, the Township may require that the Applicant place additional monies into the Township escrow should the existing escrow amount filed by the Applicant prove insufficient. If the escrow account needs replenishing and the Applicant refuses to do so within 14 days after receiving notice, the zoning review and approval process shall cease until and unless the Applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the Applicant within 90 days of permitting process completion. An itemized billing of all expenses shall be provided to the Applicant. The Township may hire qualified professionals for each and any of the technical fields associated with the Special Use Permit, such as, but not limited to, engineering, electrical, environmental, economic, wildlife, health, and land-use.

SECTION 29.03 SPECIAL LAND USE PERMIT REQUIREMENTS

- A. **Applicant Identification.** Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Solar Energy Facility shall also be dated to indicate the date the application is submitted to Hampton Township.
- B. **Project Description.** A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
- C. **Project Design.** A description and drawing of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.
- D. **Insurance.** Proof of the applicant's public liability insurance with a rated carrier of at least \$3,000,000 per occurrence to cover the Solar Energy Facility, the Township, and the landowner. Applicant shall provide yearly proof of insurance to Township that confirms active coverage for the Applicant, Township, and landowners.
- E. **Certification.** Certifications that the applicant has complied or will comply with all applicable county, state, and federal laws, regulations, and ordinances, including compliance with the

Farmland and Open Space Preservation Program (Part 361 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994 as amended, more commonly known as PA 116).

- F. **Manufacturers' Material Safety Data Sheet(s).** Documentation shall include the type and quantity of all materials used in the operation of all equipment.
- G. **Site Plan.** A site plan that complies with Chapter 14 and Section 29.04.
- H. **Visual Simulations.** Photo exhibits visualizing the proposed Solar Energy Facility, with emphasis on visualizing the location of any required fences, landscaping, access roads, and setbacks from adjacent non-participating property.
- I. **Maintenance Plan.** Applicant shall submit a maintenance plan that describes the following:
 - 1. Demonstrates the Solar Energy Facility will be designed, constructed, and operated to minimize dust generation, including provision of sufficient watering of excavated or graded soil during construction to prevent excessive dust.
 - 2. States the manner how unpaved access roads will be treated and maintained, either with a dust palliative or graveled or treated by another approved dust control method to prevent excessive dust.
 - 3. Provisions that will be employed to maintain and promote native vegetation while minimizing the proliferation of weeds during and following construction.
- J. **Emergency Services.** The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- K. **Decommissioning.** Copy of the decommissioning plan and a description of how any surety bond is applied to the decommissioning process.
- L. **Complaint Resolution.** Description of the complaint resolution process.
- M. **Noise Model.** Visual depiction of the noise model for the Solar Energy Facility.
- N. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the Planning Commission.

SECTION 29.04 ADDITIONAL SITE PLAN REQUIREMENTS The applicant shall submit a site plan in full compliance with Chapter 14 of this zoning ordinance for each Solar Energy Facility and other solar energy appurtenances. Additional requirements for a Solar Energy Facility site plan are as follows:

- A. The project area boundaries.
- B. The location, height, and dimensions of all existing and proposed structures and fencing.

- C. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
- D. Existing topography.
- E. Water bodies, waterways, wetlands, drainage channels, and drain easements.
- F. A site grading, erosion control and storm water drainage plan.
- G. All comments from the Bay County Drain Commissioner's office pertaining to the proposed Solar Energy Facility shall be submitted to the Planning Commission.
- H. Landscape/Screening Plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing, and planting.
- I. All new infrastructure, both above and below ground, related to the project. This includes inverters and batteries.
- J. Identification of a construction/set-up/laydown area.

SECTION 29.05 STANDARDS AND REQUIREMENTS

- A. All proposed facilities shall comply with all applicable local, state, and federal standards and requirements, including electrical, building, and drain codes.
- B. Setbacks and Dimensions
 - 1. Front Yard: The front yard shall be at least 100 feet from the road right-of-way line.
 - 2. Side Yard: Each side yard shall be at least 100 feet. Where a large-scale ground-mounted solar photovoltaic installation abuts an existing residence or a residentially-zoned lot, the side yard shall not be less than 200 feet.
 - 3. Rear Yard: The rear yard shall be at least 100 feet. Where a large-scaled ground-mounted solar photovoltaic installation abuts an existing residence or a residentially-zoned lot, the rear yard shall not be less than 200 feet.
 - 4. Height: Large-scale ground-mounted solar photovoltaic installations shall not exceed fifteen (15) feet in height above the ground.
 - 5. Minimum Lot Area shall be 10 acres.
 - 6. From Other Structures on the Same Lot: The large-scale ground-mounted solar photovoltaic installation shall be at least 15 feet from any other structure on the same lot.
 - 7. No maximum lot coverage applies to Solar Facilities.
- C. Appurtenant Structures. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with other structures in the installation. Whenever reasonable, structures should be

shielded from view by vegetation to avoid adverse visual off-site impacts. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the construction codes of this state, and when no longer in use shall be disposed of in accordance with applicable laws and regulations.

- D. Lighting. Lighting shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. It shall conform to Sections 3.24 and 15.08 of this zoning ordinance.
- E. Signage. Signs shall comply with the requirements described in Chapter 18. Further, large-scale ground-mounted solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.
- F. Utility Connections. All electrical connection systems and lines from the Solar Energy Facility to the electrical grid connection shall be located and maintained at a minimum depth of six (6) feet underground. The Planning Commission may waive the burial requirement and allow above-ground structures in limited circumstances, such as where geography precludes burial or in the case of a demonstrated benefit to the Township. The waiver shall not be granted solely on the basis of cost savings to an applicant. Request for variation shall consider aesthetics, future use of land, and effect on nearby landowners.
- G. The applicant must obtain a driveway permit from the Bay County Road Commission or MDOT, as applicable.
- H. The applicant must obtain any drain permits from the Bay County Drain Commissioner or EGLE, as applicable.
- I. The design of Solar Energy Facilities buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
- J. Transfer or Sale. In the event of a transfer or sale of the SEF, the Township shall be notified in writing within 30 days of such transfer or sale.
 - 1. Any proposed changes to the operating procedure or approved site plan shall be amended and resubmitted for Township review according to the procedures for all Utility Scale/Solar Farm SEF as outlined herein, including a public hearing.
 - 2. Upon transfer or sale, the financial security for decommissioning shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security adjusted to account for the new estimate.
- K. Noise. A SES shall not produce any sound that causes disturbance that exceeds 45dba (Lmax) at the property line at any time. As part of the application, and prior to installation, the applicant shall provide noise modeling and analysis that will demonstrate the Solar Energy Facility will not exceed the maximum permitted noise levels.
- L. Protection of Adjoining Property. In addition to the other requirements and standards contained in this section, the applicant shall demonstrate that the SEF will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.

M. Communication. Each SEF shall be designed, constructed, and operated so as not to cause radio and television or other communication interference. In the event that verified interference is experienced and confirmed by a licensed engineer, the Applicant must produce confirmation that said interference had been resolved to residents' satisfaction within 90 days of receipt of the complaint. Any such complaints shall follow the process stated in Complaint Resolution sections.

N. Light and Glare:

1. All Solar Energy Facilities shall be placed such that solar glare does not project onto nearby inhabited structures or roadways, and be considered a nuisance.
2. The applicant has the burden of proof that any glare produced does not have an adverse effect on neighboring or adjacent uses through siting and mitigation. If the solar panel systems do produce a glare, the applicant shall be responsible for mitigation, and will provide a mitigation plan.
3. The design and construction of Solar Energy Facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations.
4. The applicant may be required to provide a glint and glare study to demonstrate the effects of glint and glare on nearby inhabited structures or roadways.

O. Security and Screening

1. An information sign shall be posted and maintained at the entrance(s), which shall list the name and emergency contact phone number and web address of the operator
2. Solar energy facilities may be surrounded by a chain link fence not to exceed six (6) feet in height. The fence shall be designed to restrict unauthorized access. Such fence may be placed within the required setback. The fence may be placed between the Solar Energy Facility and the landscaping buffer.

3. Landscaping

- a. Land clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the Solar Energy Facility per practices of best management of natural areas or good husbandry of the land or forest other prescribed by applicable laws, regulations, and bylaws.
- b. All Solar Energy Facilities shall have a minimum landscape buffer depth of 20 feet. The buffer shall contain evergreen trees or bushes planted no more than eight feet apart and at least four feet tall at time of planting. Trees and bushes planted in the buffer shall obtain a height of ten feet within three growing seasons. The trees or bushes may be trimmed but can be no lower than a height of ten feet.
- c. Each owner/operator of a Solar Energy Facility shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate

planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed twelve inches in height.

- d. Applicant must provide a detailed landscape maintenance plan for the proposed Solar Energy Facility, and surrounding area, including provisions that will be employed to maintain and promote native vegetation while minimizing the proliferation of weeds during and following construction.

Q. Complaint Resolution

1. The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. All complaints shall be acknowledged within 10 days of receipt of such complaint. The Township supervisor shall also be notified of each complaint. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint.
2. During construction, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
3. A report of all complaints and resolutions to complaints shall be filed with the township on a quarterly basis.

- R. Reasonable Conditions. In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of any Utility Scale SEF as a special land use.

SECTION 29.06 DECOMMISSIONING AND ABANDONMENT

A. Decommissioning: A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to the issuance of the special use permit, which shall include:

1. The anticipated life of the project;
2. The estimated decommissioning costs. Salvage value shall not be considered when estimating decommissioning costs.
3. The method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to:
4. Complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
5. Complete restoration of property to condition prior to development of the Solar Energy Facility.
6. The anticipated manner in which the project will be decommissioned, and the site restored.
7. A provision to give notice to the Township one year in advance of decommissioning.

8. A surety bond to assure payment of the cost of decommissioning shall be required. To ensure proper removal of the structure when it ceases to be used for a period of one year or more, any application for a new Solar Energy Facility shall include a description of the financial security guaranteeing removal of the Solar Energy Facility which will be posted prior to receiving a building permit for the facility.
 - a. The security shall be a: 1) cash bond, 2) cash surety bond, or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and shall include a provision for inflationary cost adjustments. When determining the amount of such required security, the Township may also require future meetings at pre-set intervals, to establish corrected values for decommissioning. The financial security instrument shall be adjusted to each determined corrected value.
 - b. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township.
 9. The timeframe for completion of decommissioning activities.
 10. A condition of the Surety Bond shall be notification by the surety company to the Township 30 days prior to its expiration or termination.
- B. Abandonment:** A Solar Energy Facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the Solar Energy Facility provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Commission or its designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment, facilities and underground wiring and completely restore the property to its condition prior to development of the Solar Energy Facility.
1. Upon determination of abandonment, the Planning Commission or its designee shall notify the party (or parties) responsible that they must remove the Solar Energy Facility and restore the site to its condition prior to development of the Solar Energy Facility within six months of notice.
 2. If the responsible party (or parties) fails to comply, the Township or its designee, may remove the Solar Energy Facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the Solar Energy Facility and restore the site to a nonhazardous predevelopment condition.

