

MONITOR TOWNSHIP

BAY COUNTY, MICHIGAN

ZONING ORDINANCE

ORDINANCE NO. 67

Adopted: March 25, 2019

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MONITOR TOWNSHIP ZONING ORDINANCE

Bay County, Michigan

Ordinance No. 67

An ordinance to establish zoning regulations for the Township of Monitor, Bay County, Michigan, including regulations governing nonconforming uses, structures and buildings, to provide for the administration, enforcement and amendment of such regulations to prescribe penalties for the violation of such regulations, and to provide for conflicts with other ordinances or regulations all in accordance with the provisions of Michigan Act 110 of 2006, as amended.

THE TOWNSHIP OF MONITOR, BAY COUNTY, MICHIGAN ORDAINS:

Chapter 1: TITLE, PURPOSE, SCOPE AND LEGAL BASIS

Section 1.01 TITLE

This Ordinance shall be known and may be cited as the "Monitor Township Zoning Ordinance."

Section 1.02 PURPOSE

This Ordinance is based upon the Monitor Township Master Plan and is designed: (1) to promote the public health, safety, morals and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to conserve natural resources and energy, to meet the needs of the State's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; (4) to insure that uses of land shall be situated in appropriate locations and relationships; (5) to avoid the overcrowding of population; (6) to provide adequate light and air; (7) to lessen congestion on the public roads and streets; (8) to reduce hazards to life and property; (9) to facilitate the adequate provisions of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and (10) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

Section 1.03 SCOPE AND INTERPRETATION

This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land that is imposed or required by such existing laws, ordinances, regulations, private restrictive covenants, the provisions of this Ordinance shall control.

Section 1.04 LEGAL BASIS

This Ordinance is enacted pursuant to Michigan Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act.

Chapter 2: DEFINITIONS

Section 2.01 RULES APPLYING TO TEXT

The following listed rules of construction apply to the text of this Ordinance.

- (a) The particular shall control the general.
- (b) With the exception of this Chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- (e) A "building" or "structure" includes any part thereof.
- (f) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- (g) The words "used" or "occupied", as applied to any land or building shall be construed to include the words "intended", "arranged", "designed to be used", or "occupied".
- (h) The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- (i) Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

The following listed terms and words are defined for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

Section 2.02 ACCESSORY BUILDING OR USE

Any use(s), building(s) or structure(s) on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure. Accessory building(s) or use(s) shall be subordinate in area, extent and purpose to the principle building or principle use served and shall contribute to the comfort, convenience or necessity of the occupants of the principle building or principle use served. Accessory buildings shall not include residential or living quarters for human beings. All buildings including principal as well as accessory buildings on a lot may not occupy more than twenty-five (25%) percent of the total lot area.

Section 2.03 ADULT FOSTER CARE CONGREGATE FACILITY

An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

Section 2.04 ADULT FOSTER CARE FACILITY

A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include any of the following:

- (a) A nursing home licensed under article 17 of the public health code, Act No. 368 of the Public Acts of 1978, as amended, being sections 333.20101 to 333.22181 of the Michigan Compiled Laws.
- (b) A home for the aged licensed under article 17 of the public health code, Act No. 368 of the Public Acts of 1978, as amended.
- (c) A hospital licensed under article 17 of the public health code, Act No. 368 of the Public Acts of 1978, as amended.
- (d) A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of mental health under the mental health code, Act No. 258 of the Public Acts of 1974, as amended, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws.
- (e) A county infirmary operated by the county department of social services under section 55 of the social welfare act, Act No. 280 of the Public Acts of 1939, as amended, being section 400.55 of the Michigan Compiled Laws.
- (f) A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under Act No. 116 of the Public Acts of 1973, as amended, being section 722.111 to 722.128 of the Michigan Compiled Laws, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:

Definitions

- (1) Two, if the total number of residents is 10 or fewer.
 - (2) Three, if the total number of residents is not less than 11 and not more than 14.
 - (3) Four, if the total number of residents is not less than 15 and not more than 20.
 - (4) Five, if the total number of residents is 21 or more.
- (g) An establishment commonly described as an alcohol or 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.
- (h) A facility created by Act No. 152 of the Public Acts of 1885, as amended, being sections 36.1 to 36.12 of the Michigan Compiled Laws.

Section 2.05 ADULT DAY CARE CENTER

A center other than a private residence, in which more than six (6) adults are supervised and receive group care for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period.

Section 2.06 ADULT FOSTER CARE FAMILY HOME

An adult foster care facility with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks.

Section 2.07 ADULT FOSTER CARE LARGE GROUP HOME

An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

Section 2.08 ADULT FOSTER CARE SMALL GROUP HOME

An adult foster care facility with the approved capacity to receive at least 7 but not more than 12 adults to be provided with foster care.

Section 2.09 ALLEY

A public thoroughfare or right-of-way which affords only secondary access to abutting property, not a street as herein defined.

Section 2.10 ALTERATIONS, STRUCTURAL

Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

Section 2.11 AMUSEMENTS, COMMERCIAL

Amusement enterprises, including, but not limited to, bowling alleys, billiard and pool halls, dance halls, skating rinks, shooting galleries, places for games of skill and science, golf driving ranges, miniature golf courses, and other similar uses.