SECTION 29.06 CONFLICTING PROVISIONS

In the event of a conflict between any provision in this Chapter and any other section of this Zoning ordinance with regard to large scale solar energy facilities, the provisions in this Chapter shall prevail.

Definitions

SECTION 30.01 GENERAL INTERPRETATION

For the purpose of this Ordinance, certain terms used are herewith defined. When inconsistent with the context, words used in the present tense include the future, words in the singular include the plural number, and words in the plural include the singular number. The word "shall" is always mandatory and not merely directory. The words "The Township" when used throughout this Ordinance shall be construed to mean "Hampton Township" in the County of Bay and State of Michigan.

SECTION 30.02 DEFINITIONS

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

ACCESSORY BUILDING

A subordinate or supplemental building or structure or portion of a main building, not involving human occupancy, located on the same lot or parcel of land as the main building or buildings, the use of which is incidental or secondary to that of the main building. Where an accessory is attached to a main building, such accessory building shall be deemed a part of the principal building.

ACCESSORY USE

A use naturally and normally incidental to the main use of the land or building.

ADULT BOOK STORE

Any establishment, or part thereof, having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specific sexual activities" or "specific anatomical areas" as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT DAY CARE FACILITY

An establishment having as its principal function the receiving of one (1) or more persons eighteen (18) years of age or older for the provision of supervision, personal care, and protection for periods of less than twenty-four (24) hours a day, four (4) or more days a week, for two (2) or more consecutive weeks. Adult day care facilities may be further defined as follows:

- A. Adult Day Care Center: A facility other than a private residence, receiving more than six (6) adults for group care periods of less than twenty-four (24) hours a day.
- B. Adult Family Day Care Home: A private residence in which one (1) but less than seven (7) adults are given care and supervision for periods of less than twenty-four (24) hours a day except adults related to the family by blood, marriage, or adoption.
- C. Adult Family Group Day Care Home: A private residence in which more than six (6) but not more than twelve (12) adults are given care and supervision for periods of less than twenty-four (24) hours a day except adults related to the family by blood, marriage or adoption.
- D. Adult day care facilities do not include adult foster care facilities or child care organizations as defined in this Chapter.

ADULT ENTERTAINMENT ESTABLISHMENT

A commercial establishment open to the public which:

- A. Displays, distributes, issues, gives, provides, lends, delivers, transfers, transmits, distributes, circulates, disseminates, presents, exhibits, advertises, sells, rents, or leases a substantial or significant portion of its stock in trade, materials distinguished or characterized by specified anatomical areas; or which
- B. Utilizes a substantial or significant portion of its display areas, including, but not limited to, floor, shelf, rack, table, stand, or case, for the display of such material; or which
- C. Exhibits for a substantial or significant portion of the total presentation time, such material; or which
- D. Involves employees or customers who engage in conduct which is distinguished or characterized by specified sexual activities or specified anatomical areas.

ADULT FOSTER CARE FACILITY

An establishment having as its principal function the receiving of persons eighteen (18) years of age or older for the provision of 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, as licensed and regulated by the state under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated under this act. Such facilities may be further defined as follows:

- A. "Adult Foster Care Camp" or "Adult Camp" means an adult foster care facility with the approved capacity to receive more than four (4) adults who shall be provided foster care. An adult foster care camp is a facility located in a natural or rural environment.
- B. "Adult Foster Care Congregate Facility" means an adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care.
- C. "Adult Foster Care Family Home" means a private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week and two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
- D. "Adult Foster Care Large Group Home" means an adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who shall be provided foster care.
- E. "Adult Foster Care Small Group Home" means an adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.
- F. Adult foster care facility does not include any of the following:
 - 1. Adult day care facilities as defined in this Chapter.
 - 2. Nursing homes, homes for the aged, or hospitals as defined in this Chapter and as licensed under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, or facilities operated under the Mental Health Code and Social Welfare Acts, being Act No. 258 of the Public Acts of 1974 and Act No. 280 of the Public Acts of 1939, respectively.
 - 3. A child care organization as defined in this Chapter if the number of residents who become eighteen (18) years of age while residing in the facility does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.
 - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - d. Five (5), if the total number of residents is twenty-one (21) or more.
 - 4. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care.
 - 5. A veteran's facility created under Act No. 152 of the Michigan Public Acts of 1885, as amended.

AFFILIATE

Any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability partnership with a licensee or applicant.

AGRICULTURE

The cultivation, raising, and storage of crops, animals, and animal products carried out by a farming operation or on a farm as defined in this Chapter.

AIRPORT

An area of land that is used for or incidental to the landing, take off, and parking of aircraft, including buildings and facilities. For the purpose of this definition, airport related buildings and facilities may include control towers, passenger terminal buildings, fixed base operators, hangars, rental car facilities, aircraft fueling facilities, air cargo facilities, fire and rescue equipment and facilities, visual and electronic navigational aids, meteorological equipment and stations, airport maintenance facilities and buildings, automobile parking for employees and passengers, viewing areas, and contiguous reserve land held for such uses and purposes.

ALLEYS

A public or private right-of-way not more than sixty-five (65) feet in width and not less than twenty (20) feet in width which provides a secondary means of access to an abutting lot or parcel of land but which is not intended for general traffic circulation.

ALTERATION - STRUCTURAL

Any change in the supporting members of any building or structure, including, but not to the exclusion of, other supporting members, bearing walls, columns, posts, beams, girders and any architectural change of the interior or exterior which may affect the structural integrity of the building.

APARTMENT BUILDING

"See Dwelling – Multiple Family" as defined by this Chapter.

ASSISTED LIVING

A facility for persons who are unable to live independently that provides: (a) private living quarters, which may include kitchen facilities limited to a sink, refrigerator and/or microwave; (b) supervision and general care, including, but not limited to the provision of meals, housekeeping, health care; and (c) assistance with moderate activities of daily living.

AUTOMOBILE REPAIR – MAJOR

General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, collision service, including body repair and frame straightening; painting and upholstering; vehicle steam cleaning and undercoating.

AUTOMOBILE REPAIR – MINOR

Minor repairs, incidental replacement of parts, and motor service to passenger automobiles and trucks not exceeding two (2) tons capacity, but not including any operation specified under "Automobile Repair – Major".

AUTOMOBILE SALVAGE

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, or wrecked vehicles or their parts.

AUTOMOBILE SERVICE STATION

A building, structure, or land used for the retail sale of fuel, lubricants, grease, and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing but not including major automobile repair or bulk fuel distributing.

AUTOMOBILE WASH ESTABLISHMENT; ALSO REFERRED TO AS CAR WASH ESTABLISHMENT

A building, or portions thereof, the primary purpose of which is that of washing motor vehicles, either manually or automatically.

BASEMENT

A portion of a building located totally below, or partly below and partly above grade, where the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.

BED AND BREAKFAST ESTABLISHMENT

A use which is subordinate to the principal use of a single family dwelling unit, and a use in which transient guests are provided a sleeping room and breakfast in return for payment.

BILLBOARDS

See "Signs" as defined by this Chapter.

BOARD OR TOWNSHIP BOARD

The Hampton Charter Township Board of Trustees.

BOARDING HOUSE

Also referred to as a lodging house, rooming house, fraternity house, sorority house or dormitory. A dwelling having one kitchen and used for the purpose of providing lodging, or lodging and meals, for pay or compensation of any kind on a weekly or longer basis to more than two (2) persons other than members of the family occupying such dwellings.

BUILDABLE AREA

The area of a lot or parcel excluding required yard setbacks and open space area.

BUILDING

Any structure which is constructed or erected, either temporary or permanent, having a roof intended to be impervious to weather, supported by columns, walls, or any other supports, which is used for the purpose of housing, storing, or enclosing persons, animals, or personal property or conducting business activities or other similar uses. The definition includes tents, awnings, and vehicles situated on private property and serving in some way the function of a building, but not including screened enclosures not having a roof impervious to weather.

BUILDING – MAIN OR PRINCIPAL

A building in which is conducted the principal or main use of the lot on which it is situated.

BUILDING, EXISTING

Any permanent building is considered to be in existence if completed or the foundations of which are complete and the construction of which is being carried out at the time this Ordinance takes effect.

BUILDING HEIGHT

The vertical distance from grade to the top of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip roof.

BUILDING LOT

For purposes of a building permit, a building lot is a plot or parcel of land as defined in this Chapter, definition of Lot. In addition to a single plot or parcel, a building lot may consist of multiple plots or parcels of land or combinations thereof. However, in order to allow construction of accessory or incidental structures on separate parcels or lots, said parcels shall be merged for purposes of construction. An unplatted parcel shall be combined by the recording of a deed joining the two parcels into single ownership. Platted parcels shall be deemed merged by a similar conveyance which also contains a covenant not to sever the platted parcels of property so long as any building exists which utilizes the total area of multiple platted lots as a basis for an accessory building or structure or so long as any structure continues to exist which requires the combination of the two lots to conform to this ordinance.

BUILDING PERMIT

The written authority of the building inspector, issued on behalf of the Township, permitting the construction, moving or alteration of a building or structure in conformity with the provisions of this Ordinance and the Township's Building Code.

BUILDING SETBACK

The distance between the lot line, street right-of-way line, or other reference line established by the provisions of Section 30.101, and the nearest point of any building or structure located on a lot or parcel.

BUILDING SETBACK LINE

The line situated at ground level being parallel to the street right-of-way line or property line or other reference line established by the provisions of Section 30.101, which defines the actual distance of the nearest point of a building or structure from a street or property line.

BUILDING SETBACK LINE, MINIMUM

The line situated at ground level, parallel to the street right-of-way or property line or other reference line established by the provisions of Section 30.101, which defines the area of a lot or parcel within which no part of a building or structure shall project or be located, except as otherwise provided by this Ordinance.

CAMP OR CAMPGROUND

A parcel or tract of land under the control of a person in which 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 5 or more recreational units as defined and as regulated in Public Act 368 of 1978 as amended. Campground does not include a Seasonal Mobile Home Park licensed under The Mobile Home Commission Act which is Public Act 96 of 1987 as amended.

CARPORT

Any roofed structure or shelter or a portion of a building open on two (2) or more sides which may or may not be attached to a dwelling, other than an attached or detached garage, used for the purpose of storing motor vehicles.

CARWASH

See "Automobile Wash Establishment" as defined in this Chapter.

CERTIFICATE OF ZONING COMPLIANCE

A permit signifying compliance with the provisions of the Ordinance to a use, activity, bulk, and density and with the requirements of all other development codes and ordinances currently in effect.

CHILD CARE ORGANIZATION

A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Public Act 116 of the Public Acts of 1973 and the associated rules promulgated under this act. Such organizations shall be further defined as follows:

- A. "Child Care Center" or "day care center" means a facility, other than a private residence, receiving more than six (6) pre-school or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours, described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- B. "Foster Family Home" is a private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for four (4) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, or legal guardian.
- C. "Foster Family Group Home" means a private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- D. "Family Day Care Home" means a private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult

member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

- E. "Group Day Care home" means a private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- F. "Child Care Facility" means a facility not located within a single family residential dwelling, which receives minor children for care, maintenance, supervision, and placement on a 24-hours per day basis, in a building or buildings maintained by a Child Placing Agency.

CHILD PLACING AGENCY

An agency licensed by the State of Michigan under Act 116, as amended, Public Acts of Michigan 1973 and organized for the purpose of one or more of the following:

- A. Receiving children for their placement in private family homes for foster care or adoption.
- B. Investigation and certification of foster family homes and foster family group homes.
- C. The supervision of children who are 16 or 17 years of age and who are living in unlicensed residences.
- D. Providing respite care.

COMMISSION OR PLANNING COMMISSION

The Planning Commission for Hampton Charter Township.

COMMON OPEN SPACE

Any area or space other than required yard areas which is unobstructed and unoccupied by buildings, roads, or other man-made structures and is readily accessible to all those for whom it is required.

COMPREHENSIVE PLAN, MASTER PLAN, GENERAL DEVELOPMENT PLAN, BASIC PLAN

The plan so designated by the Planning Commission which, among other things, conveys land use policy, a major street plan, and a plan for public facilities and which is designed to provide and accomplish the objectives of Act 110 of the Public Acts of Michigan of 2006, as amended.

CONDOMINIUM

Means a form of ownership which includes a divided interest in a building and/or lot and an undivided interest in all other lands and improvements, which are maintained through an association of co-owners. This form of ownership is most often applied to multi-family residential uses; however, it also can apply to single-family homes, commercial and industrial developments, boat slips, and many other land uses.

CONDOMINIUM ACT

Means Public Act 59 of 1978, as amended.

CONDOMINIUM DWELLING

Means the structure built upon a lot or condominium unit which is intended for residential purposes.

CONDOMINIUM SUBDIVISION PLAN

Shall include all of the following as required in the Condominium Act as amended, being Public Act 59 of 1978 as amended.

- A. Cover sheet
- B. A survey plan.
- C. A flood plain plan if condominium lies within or abuts a flood plain area.
- D. A site plan.
- E. A utility plan.
- F. A floor plan.
- G. The size, location, area and horizontal boundaries of each condominium unit.
- H. A number assigned to each condominium unit.
- I. The vertical boundaries and volume of each unit comprised of enclosed air space.
- J. Building sections showing the existing and proposed structures and improvements, including their location on the land. Any proposed structure and improvement shown shall be labeled either a "must be built" or "need not be built" to the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping and an access road, the same shall be shown and designated as "must be built", but the obligation to deliver such items exists whether or not they are shown and designated.
- K. The nature, location, and approximate size of the common elements.

CONDOMINIUM UNIT

Means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.

CONDOMINIUM COMMON ELEMENTS

The portions of the condominium project other than the condominium units.

CONDOMINIUM LIMITED COMMON ELEMENTS

The portion of the common elements reserved in the Master Deed for the exclusive use of less than all of the co-owners.

CONDOMINIUM LOT

For purposes of determining zoning compliance of condominiums, the term "lot" as used in Sections 3.37, 3.38 and 3.39 of Chapter 3 shall mean an individual condominium unit along with any limited common element or general common element as defined in this Chapter.

CONDOMINIUM GENERAL COMMON ELEMENT

The common elements other than the limited common elements.

CONDOMINIUM; MOBILE HOME PROJECT

A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

CONDOMINIUM MASTER DEED

Means the condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

CONDOMINIUM SUBDIVISION

Shall be a division of land on the basis of condominium partnership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.

CONDOMINIUM; MULTIPLE FAMILY CONDOMINIUM PROJECT

A building or portion thereof which contains two (2) or more dwelling units.

CONDOMINIUM; SINGLE FAMILY CONDOMINIUM PROJECT

A condominium project in which each dwelling unit constitutes a separate and unattached building.

CONVALESCENT HOME, NURSING HOME OR HOME FOR THE AGED

An institutional facility, other than a private home or facility defined in this Chapter, having as its principal function the provision of care, and supervision of individuals for twenty-four (24) hours a day and which are licensed under Article 17 of the Public Health Code, Act No. 368 of 1978 as amended.

DEVELOPER

Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing development.

DEVELOPMENT OR TO DEVELOP

A development includes the construction of any new buildings or other structure on a lot, the relocation of any existing buildings, or the use of a tract of land for any new uses. To develop is to create a development.

DIMENSIONAL NON-CONFORMITY

A non-conforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

DISH ANTENNAS

A parabolic type antenna designed to receive radio, television, and microwave communication.

DISTILLERY

An establishment licensed by the State of Michigan as a Small Distiller.

DISTRICT OR ZONE

A portion of the municipality under which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance. The terms "zone" and "district" are considered synonymous.

DRIVE-IN ESTABLISHMENT, DRIVE-THROUGH ESTABLISHMENT

A commercial business establishment which offers goods or services to customers in vehicles, including an establishment where customers may serve themselves.

DWELLING

Any building used in whole or in part as a home, residence or sleeping place, either permanently or temporarily, including mobile homes; one family, two family and multi-family buildings and boarding houses; but not including hotels, motels, tents, recreational vehicles or other unconventional structures.

DWELLING – SINGLE FAMILY DETACHED

A building which is entirely surrounded by open space on its building lot, used and designed for one (1) family or domestic unit only.

DWELLING – MOBILE HOME

A vehicular portable structure built on a permanent chassis which, in accordance with Section 6.03(6) of the National Manufactured Housing and Safety Standards Act of 1974, being 42 USC 5401 through 5426, cannot be removed, and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is or is intended to be attached to the ground, to another structure, or to a utility system on the same premises for more than thirty (30) consecutive days; and which is registered with the State of Michigan, for which a certificate of title is granted, and, further, is constructed to the minimum standards as required by the Department of Housing and Urban Development.

DWELLING – PRE-MANUFACTURED

Pre-manufactured is an assembly of materials or products intended to comprise all or part of a building or structure, and that is assembled at other than the final location of the unit of the building or structure, by a repetitive process under circumstances intended to insure uniformity of quality and material content. All pre-manufactured units shall be constructed to the minimum construction standards as promulgated by the State of Michigan, State Construction Codes for Pre-Manufactured Units, and shall have a certificate of compliance to those standards affixed to each unit as prescribed by state regulation or, in the alternative, be constructed to the minimum construction codes as adopted by the Township from time to time, prior to placement within the Township unless a pre-manufactured unit meets the definition of a mobile home and is placed within the township as a mobile home.

DWELLING – MULTIPLE FAMILY

A building used or designed as a residence for three (3) or more families or domestic units living independently of each other.

DWELLING – TWO (2) FAMILY OR DUPLEX

A detached building containing two (2) dwelling units and designed for use by two (2) families or domestic units living independently.

DWELLING – EARTH BERMED

A dwelling where the ground floor area is partly below grade to provide climatic noise or life safety protection, but is so designed not to include any portion of a basement in the floor area calculation.

DWELLING – EARTH SHELTERED

A dwelling where the ground floor is partly below grade to provide climatic noise or life safety protection, but so designed to meet the requirements of the Township Building Code and may include all or part of a basement in the floor area calculation.

DWELLING UNIT

One (1) or more rooms designed or used as an independent housekeeping establishment for one family or domestic unit and containing kitchen facilities, including a stove or cooking device and a permanently installed sink, bathroom facilities, and sleeping facilities.

EASEMENT

A grant of a right to use land for specified purposes. It is a non-possessory interest in land granted for limited use purposes.

ERECTED

Includes built, constructed, reconstructed, moved upon, or any other physical operation on the premises required for the building. Excavation, fill, drainage, and the like, shall be considered part of erection.

ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance, by public utilities, municipal departments or commissions, or private public utility contractors, of underground or overhead gas, electrical, steam or water transmissions, or distribution systems, collections, communication, supply, or disposal systems (including towers, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchange and/or repeater buildings, electric substations, gas regulatory stations, and other similar equipment and accessories in connection therewith) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety, or general welfare. This definition shall not include sanitary

landfills, recycling centers, or non-public utility transfer stations, or buildings not reasonably necessary to house the foregoing.

FAMILY OR DOMESTIC UNIT

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling unit or;
- B. A collective number of individuals domiciled together in one (1) dwelling place whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

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. If the land area is less than 10 acres, the building official may call the Michigan Department of Agricultural for a determination if the property is actually a farm operation.

FARM OPERATION

The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but it not limited to:

- A. Marketing produce at roadside stands or farm markets.
- B. The generation of noise, orders, dust, fumes, and other associated conditions.
- C. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage system and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
- D. Field preparation and ground and aerial seeding and spraying.
- E. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- F. Use of alternative pest management techniques.

- G. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- H. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- I. The conversion from a farm operation activity to other farm operation activities.
- J. The employment and use of labor.

FARM PRODUCT

Those plants and animals useful to human beings, produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock trees and tree products, mushrooms, and other similar products, and any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

FARM BUILDINGS

Any non-dwelling building or structure on a farm which is essential and customarily used on farms of that type for the purposes of their agricultural activities.

FARM MARKET

A "farm market" is a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50 percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market's marketing season or up to a five year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations. A farm market may operate seasonal or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions, when allowed by applicable local, state, and federal regulations.