Section 2.12 AUTOMOBILE REPAIR - MAJOR

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

Section 2.13 AUTOMOBILE REPAIR - MINOR

Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two (2) tons capacity; provided, however, there is excluded any repair or work included in the definition of "Automobile Repair - Major."

Section 2.14 AUTOMOBILE OR TRAILER SALES AREA

Any space used for display, sale or rental of motor vehicles or trailers in new, or used and operable condition.

Section 2.15 AUTOMOBILE STORAGE OR VEHICLE STORAGE

Any storage of inoperable and/or unlicensed vehicles not incidental to a service station.

Section 2.16 BASEMENT

That portion of a building between the floor and the ceiling, which is partly below and partly above grade, but so located that the vertical distance from the grade to the floor below is less than the vertical distance from the grade to the ceiling.

Section 2.17 ZONING BOARD OF APPEALS

The Zoning Board of Appeals of the Township of Monitor.

Section 2.18 BREEZEWAY

Any covered passageway between two buildings, the sides of which may be enclosed by lattice, walls, screens or other material allowing the passage of air between structures.

Section 2.19 BUILDING

Anything which is constructed or erected, including a mobile home, having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property, or carrying on business activities or other similar uses.

Section 2.20 BUILDING, EXISTING

For the purposes of this Ordinance, a building is considered existing if it is erected prior to the effective date of this Ordinance, or if a legal building permit has been issued.

Section 2.21 BUILDING HEIGHT

The vertical distance above "grade", as defined herein to the highest point of the roof.

Section 2.22 BUILDING INSPECTOR AND OFFICIAL

The Building Inspector and Official is the Official appointed by the Township Board responsible for the issuance of building and related permits in the Township to protect the health and safety of the public. The Building Official is responsible for reviewing construction plans (Building Department Review) and working with the Zoning Administrator to conduct inspections of construction-in progress to ensure compliance with state, local building codes, and Township ordinances. At the direction of the Township Board, the roles of the Building Inspector and Official may be fulfilled by other Official(s). In this Ordinance, the term Building Inspector and Official may be used interchangeably with Zoning Administrator.

Section 2.23 BUILDING SETBACK

The minimum distance from the front lot line to the nearest point of the main wall of the building or structure. Steps may be located within the building setback. Porches are considered as part of the building or structure and may not be located within the building setback. (Refer to "front yard".) For any lot encumbered by a vehicular access easement or public right-of-way, any required setback shall be measured from the nearest edge of the easement or right-of-way in lieu of the lot line.

Section 2.24 CAMP OR CAMPGROUND

"Camp" or "campground" shall mean and include temporary or permanent buildings, tents or other structures, together with the appurtenances pertaining thereto, established or maintained as

Definitions

temporary living quarters for children or adults, or both, operated continuously for a period of five (5) days or more, for recreation, religious, education or vacation purposes.

Section 2.25 CHILD CARE CENTER OR DAY CARE CENTER

A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally 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, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks, during a 12-month period, or a facility operated by a religious organization where children are cared for not greater than 3 hours, while persons responsible for the children are attending religious services.

Section 2.26 COMMISSION

The Planning Commission of the Township of Monitor.

Section 2.27 CONDOMINIUM TERMS

- (a) The following definitions relate to condominiums and site condominiums:
- (1) **COMMON ELEMENTS.** Portions of the condominium project other than the condominium units.
 - (2) **CONDOMINIUM.** A condominium is a system of separate ownership of individual units and/or multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by other unit owners.
 - (3) **CONDOMINIUM ACT.** Shall mean Public Act 59 of 1978, as amended.
 - (4) **CONDOMINIUM LOT OR SITE.** That portion of the land area of a site condominium project intended to function similar to a platted subdivision lot for purposes of determination of minimum lot area, minimum lot width, minimum yard (setback) requirements and other requirements set forth in the zoning district regulations.
 - (5) **CONDOMINIUM SUBDIVISION PLAN.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of

Definitions

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

- (6) **CONDOMINIUM UNIT.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- (7) **CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with the Zoning Ordinance and the Condominium Act.
- (8) **CONVENTIONAL CONDOMINIUM PROJECT.** A condominium designed to include only general common elements and usually consisting of only attached residential units.
- (9) **CONVERSION CONDOMINIUM.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- (10) **CONVERTIBLE AREA.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with the Zoning Ordinance and the Condominium Act.
- (11) **EXPANDABLE CONDOMINIUM.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Zoning Ordinance and the Condominium Act.
- (12) **GENERAL COMMON ELEMENTS.** Common elements other than the limited common elements, intended for the common use of all co-owners.
- (13) **LIMITED COMMON ELEMENTS.** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- (14) **MASTER DEED.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- (15) **SITE CONDOMINIUM PROJECT.** A condominium project is designed to function in a similar manner, or as an alternative to a platted subdivision but has limited common and general common area elements. A site

Definitions

condominium shall be equivalent to a subdivision as used in this ordinance and in the Monitor Township Subdivision Control Ordinance. The subdivision may consist entirely of single-family detached or attached condominium units in the case of a residential project and also may consist of a nonresidential project such as an industrial park.

Section 2.28 CONVALESCENT OR NURSING HOME

Any facility wherein hospital outpatients, infirm or incapacitated persons are furnished shelter, care, food, lodging and needed medical attention for a compensation.

Section 2.29 CORRAL

A pen or enclosure for confining or capturing animals or livestock, but not including an area for grazing of such.

Section 2.30 DRIVE-IN FACILITY

Any place or premise which offers the sale of goods or services to customers in vehicles, including those establishments where customers may serve themselves and use the goods or services on the premises.

Section 2.31 DWELLING

Any building or portion thereof which is occupied, in whole or in part, as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms or cabins, mobile homes, travel trailers or motor homes.

- (a) Dwelling, Single Family - A building designed for use and occupancy by one (1) family only.
- (b) Dwelling, Two Family - A building designed for use and occupancy by two (2) families only.
- (c) Dwelling, Multiple-Family - A building designed for use and occupancy by three (3) or more families.

Section 2.32 DWELLING UNIT

One (1) room or suite of two (2) or more rooms designed for use or occupancy by one (1) family for living and sleeping purposes with housekeeping facilities. Tents, travel trailers, motor homes, and the like are not considered dwelling units for the purpose of this Ordinance.

Section 2.33 DWELLING UNIT, NON-FARM

Definitions

A dwelling unit as defined which is not connected with a bona fide farm, either general or specialized.

Section 2.34 ERECTED

Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered part of erection. (See [Section 2.93](#))

Section 2.35 ESSENTIAL SERVICES

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, piping conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, or stations, and other similar equipment and accessories in connection therewith, but not including buildings, except those necessary to house the foregoing, reasonably necessary for the furnishing of utility service by such public utilities or municipal department or commission or for the public health, safety or general welfare.

Section 2.36 FAMILY

One (1) or more persons occupying a single dwelling unit and using common cooking facilities; provided, however, that unless all members are related by blood, marriage or legal adoption, no such family shall contain more than five (5) persons.

Section 2.37 FAMILY DAY CARE HOME

A private home in which 1 but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to unrelated minor children for more than 4 weeks during a calendar year.

Section 2.38 FARM - GENERAL

Any tract of land, regardless of size or area, devoted to general agricultural activities, not involving animals, for commercial purposes, such as field crops, truck farming, orchards and nurseries. Such farms may include related dwelling units and customary barns and similar buildings.

Section 2.39 FARM - SPECIALIZED

Any tract of land used for specialized animal operations such as poultry farms, dairying, beef farms, animal husbandry, stock yards, livestock, feedlots, swing farms or establishments keeping fur-bearing animals or game or operating fish hatcheries for commercial purposes. Such farms may include related dwellings, customary barns, and similar buildings.

Section 2.40 FARM BUILDING

Any building, except for a dwelling unit, which is essential or customarily used for the storage or housing of farm implements, produce, animals or other farm purposes for commercial purposes.

Section 2.41 FLOOR AREA

The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts or courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. For all buildings, except dwelling units, where the principal use thereof shall include the basement, the basement floor area shall be included except that part which contains heating and cooling equipment and other basic utilities.

The floor area of a dwelling unit shall be that area generally recognized under township construction codes as habitable living space. The floor area of a dwelling unit is presumed to equal the total amount of dwelling area reflected on the Township tax assessment card.

Section 2.42 FORESTRY OPERATIONS

The harvesting of timber for commercial purposes, including the harvesting of Christmas trees but excluding the private cutting of firewood. Selective trimming, pruning or clearing of trees for the purpose of increasing forest growth shall be excluded from this definition unless such operations involve heavy equipment and more than two (2) trucks exceeding two (2) tons capacity.

Section 2.43 FOSTER FAMILY GROUP HOME

A private home in which more than 4 but less than 7 minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

Section 2.44 FOSTER FAMILY HOME

A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

Section 2.45 GARAGE, PRIVATE

Definitions

A detached accessory building or portion of a residence or main building, not exceeding one-thousand four-hundred (1400) square feet in floor area, used for the storage of passenger vehicles and trucks up to one (1) ton capacity where no servicing for profit is conducted.

Section 2.46 GARAGE, SERVICE

Any building or structure designed or used for the hire, sale, storage, service, repair, and refinishing of motor vehicles or trailers for profit, but not for the storage of dismantled vehicles or parts thereof for purposes of reuse or resale.

Section 2.47 GASOLINE STATION OR SERVICE STATION

Any building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water 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, but not including the use of space or facilities for the refinishing of motor vehicles or for the dismantling, for purposes of reuse or resale, of motor vehicles or parts thereof, or for the outdoor storage or repair of motor vehicles or parts thereof.

Section 2.48 GRADE

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

Section 2.49 GROUP DAY CARE HOME

A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Section 2.50 HOME OCCUPATION

An occupation customarily conducted within a dwelling by its occupants as a subordinate use.

Section 2.51 HOTEL

A building where lodging, with or without meals, is furnished to transients or to resident guests for compensation, and contains more than four (4) sleeping rooms.

Section 2.52 IMPROVEMENTS

Definitions

Those features and actions associated with a project which are considered necessary by the Planning Commission, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, drainage, parking areas and landscaping.

Section 2.53 JUNK MOTOR VEHICLE

A junk motor vehicle shall be defined as any motor vehicle which is in such condition of disrepair that it shall not be legally operable upon any public road of this state or which is unlicensed for a period of sixty (60) days or longer after the last date for licensing of motor vehicles in the State of Michigan.