FENCE

An artificially constructed barrier erected as a dividing structure or as an enclosure which is designed to restrict, prevent, or control movement on property.

FLOOD PLAIN

Those areas which are subject to inundation at a high flood water level in a flood of one (1) percent yearly probability as determined by an engineer or agency designated by the Township Board.

FLOOD HAZARD AREA

That area subject to flooding on the average once in every hundred years based on information supplied by the U.S. Geological Survey or the Michigan Department of Natural Resources.

FLOOR AREA, NON DWELLINGS

The area of all floors in a building computed by measuring the dimensions of the outside walls of a building, excluding elevator shafts, stairwells, hallways, bulk heads, floor space used for basic utilities such as lavatories, and heating and cooling equipment, mezzanines, attics or portions thereof with headroom of less than seven (7) feet, verandas, porches, patios, carports, parking garages, terraces, atriums, and decks.

FLOOR AREA HABITABLE DWELLINGS

The area of all floors computed by measuring the dimensions of the outside walls of a building, excluding porches, patios, terraces, breezeways, carports, verandas, garages, basements, attics or portions thereof not meeting Township Building Code requirements for ingress and egress.

GARAGE – PRIVATE

A detached building or portion of a residence for the parking or storage of automobiles or pickup trucks and provided that there shall be no public shop or service associated with any such private garage.

GARAGE – PUBLIC OR COMMERCIAL

Any building not a private garage, used for commercial parking, storing, caring for, renting, servicing, repairing, refinishing, equipping, adjusting for remunerations, hire or sale of any vehicle or for housing more than four (4) motor vehicles.

GASOLINE SERVICE STATION

See "Automobile Service Station", as defined in this Chapter.

GOVERNMENTAL ADMINISTRATIVE OR SERVICE BUILDINGS

Those buildings or structures which, as a principal use, house offices and personnel of governmental units which directly or indirectly serve the public.

GOVERNMENTAL SUPPORT FACILITIES FOR HIGH DENSITY USES

Those buildings which, as a principle use, house higher density uses such as garages; bus barns; DPW garages or facilities; jails, juvenile homes; half-way houses; drug or alcohol rehabilitation centers with a greater number of residents than six; police stations; road commission garages or facilities; maintenance facilities that house vehicles or equipment other than those for on-site uses necessary as an accessory use to the principle use, established on site such as a golf course, park or recreational area; warehouses; or storage facilities.

GRADE – AVERAGE GRADE

A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

GREEN BELT OR BUFFER STRIP

A planting strip or buffer strip, at least ten (10) feet in width, which shall consist of deciduous or evergreen trees, or a mixture of both, spaced not more than thirty (30) feet apart and not less than one (1) row of dense shrubs not more than five (5) feet apart and which grow at least five (5) feet wide and five (5) feet or more in height after one (1) full growing season, which shall be planted and maintained in a healthy growing condition by the property owner.

GREEN STRIPS

A natural or planted and landscaped area, located in the required front, side, and rear yard areas of developed parcels, consisting of trees, shrubs, bushes, grasses and other approved live vegetation and/or other approved material, required by the Township for utilitarian and aesthetic purposes, as provided for in Chapter 17.

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 OCCUPATION

Any profession or other occupation, conducted in a residential or agricultural district or building, which is clearly incidental and secondary to the residential use of the lot or structure and which conforms to the provisions of Chapter 7, Tables 2 and 5.

HUB HEIGHT

When referring to a wind turbine, the distance measured from ground level to the center of a wind turbine hub.

IEC – INTERNATIONAL ELECTROTECHNICAL COMMISSION

The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

ISO-INTERNATIONAL ORGANIZATION FOR STANDARDIZATION

ISO is a network of the national standards institutes of 156 countries.

JUNK YARD, SALVAGE YARD

A place where junk, waste, discarded, salvaged, or salvageable materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to wrecked motor vehicles, used building materials and equipment, and other manufactured goods that are worn, deteriorated, or obsolete.

KENNEL

Any place on which five (5) or more dogs, cats, or other household pets, of any combination thereof, four (4) months of age or older are kept, either temporarily or permanently, for any reason other than veterinary medicine, including board, breeding, or sale.

LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION

A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a generating capacity greater than 150 kilowatts (kW).

LOT

A plot or parcel of land having frontage and access upon a public street or approved private street, whether or not the plot or parcel is part of a recorded plat.

LOT AREA

The total area encompassed within the lines of a lot, excluding street or road rights-of-way.

LOT, CORNER

A corner lot shall mean a lot of which the entirety of at least two (2) adjacent sides abut a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees.

LOT COVERAGE

That area of a lot that is covered by all buildings and structures located thereon. This shall be deemed to include all porches, arbors, breezeways, balconies, patio roofs and any other structure or building, whether open, box type or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, hedges used as fences, or swimming pools.

LOT, INTERIOR

A lot other than a corner lot.

LOT, THROUGH

An interior lot having frontage on two (2) streets.

LOTS – CONTIGUOUS

Lots which are abutting.

LOT LINE, FRONT

Front lot line, in the case of a lot abutting only one (1) street, shall mean the line separating such lot from the street right-of-way; in the case of a through lot or a corner lot, any lot line adjacent to a street right-of-way shall be considered a front lot line.

LOT LINE, REAR – INTERIOR LOTS

That lot line which is opposite and most distant from the front lot line. The rear lot line in any irregular or triangular lot, for the purpose of this Ordinance, shall be a line entirely within the lot, at least ten (10) feet long and generally parallel to and most distant from the front lot line.

LOT LINE, REAR – CORNER LOTS

In the case of residential corner lots, the building inspector shall, at the time of application for a building permit on the principal building, designate a lot line opposite one (1) of the two (2) front lot lines, which shall thenceforth be considered the rear lot line, and the remaining lot line, also being opposite a front lot line, shall thenceforth be considered a side yard line. In the case of non-residential corner lots or permitted non-residential uses on residential corner lots, the

Planning Commission shall make such determination and designation prior to final site plan approval.

LOT LINE, SIDE

Any lot line not a front lot line nor a rear lot line.

LOT OF RECORD

A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Bay County, Michigan, prior to the effective date of this Ordinance; or a tract of land described by metes and bounds which is the subject of a deed or land contract recorded at the Office of the Register of Deeds prior to the effective date of this Ordinance.

LOT WIDTH

The lot width is determined by measuring the distance between the side lot lines at the building setback line which shall be equal to or greater than the minimum lot width requirement for the zone classification. In cases of corner lots or through lots, the lot width shall be determined by measuring the distance between the side lot line and the opposite lot line at the building setback line which shall be equal to or greater than the minimum required lot width in the zone classification.

MARIHUANA OR “MARIJUANA”

The term as defined in the Public Health Code, MCL 333.1101 et seq.; the Medical Marihuana Act, MCL 333.26421 et seq.; For the purpose of this ordinance, the spellings are interchangeable.

MEZZANINE

An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than thirty-three (33) percent of the floor area of the story in which the level or levels are located.

MICROBREWERY

An establishment licensed by the State of Michigan as a Microbrewery.

MINI-STORAGE RENTAL BUILDINGS OR USES

A building or group of buildings used or intended to be used for the housing of residential or recreational accessory items when leased to an individual or a number of individuals by a single

owner. It is not intended nor will it be allowed that commercial or industrial warehousing or storage be permitted, nor shall perishable items, toxic or hazardous chemicals, or agricultural chemicals or supplies be permitted to be stored in mini-storage units. No exterior storage of any items will be allowed, with the exception of recreational vehicles, including boats and trailers, when such use is specifically approved as part of the special use permit. All units shall be completely enclosed, and no dwelling, living, repairs, or work shall be allowed in any of these units.

MOBILE HOME

See "Dwelling--Mobile Home" as defined in this Chapter.

MOBILE HOME PARK

Mobile home park means a parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, Public Act 96 of 1987 as amended, which is The Mobile Home Commission Act.

MOBILE HOME SUBDIVISION

A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Public Act 288 of 1967, as amended which is the Land Division Act.

MODULAR HOME

See "Dwelling - Pre-manufactured" as defined in this Chapter.

MOTEL

A building or group of buildings providing transient accommodations with motor vehicle parking contiguous to the building. The term, "motel", shall include: drive-in hotel, tourist court, motor hotel, tourist room, motor court, tourist cabin, motor inn, motor lodge, or transient cabin. For the purpose of this ordinance, "Motel" and "Hotel" are considered synonymous.

NACELLE

The protective casing of a wind turbine, covering the gearbox, generator, blade hub, and other parts.

NON-CONFORMING CURB CUT OR DRIVEWAY

An existing curb cut or driveway providing access to a lot or parcel from a public or private street which at the time of the effective date of this Ordinance does not meet the minimum spacing and/or design requirements applicable to the district in which it is located.

NON-CONFORMING LOT

A lot existing at the effective date of this Ordinance (and not created for the purpose of evading the restrictions of this Ordinance) that does not meet the minimum area requirement of the district in which the lot is located.

NON-CONFORMING PROJECT

Any structure, development, or undertaking that is incomplete at the effective date of this Ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

NON-CONFORMING SIGN

A sign that does not conform to one or more of the regulations set forth in the Hampton Township Sign Ordinance.

NON-CONFORMING USE

A non-conforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a non-conforming use.) The term also refers to the activity that constitutes that use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a non-conforming use.)

NON-CONFORMING SITUATION

A situation that occurs when, on the effective date of this Ordinance, an existing lot, structure, or curb cut, or use of an existing lot or structure or curb cut, does not conform to one or more of the regulations applicable to the district in which the lot, curb cut, or structure is located. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance.

NURSING HOME

A nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury or infirmity.

OCCUPIED BUILDING

A building that has people within its premises or within the structure daily or from time to time. An occupied building may include a home, a business, a pole building, or a building similar in nature.

OPEN AIR BUSINESS

Includes uses operated for profit substantially in the open air including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
- B. Outdoor display and sale of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Outdoor recreational establishments consisting of uses for activities such as tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, amusement parks, or similar recreational uses (transient or permanent).

PARKING AREA

An off-street open area for the parking of motor vehicles for a fee or as an accommodation of clients, customers, residents, visitors, occupants, or the general public. Parking area shall include access drives within the actual parking area.

PERSON

A legal entity or individual human being, including a firm, association, co-partnership, partnership, corporation, society, or organization.

POND

An outdoor body of standing water, accumulated in an artificially constructed basin or depression in the earth, either above or below or partly above or partly below grade, capable of holding water in a depth of greater than two (2) feet when filled to capacity.