Section 2.54 JUNK YARD

A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, cleaned or handled, including house wrecking yards, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment, but excluding such uses when conducted entirely within a completely enclosed building and excluding pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

Section 2.55 KENNEL

Any lot or premises on which five (5) or more dogs, cats or other household pets, four (4) months of age or older, are kept either temporarily or permanently for the purpose of boarding or breeding for compensation.

Section 2.56 LOT

A piece or parcel of land having continuous frontage on a public thoroughfare occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses, together with such open spaces as are required by this Ordinance. (Refer to Appendix.)

- (a) Area, Lot ó The total area encompassed within the lines of a parcel or piece of property, excluding street or road rights-of-way and any vehicular access easements.
- (b) Corner Lot ó A lot located at the intersection of two (2) or more streets where the corner interior angle, formed by the intersection of the center lines of the streets, is one hundred thirty-five (135) degrees or less, or a lot abutting upon a curved street or streets if tangents to the curve form an interior angle of one hundred thirty-five (135) degrees or less.

Definitions

- (c) Depth, Lot ó The distance between the front and the rear lot lines, measured along the median between the side lot lines.
- (d) Double Frontage Lot ó Any lot, excluding a corner lot, which fronts on two (2) streets which do not intersect.
- (e) Width, Lot ó The distance between the side lot lines, measured at the lot's frontage to the public right-of-way, except lots fronting on a curve or cul-de-sac of a public roadway where the lot width shall be measured at the building setback line, running parallel or tangent to the public roadway frontage, and at right angles to the lot depth. (See also [Section 3.14](#))
- (f) Lot Frontage ó That portion of property immediately adjacent to and touching upon the public roadway or right-of-way as measured between the side property lines.

Section 2.57 LOT LINE

A line bounding a lot or a parcel of property. (Refer to Appendix.)

- (a) Front ó The boundary line of a lot immediately adjacent to the street right-of-way upon which the lot fronts.
- (b) Rear ó The boundary line which is opposite and most distant from the front lot line.
- (c) Side ó Any boundary line which is neither a front nor a rear property line.
- (d) Street or Alley, Lot Line ó A lot line separating the lot from the street or alley.

Section 2.58 LOT OF RECORD

A parcel of land for which the deed, prior to the adoption of this Ordinance, is on record with the County Register of Deeds and which exists as described therein.

Section 2.59 MINING OPERATION

Removal for commercial purposes of topsoil, limestone, sand, gravel, or other soil, rock or mineral resource.

Section 2.60 MOBILE HOME

A movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed without a permanent foundation for year-round living as a single family dwelling. A mobile home may contain parts that may be combined, folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity.

Definitions

- (a) Single Wide ó A mobile home with an average longitudinal width of no greater than fourteen (14) feet.
- (b) Double Wide ó A combination of two (2) mobile home elements designed and constructed to be connected along the longitudinal axis, thus providing more living space than a conventional single wide unit without duplicating any of the service facilities, such as kitchen equipment or furnace. Single wide mobile homes with extenders or add-a-rooms shall not be considered as double wide mobile homes.

Section 2.61 MOBILE HOME LOT

A measured parcel of land within a mobile home park, which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home. A mobile home lot, outside of a mobile home park, shall be the same as a single family dwelling lot in the same zoning district.

Section 2.62 MOBILE HOME PARK

A parcel of land which has been planned and improved for the placement of mobile homes on a rental basis for non-transient use under the provisions of the Michigan Mobile Home Commission Act, being Public Act 419 of 1976 as amended, and this Ordinance.

Section 2.63 MODULAR HOME

A Modular Home is designed and constructed in conformity to the State Construction and Residential Codes and all subparts as applicable.

Section 2.64 MOTEL

A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by vehicular travelers. The term shall include any building or group of buildings designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

Section 2.65 MOTOR VEHICLE

Every vehicle which is self-propelled.

Section 2.66 NONCONFORMING BUILDING OR STRUCTURE

A building or structure lawfully existing at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform to the regulations of the District in which it is located.

Section 2.67 NONCONFORMING USE

Any lawful use of any part or all of a building or other structure, lot or tract of land existing at the time of adoption of the Zoning Ordinance or any amendment thereto, which does not conform with the use regulations of the District in which it is located.

Section 2.68 NURSERY

An area where plants (trees, shrubs and the like) are grown for transplanting, for use as stocks for bedding or grafting for profit.

Section 2.69 PARKING AREA, BAY, SPACE OR LOT

An off-street open area, the principal use of which is for the parking of motor vehicles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

Section 2.70 PARALLEL PLAN

A plan that conceptually demonstrates the total number of lots that may be created on a parcel for use in a particular zoning district. The lots indicated on the parallel plan shall be conforming in all respects to lot requirements for the zoning district where the land is located, including providing sufficient area, width, depth to width ratio, frontage on public or private access routes, and otherwise complying with open space requirements and indicating undevelopable wetland areas. A parallel plan is generally intended to establish the maximum number of lots that could be developed on a parcel in accordance with requirements of this Ordinance and other applicable regulations.

Section 2.71 PETROLEUM BULK PLANT

An establishment for the storage of petroleum products in bulk and in packages, for distribution by tank car, tank vehicles or motor truck, also including any processing or manufacturing plant which, from time to time, stores or maintains volumes of petroleum products and by-products.

Section 2.72 POLLUTION INCIDENT PREVENTION PLAN (PIPP)

Consistent with the requirements for impact assessment, an applicant for impact assessment review shall prepare this document to indicate the methods that will be used to handle and dispose of hazardous waste and other hazardous materials, consistent with state and federal requirements and the best available control technology. The document shall indicate the methods that will be used in order to avoid spilling hazards, water pollution, airborne pollution, or any other type of pollution of the environment.

Section 2.73 POND

An outdoor body of standing water, accumulated in an artificially constructed basin or depression in the earth, partly or completely above or below the grade of the ground surface existing prior to construction, capable of holding water to a depth greater than two (2) feet when filled to capacity and more than one hundred (100) square feet in area. County drains, natural streams, natural rivers and natural lakes shall not be construed to be included in this definition. Temporary basins or depressions excavated in conjunction with construction of building foundations or building basements and swimming pools regulated by Ordinance 18 are not included in this definition.

Section 2.74 POOL, PRIVATE SWIMMING

Any artificially constructed basin or other structure for the holding of water for use by the possessor, his or her family or guests, for swimming, diving and other aquatic sports and recreation. The term "swimming pool" does not include any plastic, canvas or rubber pool temporarily erected upon the ground holding less than 500 gallons of water.

Section 2.75 PRINCIPAL USE

The main, primary or predominant use of a lot.

Section 2.76 PRIVATE STREET

Any street providing access to adjacent properties which is constructed and maintained by the owner or owners and which is not dedicated for general public use.

Section 2.77 PUBLIC UTILITY

Any firm, corporation, municipal department or board, duly authorized to furnish to the public, under Federal, State or municipal regulation, electricity, gas, steam, communications, transportation, sewage disposal or water supply.

Section 2.78 RECREATION VEHICLE

Tent trailers, travel trailers, motor homes, pick-up campers, boats and boat trailers, or other portable units which are self-propelled or towed by a vehicle, can be operated independent of utility connections, and are designed to be used principally as a temporary vacation dwelling.

Section 2.79 RESTAURANT

Definitions

A public eating place where food is prepared and served or sold for consumption primarily within a building on the premises and which, as an incidental part of said principal business, may permit food to be taken from the premises for consumption.

Section 2.80 ROADSIDE STAND

A building or structure designed or used for the display and/or sale of seasonal agricultural products.

Section 2.81 ROOMING HOUSE

Also referred to as a boarding house, lodging 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 persons other than members of the family occupying such dwellings.

Section 2.82 RUMMAGE, GARAGE, YARD, ESTATE, AND MOVING SALES

Rummage, Garage, Yard, Estate, And Moving Sales are defined as sales which offer miscellaneous household goods for sale and are typically held in a residential accessory structure, front yard or interior of a dwelling unit. The sale of goods is temporary in nature and is not to be considered a home occupation. ([Section 3.25](#))

Section 2.83 SANITARY LANDFILL

An area for the disposal of refuse as defined and licensed under Public Act 87 of 1965, the Solid Waste Disposal Act, as amended, and as regulated under Public Act 641 of 1978, "The Solid Waste Management Act", as amended.

Section 2.84 SELF-STORAGE FACILITY

Any facility consisting of a building or group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of goods and wares.

- (a) Self-Storage Facility, With Distribution ó Any self-storage facility with a portion of the facility dedicated to small scale distribution activity, where goods are received or stored for pickup or delivery to the ultimate customers at remote locations.
- (b) Self-Storage Facility, Without Distribution ó Any self-storage facility that is strictly used for temporary storage by tenants, and that contains no distribution activities.

Section 2.85 SIGNS AND BILLBOARDS

A sign shall mean and include every sign, billboard, pole sign, monument sign, free standing sign, tower sign, roof sign, sign painted or printed on the exterior surface of a building or structure, illuminated sign and temporary sign, and shall include any announcement, declaration, display, illustration or insignia used to advertise or promote the interest of any person or product when the sign is placed out-of-doors in view of the general public. The word "sign" does not include the flag, pennant, or insignia of any nation, state, city, township or other political unit; nor shall it include any official notice of a nation, state, city or township indicating public hearings or meetings, voter registration or voting places, permits connected with the construction, alteration or removal of a building or structure, or the like.

- (a) **Billboard (advertising sign)** ó Any structure, including the wall of any building, trucks, automobiles, farm machinery and other such equipment on which lettered, figured or pictorial matter is displayed for advertising a business, service or entertainment which is not conducted on the land upon which the structure is located, or products not primarily sold, manufactured, processed or fabricated on such land.
- (b) **Bulletin Board** ó A sign, either free standing or attached to a building or structure, which announces religious or public events.
- (c) **Business Sign** ó A sign which directs attention to a business, profession, service, product or entertainment conducted on the premises where the structure is located.
- (d) **Electronic Changeable Copy Sign** ó A sign, or portion thereof, that displays electronic static images, static graphics or static pictures, with or without textual information. Such a sign has the capability of being changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LEDs), fiber optics, lights bulbs, or other illumination devices within the display area where the message is displayed.
- (e) **Free Standing Sign** ó A monument, pole or pylon sign.
- (f) **Identifying Sign** ó Any structure on the same premises it identifies which serves only (1) to tell the name or use of any public or semi-public or recreation space, club, lodge, church or institution; (2) to tell the name or address of an apartment house, hotel or motel; or (3) to inform the public as to the use of a parking lot.
- (g) **Incidental Sign** ó A small sign, usually 2 square feet or less, designed and located to be read only by people within the site and generally not visible or legible from the right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating hours of business, directional signs, no smoking signs, signs used to designate bathrooms, handicapped signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, and other signs providing information to be read at close proximity. The Zoning Administrator shall determine whether a sign is an Incidental Sign, based on the visibility of the sign from the lot line and right-of-way and/or the number of signs in close proximity of each other, and the

Definitions

Zoning Administrator may deny a Incidental Sign if it is a sign that is regulated by another standard in this Article.