PUBLIC UTILITY

Any person, firm, corporation, or governmental department, board, or commission duly authorized under township, state, or federal regulations to furnish electricity, gas, steam, communications, transportation, water, wastewater removal, or similar essential services to the public; provided, however, that those persons involved in the reception or transmission of radio or television signals shall not be considered a Public Utility.

RECREATION CENTER

Either buildings or facilities, or both, owned by either a profit or non-profit corporation, association, or person, which are available for use by the general public or on a membership basis. Uses and activities shall include only the following: theaters; exercise facilities; court games such as tennis, paddleball, handball, and volleyball; bowling alleys; archery; golf driving ranges; ice arenas; pool and billiards; ping pong; swimming pools; roller skating rinks; and restaurants and taverns when designed as an integral part of the facility and incidental to one or more of the other permitted uses.

RECREATION VEHICLE

A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

RECREATION VEHICLE PARK

Includes a Campground as regulated in Public Act 96 of 1987 as amended and the provisions of this Ordinance.

REGISTERED PRIMARY CAREGIVER

A primary caregiver who has been issued a current registry identification card under the Michigan Medical Marihuana Act, MCL 333.26423.

REGISTERED QUALIFYING PATIENT

A qualifying patient who has been issued a current registry identification card under the Michigan Medical Marihuana Act, MCL 333.26423.

REGISTRY IDENTIFICATION CARD

That term as defined in section 3 of the Michigan medical marihuana act, MCL 333.26423.

RESTAURANT

A public eating place where food is prepared and sold for immediate consumption.

ROTOR

An element of a wind energy turbine that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

SCADA TOWER

A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

SHADOW FLICKER

Alternating changes in light intensity caused by the moving blade of a wind energy turbine casting shadows on the ground and stationary objects, such as a window at a dwelling.

SMALL TOWER WIND TURBINE

A type of wind turbine that converts wind energy into electricity through the use of equipment that includes any base, blade, foundation, generator, nacelle, rotor, transformer, vane, wire, inverter, batteries, or other components. The total height does not exceed 120 feet.

SOUND PRESSURE

Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

SOUND PRESSURE LEVEL

The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

SIGNS

A sign shall mean any structure, as hereinafter further specifically defined, which generally attempts to convey information or advertising to the general public.

A. Billboard (advertising sign):

Any sign advertising a business, service, or entertainment which is not conducted on the land upon which the sign is located or parcels or products not primarily sold, manufactured, processed, or fabricated on such land.

B. Business sign:

Any sign advertising a business, service, or entertainment conducted on the land where the structure is located or products primarily sold, manufactured, processed, or fabricated on such land.

C. Identifying sign:

Any structure on the same premises it identifies which serves:

1. Only to tell the name or use of any public or semi-public building or recreation place, club, lodge, church, or institution;
2. Only to tell the name or address of an apartment house, hotel, motel, mobile home park, or subdivision; or
3. Only to inform the public as to the use of a parking lot.

D. Nameplate:

A structure affixed flat against the wall of a building which serves solely to designate the name and profession or business occupation of a person or persons occupying the building.

E. Permanent sign:

A sign or advertising display of a permanent nature which is attached to, mounted on, or supported by any building, structure, post, framework, stake, or other means of support which is not readily movable or portable, and which sign is of such nature as to be maintained in one position or location.

F. Portable sign:

A sign painted on or in any manner affixed to a supporting structure which is not permanently attached to the ground or another stationary structure.

G. Real estate sign:

Any temporary structure used only to advertise, with pertinent information, the sale, rental, or leasing of the premises upon which it is located.

H. Signs:

Any device, stationary or portable, permanent or temporary, whether open or closed, having a display area. It shall include such devices, whether supported completely or partially, in or upon the ground surface or in or upon any other structure, or painted, adhered to, or otherwise secured on any other structure, which device is used or intended for use in advertising, display, or publicity purposes. The term "sign," as used in this ordinance, means permanent, temporary, and portable signs except where the language of this ordinance specifically mentions a specific type of sign.

I. Sign structure:

The supports, uprights, and bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more facings, where the angle formed between the reverse side of each facing (or the projection thereof) exceeds forty-five degrees (45°), each facing shall be considered a separate sign structure and separate sign surface.

J. Sign surface:

The entire area within a single continuous perimeter enclosing all elements of the sign which forms an integral part of the display. As indicated above, if two (2) or more facings create an angle exceeding forty-five degrees (45°), each such sign facing shall constitute a separate sign surface.

K. Temporary sign:

A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, or other temporary material, with or without a structural frame, intended for a limited period of display, and shall include decorative displays for holidays and public demonstrations.

L. Hampton Township information, direction, public service and advertising sign:

A sign, banner or other device constructed and/or erected and maintained by the Charter Township of Hampton to inform the motoring public of the location of businesses, products and services within the Township as well as display information, congratulatory or other public service and civic messages as may be desired by the Township. Said sign may designate areas of the Township and may also include messages from individual businesses and establishments as approved by the Township. The Township is authorized to accept compensation in order to defray the costs of construction, erection and maintenance of said signs.

SETBACK

See "Building Setback" as defined in this Chapter.

SITE PLAN

A reproducible scale drawing which shows the location and dimensions of all intended and existing buildings, structures, parking, loading facilities, streets, driveways, buildings, planting, landscaping, yard spaces, sidewalks, signs, drainage facilities, water supply, sewage systems and any other items that may be required by Chapter 14 of this Ordinance.

SPECIAL USE

A special procedure wherein certain uses may be permitted after review when the effect of such uses on adjoining lands and the general welfare of the township may require special consideration and often also conditional regulations to insure compatibility and proper development in accordance with the intent of this Ordinance.

SPECIFIED ANATOMICAL AREA

This shall refer to the following:

- A. Less than completely and opaquely covered:
 - 1. Human genitals, pubic region or pubic hair; or
 - 2. Perineum, buttock or anus; or
 - 3. Female breast below a point immediately above the top of the areola; or
- B. Human male genitals in a discernibly erect or turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

This shall refer to the following:

- A. Human genitals in a discernible state of sexual stimulation or arousal; or
- B. Acts or representations of human masturbation, sexual intercourse, sodomy, or bestiality, excretory functions, sadism, masochism, lewd exhibition of genitals; or
- C. Fondling or other erotic touching of human genitals, pubic region or pubic hair, perineum, buttock or anus or female breast.

STABLE – PRIVATE

A building or group of buildings used or to be used for the housing of horses or other domestic animals owned by an individual for the use of himself and his immediate family, as an accessory use to the principal residential use. A minimum of five (5) acres is required for a private stable. In order to maintain a private stable, the owner of the property must have five (5) acres for the first horse and an additional one (1) acre for each horse or other domestic animal owned thereafter. In order to house more than fifteen (15) horses or other domestic animals, the owner must comply with all requirements for a public stable. Domestic animals include but are not limited to horses, goats, cows, pigs, or other similarly domesticated farm animals, excluding dogs and cats which can be regulated as a kennel.

STABLE – PUBLIC

A building used for housing horses or other domestic animals for commercial enterprise.

STORY

That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above (also see "Mezzanine").

STORY ABOVE GRADE

Any story having its finished floor surface entirely above grade, except that a basement shall be considered a story above grade when the distance from grade to the finished floor surface of the floor above the basement is more than six (6) feet for more than fifty (50) percent of the total perimeter or more than twelve (12) feet at any point.

STREET

- A. Public Street: A publicly controlled right-of-way which affords the principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare.
- B. Private Street: A privately owned and maintained permanent, unobstructed easement which provides direct access to more than one (1) legally described parcel and for which a permit has been issued in accordance with Chapter 14.

STREET RIGHT-OF-WAY

A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes which has been dedicated for public use or reserved as an approved private street.

STRUCTURE

Any constructed, erected, or placed materials or combination of materials with a fixed location above, on, or below the ground, or attachment to something having such location, including buildings, signs, billboards, light posts, utility poles, radio and television antennas, swimming pools, gazebos, tennis courts, sheds, and storage bins; but excluding fences, sidewalks, driveways, and streets.

STRUCTURE – HABITABLE

Any structure usable for living or business purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, is not included in this definition.

STRUCTURE-MOUNTED WIND TURBINE

Equipment that converts wind energy into electricity that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A Structure-Mounted Wind Turbine is attached to a structure's roof, walls, or other elevated surface. The total height of a Structure-Mounted Wind Turbine must not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

SWIMMING POOL

An artificially constructed basin for the holding of water for swimming and aquatic recreation and does not include any plastic, canvas, or rubber portable pools temporarily erected upon the ground with less than two (2) feet of water

THEATER

Any building or place used for presentation of dramatic spectacles, shows, movies, or other entertainment, open to the public, with or without charge.

TIP HEIGHT

When referring to a wind turbine, the distance measured from ground level to the furthest vertical extension of the rotor.

USE

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

USE – ACCESSORY

A use of a structure or premises which is customarily incidental and subordinate to the principal use of the structure or premises. (See USE: PRINCIPAL)

USE – PERMITTED BY RIGHT

A use or uses which, by their very nature, are allowed within the specified Zoning District, provided all applicable regulations of Hampton Township are met. Permitted use includes the principal use of the land or structure, as well as accessory uses unless specifically stated to the contrary.

USE – PRINCIPAL

The primary purpose for which land or a structure or building is used.

USE – TEMPORARY

A use or activity which is permitted only for a limited time and subject to specific regulations and permitting procedures.

UTILITY-GRID WIND ENERGY SYSTEM

A system or wind turbines that is designed and built to provide electricity to the electric utility grid.

VETERERINARY HOSPITAL OR CLINIC – LARGE ANIMAL

Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries to all size animals. Larger animals and livestock such as, but not limited to horses, cows, sheep and pigs are permitted in this classification as well as small animals, including household pets.

VETERERINARY HOSPITAL OR CLINIC – SMALL ANIMAL

Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries to small animals, including household pets. Such an establishment may include accessory boarding facilities provided they are located inside the building. Larger animals and livestock such as, but not limited to horses, cows, sheep and pigs are not allowed in this classification.

WINERY

An establishment licensed by the State of Michigan as a Small Winery. Wineries may, with the proper license, produce brandy under this definition.

WIRELESS COMMUNICATION FACILITIES

- A. Wireless Communication Facilities shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
- B. Attached Wireless Communications Facilities shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- C. Wireless Communication Support structures shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

- D. Collocation shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the intention of reducing the overall number of structures required to support wireless communication antennas within the community.