- (h)** Marquee Sign ó A projecting sign attached to, or hung from, a marquee; said marquee shall be known to mean a canopy or covered structure projecting from, and supported by, a building when such canopy or covered structure extends beyond the building, building line, or property line.
- (i)** Memorial Sign ó A sign or tablet which is cut into the face of a masonry surface or is constructed of bronze or other incombustible material as is located flat on the face of a building. These signs note information such as when a structure was built and by whom or other non-commercial language or images.
- (j)** Monument Sign ó A type of sign supported by a solid base, pole(s), or post(s) up to a maximum permitted height of eight (8) feet.
- (k)** Portable Sign ó 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.
- (l)** Pylon Sign or Pole Sign ó A type of sign supported by a post(s) or pole(s) in higher than eight (8) feet in height and lower than the maximum permitted height in the zoning district where the sign is located.
- (m)** Professional Sign or Announcement ó A sign affixed flat against the wall of a building which serves solely to designate the name or the name and profession, or the business occupation of a person or persons occupying the building to which it is attached.
- (n)** Roof Sign ó A sign structure that is erected on or above a roof, or that is installed directly on a roof's surface.
- (o)** Scrolling Sign ó An electronic changeable copy sign that makes use of visual or animation effects to give the appearance that the sign copy is scrolling across the display area of the sign.
- (p)** Sign Face ó The exposed surface area of a sign including any background constructed, painted or installed as an integral part of such sign, including border, trim, or space between legend items, but excluding the base, supports or other structural members; the area of a sign used to convey an advertisement of other information. (Effective 4/1/96).
- (q)** Subdivision Sign ó A permanent sign which identifies the name of a residential subdivision or development and is located on the same premises.
- (r)** Temporary Real Estate Sign ó A sign which advertises the sale, rental or lease of the premises upon which it stands or a sign which directs attention to the opening and location of a building, structure, subdivision or other development.
- (s)** Temporary Sign ó Temporary signs shall include any sign, banner, pennant, valance or advertising display constructed of wood, metal, cloth, canvas, light

Definitions

fabric, cardboard, wallboard or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to announce a specific event or message and can be displayed for a short period of time only.

- (t) Tower Sign ó A type of free-standing sign permitted in limited circumstances according to the provisions of this Ordinance that is supported by post(s) or pole(s) to a height in excess of the usual height limitations of the zoning district where the sign is located.
- (u) Wall or Building Mounted Sign ó Any sign painted directly on or attached to an outside wall or parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects beyond the face of such wall.

Section 2.86 SIGN MEASUREMENTS

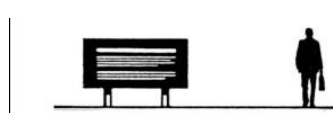
- (a) Area ó The exposed face area, measured in square feet, including any background, constructed, painted or installed as an integral part of such sign, including border or trim, but excluding the base, supports or other structural members.
- (b) Height ó The vertical distance between the base or ground and the highest point on a sign structure.
- (c) Structure ó The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two or more facings where the angle formed between the reverse side of each facing (or the projection thereof) exceeds forty-five (45) degrees, each facing shall be considered a separate sign structure.

VARIOUS TYPES OF GROUND OR FREESTANDING SIGNS:

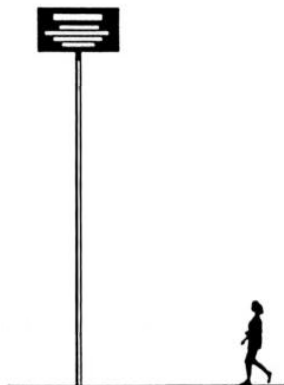
Monument Sign



Monument Sign



Tower Sign



Pole Sign



Section 2.87 SOLAR ENERGY SYSTEMS

A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, including the following:

- (a) Rooftop Solar Energy Systems ó A solar energy system that is mounted on the rooftop of a building, or similarly attached to a building, and is typically an accessory use.
- (b) Ground Mounted Solar Energy Systems ó A solar energy system that is built at ground level, separate from a building, and is typically a primary use of a property.
- (c) Solar Storage Battery ó A device that stores energy from the sun and makes it available in an electrical form.

Section 2.88 STABLE – PRIVATE

A building or group of buildings used or to be used for the housing of horses or other domestic animals owned and maintained by the property owner for the use of himself or herself and his or her immediate family, as an accessory use to the principal residential use.

Section 2.89 STABLE – PUBLIC

A building used or to be used for the housing of horses or other domestic animals for hire by the owner or operator thereof.

Section 2.90 STATE LICENSED RESIDENTIAL FACILITY

A structure constructed and occupied pursuant to licensure by the State of Michigan for residential purposes as defined by the State Act MCL 125.3102(t) as may be amended.

Section 2.91 STORY

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

Section 2.92 STREET

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

Section 2.93 STRUCTURE

Definitions

Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Section 2.94 TOURIST HOME

A building, other than a hotel, rooming house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

Section 2.95 TOWNSHIP BOARD

The Monitor Township Board.

Section 2.96 TOWNSHIP

Charter Township of Monitor, Bay County, Michigan.

Section 2.97 TRAVEL TRAILER

A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use, but not including mobile homes as defined in this Ordinance.

Section 2.98 TRAVEL TRAILER PARK

An area on which space is rented for travel trailers, as herein defined, on a temporary basis according to the provisions of Michigan Act 243 of 1959, as amended, and the provisions of this Ordinance.

Section 2.99 USED CAR LOT

A lot, or portion thereof, to be used only for the display and sale of automobiles that are in a condition to be driven off the lot. A used car lot shall not be used for the storage of wrecked automobiles, the dismantling of automobiles, or the storage of automobile parts.

Section 2.100 UTILITY VEHICLE-MAJOR

Trucks (defined herein as a used or maintained for the transportation of property, having three (3) or more axles or having a gross weight of 8,000 pounds or more including load and vehicle), a bus (defined herein as a motor vehicle designed for carrying more than ten (10) passengers), semi-trailers, horse trailers, airplanes, gliders, tractors, implements of husbandry (farm equipment), special mobile equipment (as defined in the Michigan Vehicle Code), or other similar utility vehicles.

Section 2.101 UTILITY VEHICLE-MINOR

Trailers, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain

vehicles, or other similar utility vehicles.

Section 2.102 VEHICLES

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

Section 2.103 WAREHOUSE

A facility consisting of a building or group of buildings meant for the temporary storage of materials needed for business operations, with space generally rented out to small and large businesses and not typically rented out to the general public.

- (a) Warehouse, With Distribution ó Any warehouse designed to facilitate the large-scale distribution of goods, with the ability to allow for the movement of large commercial trucks around the facility.
- (b) Warehouse, Without Distribution ó Any warehouse that is strictly used for temporary storage of materials needed for business operations, and that contains no distribution activities.

Section 2.104 YARD

A required open space, other than a court, unoccupied and unobstructed by any building or structure or portion thereof from 30 inches above grade of the lot upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. Yard measurements shall be the minimum horizontal distance. (Refer to Appendix.)

- (a) Front ó A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the building or structure. The front yard shall be designated by the address assigned to the lot.
- (b) Rear ó A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main wall of the building or structure.
- (c) Side ó A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building or structure.

Section 2.105 ZONING ACT

Definitions

Michigan Act 110, the Michigan Zoning Enabling Act of 2006, as amended.

Section 2.106 ZONING ADMINISTRATOR

The Zoning Administrator Official is the Official appointed by the Township Board to coordinate with the Building Inspector and Official for the enforcement of Township ordinances to protect the health, safety and general welfare and attractiveness of the Township. The Zoning Administrator enforces Township ordinances by performing field investigations and responding to complaints. The Zoning Administrator is to ensure that Township ordinances are applied fairly to all residents. At the direction of the Township Board, the roles of the Zoning Administrator may be fulfilled by other Official(s). In this Ordinance, the term Zoning Administrator may be used interchangeably with Building Inspector and Official.

Definitions

Chapter 3: GENERAL PROVISIONS

These general provisions shall apply to all Zoning Districts in the Township except as otherwise noted. The following is an alphabetical index of the sections of this chapter:

Section 3.28	Accessory Buildings and Structures in Other Than an R District
Section 3.27	Accessory Buildings and Structures in R Districts and on Residential Lots in the Agricultural District
Section 3.15	Additional Setbacks for Buildings Adjacent to Major Streets
Section 3.16	Airport Zoning
Section 3.24	Certain Uses Prohibited
Section 3.12	Clear Vision Corners
Section 3.43	Condominium Development Standards and Site Plan Review
Section 3.03	Continuation of Existing Uses
Section 3.26	Control of Heat, Glare, Fumes, Dust, Noise, Vibration and Odors
Section 3.47	Creation of Nonconforming Lot Due To Retention of Existing Agricultural Buildings upon Sale of Farm Property
Section 3.21	Driveway, Septic and Soil Erosion Permits
Section 3.01	Effect of Zoning
Section 3.02	Effect on Unlawful Structures and Uses
Section 3.08	Essential Services
Section 3.42	Exterior Lighting
Section 3.17	Grades
Section 3.13	Height and Location of Fences and Walls
Section 3.07	Height Exceptions
Section 3.25	Home Occupations
Section 3.39	Impact Assessment
Section 3.41	Incentives to Preserve Existing Trees
Section 3.22	Keeping of Pets and Livestock
Section 3.40	Landscaping and Screening
Section 3.11	Lots Having Frontage on Two Streets
Section 3.14	Minimum Street Frontage
Section 3.44	OSP - Open Space Preservation Development Option
Section 3.31	Parking and Storage of Recreation or Utility Vehicles on Residential and Agricultural Zoned Property
Section 3.05	Pending Applications for Building Permits
Section 3.33	Ponds
Section 3.34	Ponds in Commercial and Industrial Zones
Section 3.36	Ponds Not Requiring Permits
Section 3.35	Ponds Permitted By Special Land Use Permit
Section 3.37	Pools, Swimming
Section 3.10	Principal Building on a Lot
Section 3.46	Private Streets
Section 3.38	Public Safety Provisions
Section 3.06	Required Area or Space
Section 3.30	Residential Design Standards