WIND SITE ASSESSMENT

An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy turbine.

WIRELESS COMMUNICATION FACILITIES

- A. Wireless Communication Facilities shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
- B. Attached Wireless Communications Facilities shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- C. Wireless Communication Support structures shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- D. Collocation shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the intention of reducing the overall number of structures required to support wireless communication antennas within the community.

YARD

A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted under the provisions and terms of this Ordinance, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distance.

YARD – FRONT

The open space between the front lot line or street right-of-way line and the nearest point of any part of the main building thereon.

YARD – REAR

The open space between the rear lot line and the nearest point of the main building thereon.

YARD – SIDE

The open space between the side lot line and the nearest point of the main building thereon.

ZONE

See "District" as defined in this Chapter.

ZONING BOARD

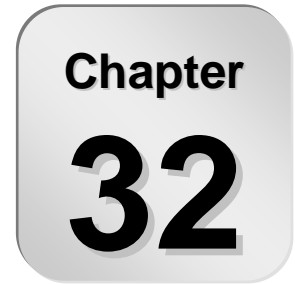
The Hampton Charter Township Zoning Board of Appeals.

ZONING PERMITS

See "Certificate of Zoning Compliance" as defined in this Chapter.

Validity

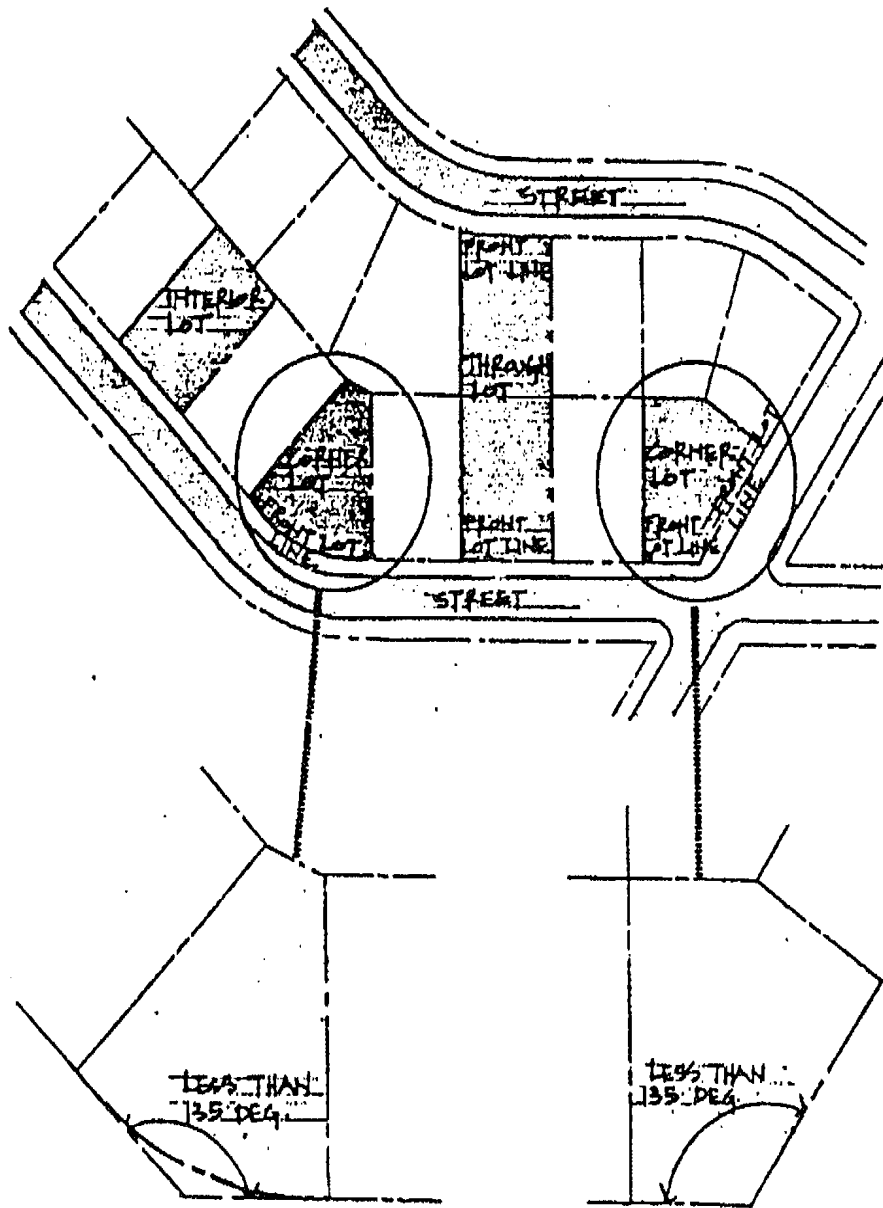
Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not effect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.



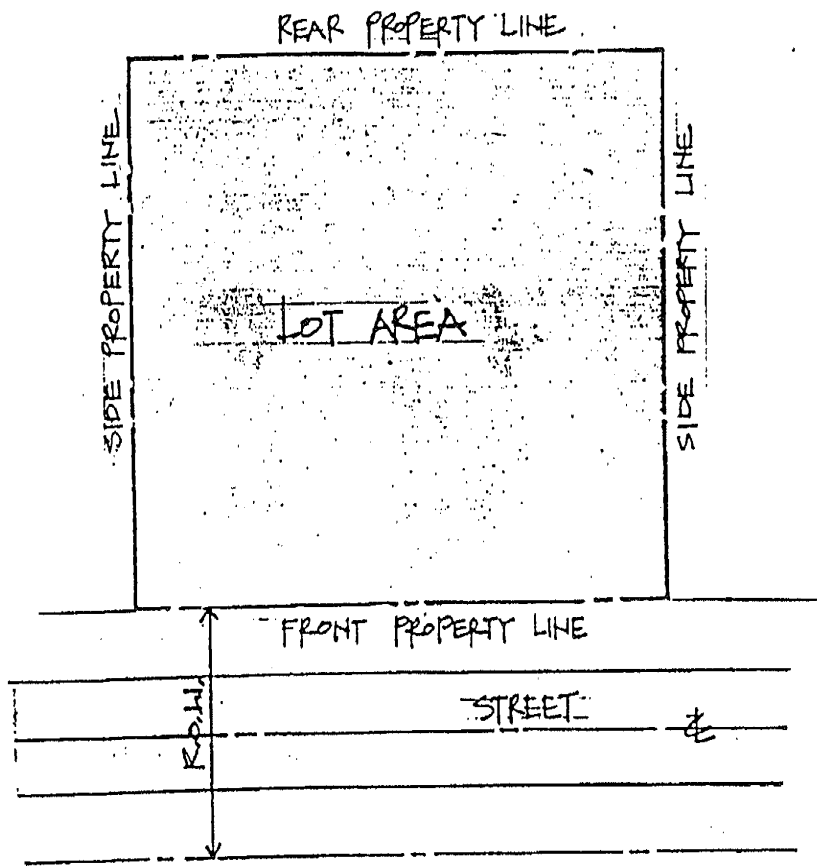
Repeal

The Charter Township of Hampton, Bay County, Michigan does hereby repeal that certain Zoning Ordinance approved and adopted on March 26, 1979, and as thereafter amended, being Ordinance Number 36.

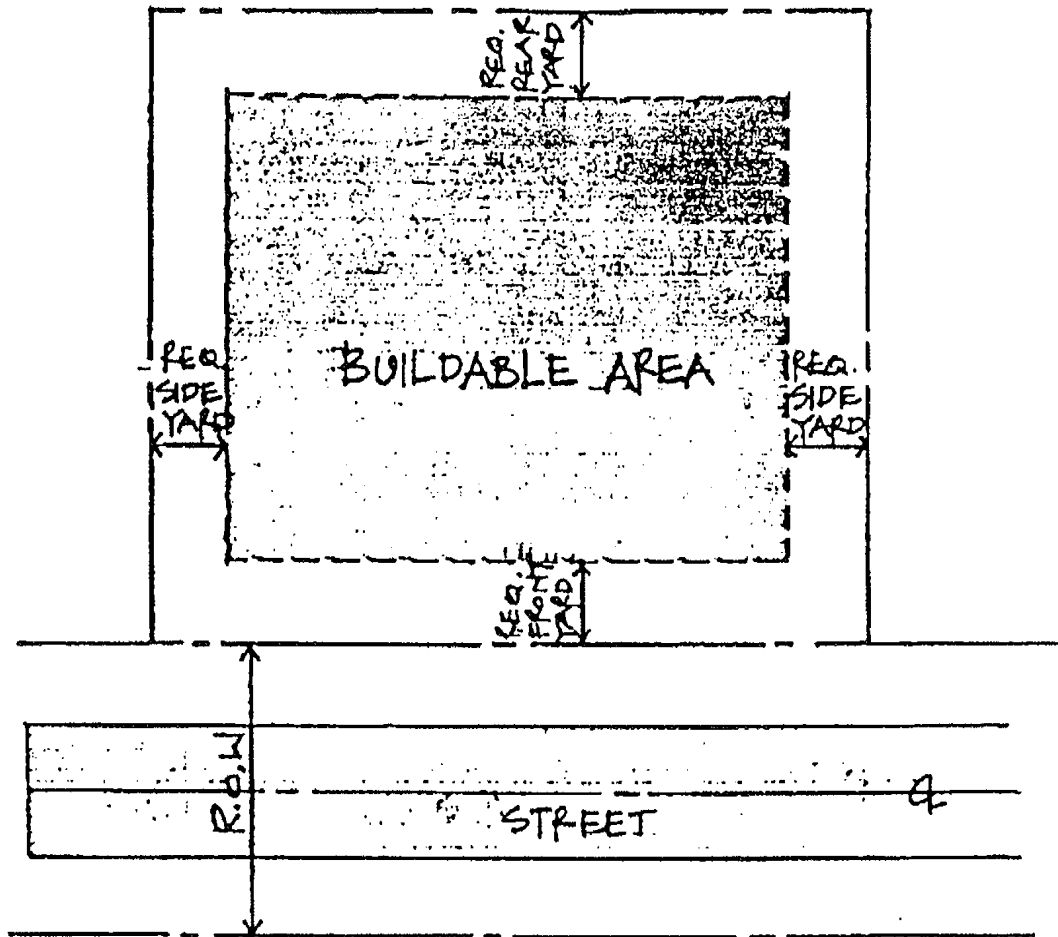
Appendix A



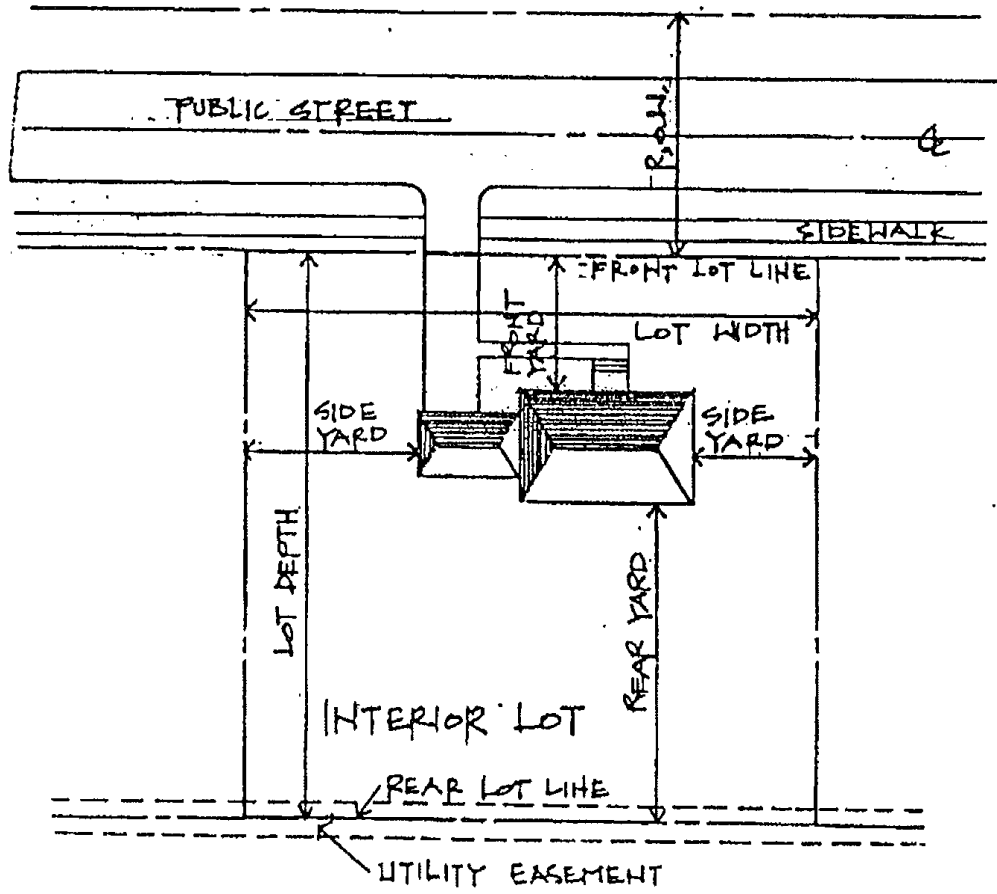
INTERIOR, THROUGH & CORNER LOTS



LOT AREA

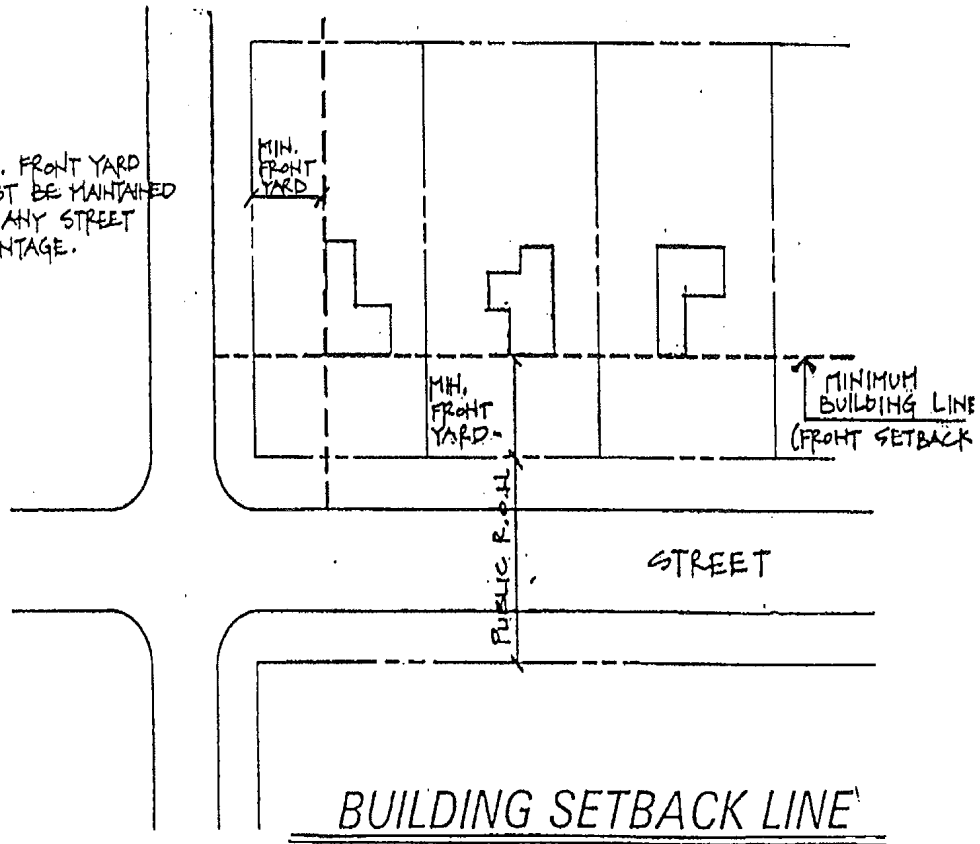


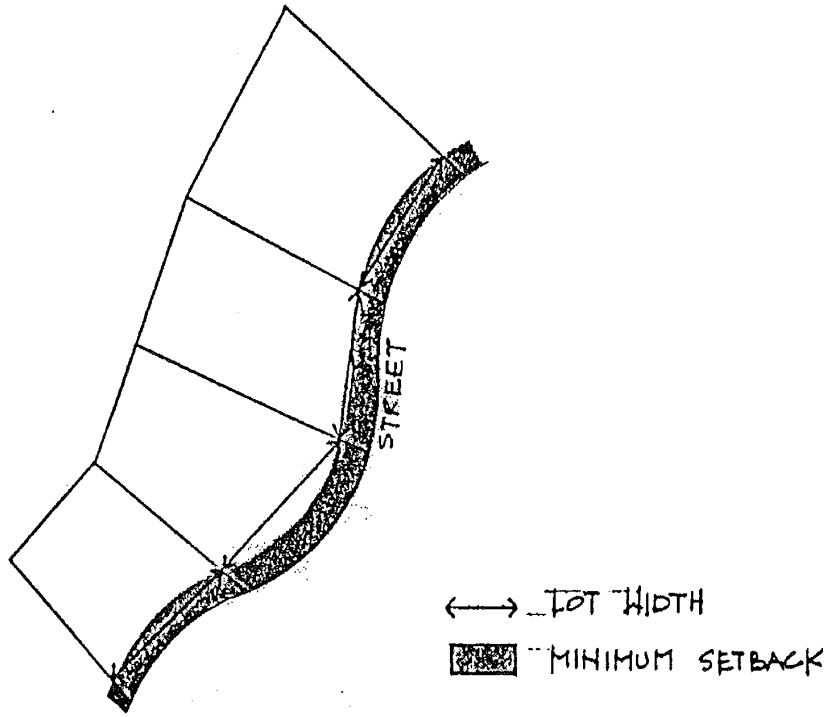
BUILDABLE AREA



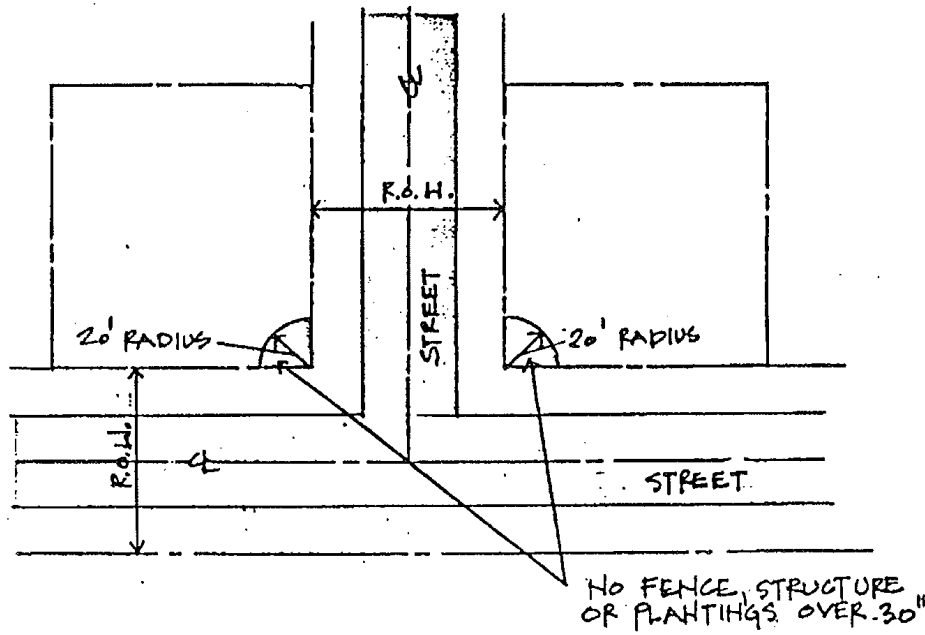
LOTS & YARDS

MIN. FRONT YARD
MUST BE MAINTAINED
ON ANY STREET
FRONTAGE.

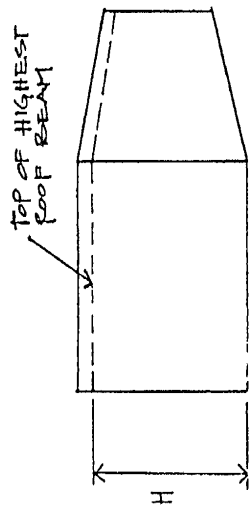




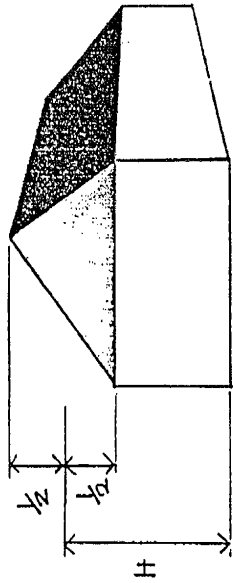
LOT WIDTH AND SETBACK



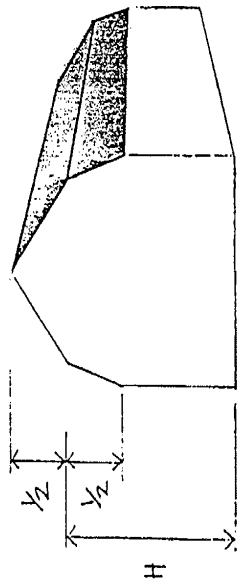
TRAFFIC VISIBILITY AROUND CORNERS



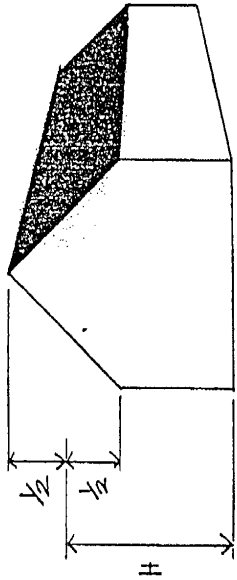
FLAT ROOF



HIP ROOF



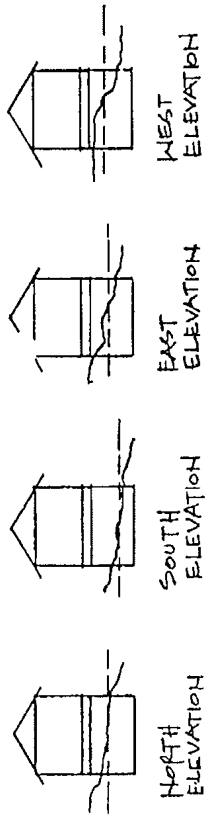
GAMBREL ROOF



GABLE ROOF

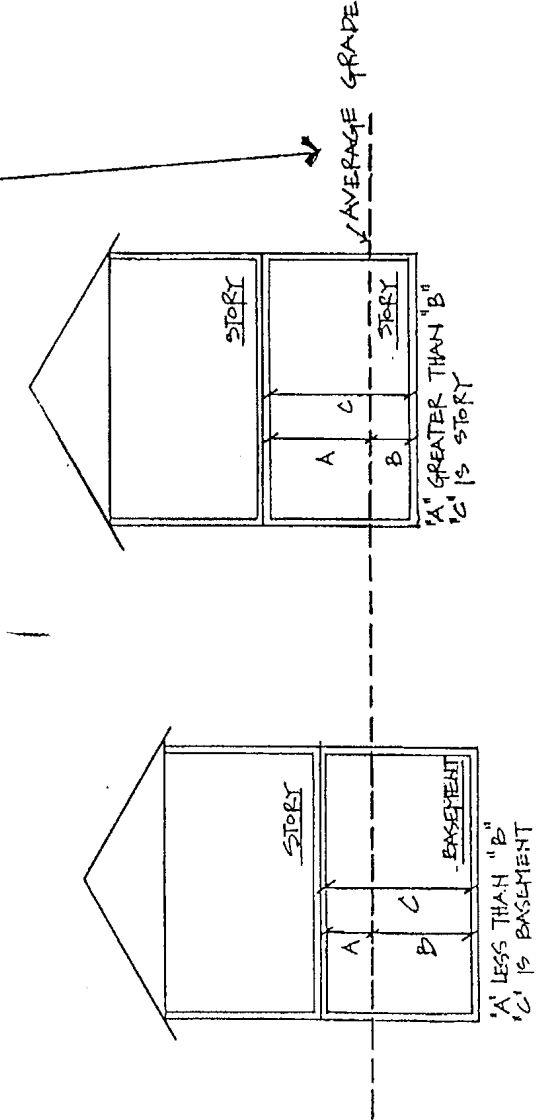
H = HEIGHT OF BUILDING

HEIGHT OF BUILDING

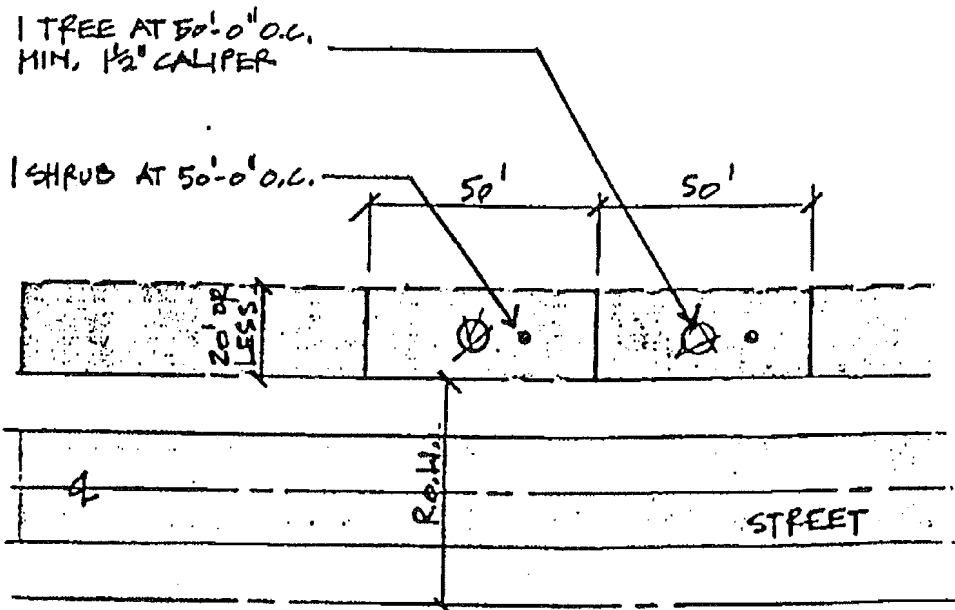


$$\frac{\text{AVG. GRADE} + \text{AVG. GRADE} + \text{AVG. GRADE} + \text{AVG. GRADE}}{4} = \text{AVERAGE GRADE}$$

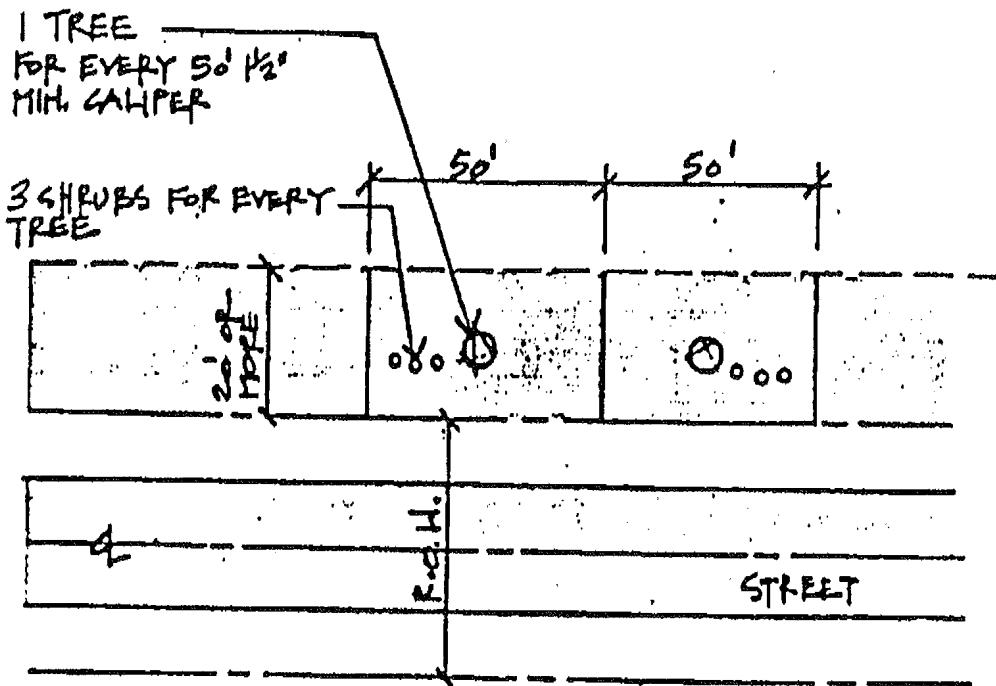
$$\frac{\text{NORTH ELEV.} + \text{SOUTH ELEV.} + \text{EAST ELEV.} + \text{WEST ELEV.}}{4} = \text{AVERAGE GRADE}$$



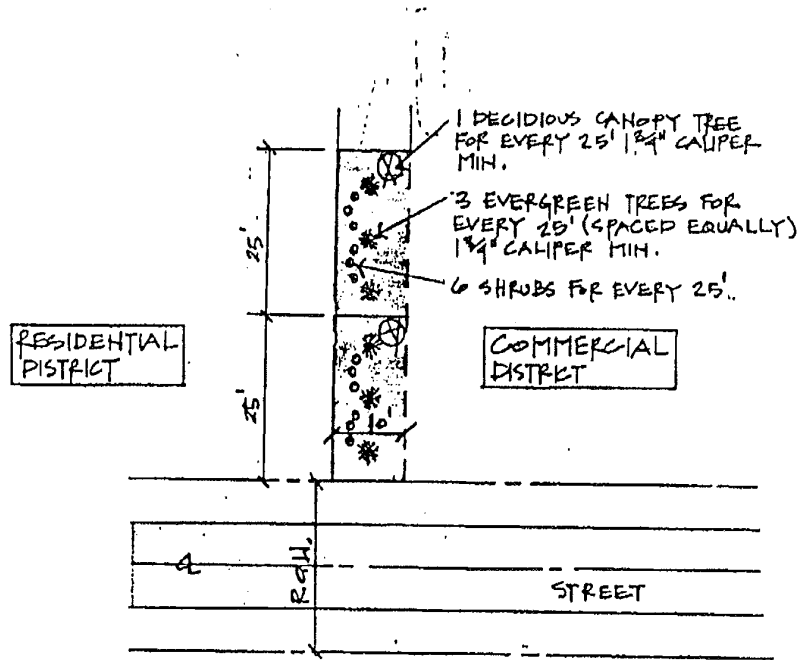
BASEMENT & STORY



20' OR LESS GREENSTRIPS



20' OR MORE GREENSTRIPS.



GREENBELT WHERE NON-RESIDENTIAL ABUTS A RESIDENTIAL DISTRICT