General Provisions

<u>Section 3.04</u>	Restoration of Unsafe Buildings
<u>Section 3.50</u>	Rummage, Garage, Yard, Estate, and Moving Sales
<u>Section 3.19</u>	Sewage Disposal and Water Supply
<u>Section 3.49</u>	Shared Access on Non-Residential Lots
<u>Section 3.20</u>	Site Plan Review
<u>Section 3.52</u>	Solar Energy Systems
<u>Section 3.32</u>	Special Land Use Procedures
<u>Section 3.45</u>	Standards for Maintenance of Public and Private Horse Stables
<u>Section 3.18</u>	Surface Water Runoff
<u>Section 3.53</u>	Temporary Uses and Structures
<u>Section 3.23</u>	Transition Zoning
<u>Section 3.09</u>	Underground Power Lines and Pipelines
<u>Section 3.51</u>	Vehicle and Miscellaneous Sales
<u>Section 3.48</u>	Wind Energy Conversion Systems
<u>Section 3.29</u>	Yard Requirements

Section 3.01 EFFECT OF ZONING

Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.

Section 3.02 EFFECT ON UNLAWFUL STRUCTURES AND USES

Structures or uses which were unlawfully existing at the time of the effective date of this Ordinance shall not become or be made lawful solely by reason of adoption of this Ordinance.

Section 3.03 CONTINUATION OF EXISTING USES

Any building, structure or use lawfully existing at the time of the effective date of this Ordinance may be continued except as hereinafter provided in [Chapter 16](#).

Section 3.04 RESTORATION OF UNSAFE BUILDINGS

Subject to the provisions of [Chapter 16](#), nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.

Section 3.05 PENDING APPLICATIONS FOR BUILDING PERMITS

Any building permit issued prior to the effective date of this Ordinance shall be valid, notwithstanding the provisions thereof, provided construction is commenced by the effective date.

Section 3.06 REQUIRED AREA OR SPACE

A lot, yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership, or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.

Section 3.07 HEIGHT EXCEPTIONS

General Provisions

- (a) The following buildings and structures shall be exempt from height regulations in all Zoning Districts: parapet walls not exceeding three (3) feet in height, chimneys, cooking towers, elevator bulkheads, belfries, flag poles, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, church spires, penthouses housing necessary mechanical appurtenances, electrical transmission towers, and television and radio reception and transmission antennas and towers, if approved by Planning Commission during Site Plan Review and the Township Fire Department..

- (b) Additionally, in the C, I-1 and I-2 Districts, the Planning Commission may approve construction of a building in excess of the usual height limitations of the district. The Commission shall consider requests for such additional height in accordance with the special land use approval procedures and the approval of the Township Fire Department. The Commission shall consider the proportions of the structure and the proposed exterior materials. The Commission may require modifications to the proposed structure in order to assure the favorable comparison of the proposed structure to other structures existing in the area. The applicant for such a special land use shall make application for approval in accordance with the provisions of [Section 3.32](#) and must further demonstrate that:
 - (1) The part of the building proposed to exceed the usual height limitations of the district is the least area required to house equipment or to otherwise conduct an activity that is essential for the use to be established on the site.
 - (2) The proposed structure shall not have an adverse impact on the use of adjacent property.
 - (3) The proposed structure shall not have an adverse impact on the environmental resources of the community.
 - (4) The structure shall not cause a shadow to be cast on adjacent land or structure that impairs the use of the adjacent land or structure.
 - (5) Noise associated with the use housed in the building shall not cause a disturbance for other uses located in the vicinity. The Planning Commission may require impact analysis of the potential noise prior to final action on a request.
 - (6) Signs, flags, lights, or banners shall not be installed on the exterior of the building above forty-five (45) feet. Any lighting and signs attached to the structure will not adversely affect the area or cause disruptions or distractions to motorists in the vicinity, as determined by the Planning Commission.
 - (7) Antennae and other attachments to the structure shall not exceed the maximum seventy-five (75) feet height limitation.

General Provisions

- (8) Monitor Fire Department must approve the design and safety features for the structure.
- (9) No opening windows shall be installed above thirtyfive (35) feet except as may be required by for public safety requirements.
- (10) Lighting from inside or outside the structure shall not project outside the building from a source above forty feet without the express approval of the Planning Commission.

Section 3.08 ESSENTIAL SERVICES

Essential services as defined in [Section 2.35](#) are permitted in any Zoning District subject to the following conditions:

- (a) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
- (b) Public utility facilities in any Zoning District are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform to the general character of the architecture of the surrounding neighborhood.

Section 3.09 UNDERGROUND POWER LINES AND PIPELINES

The installation, use and maintenance of electrical power lines and underground pipelines shall be permitted in any Zoning District. However, all such pipelines shall be buried at least three (3) feet below the surface of the ground and shall pass under all existing drain tile unless the owner of the land and any affected drain tiled or untiled land shall consent in writing to the installation of said pipeline above said drain tiles or at a depth of less than three (3) feet. However, all natural gas gathering and/or transmission lines which may not be regulated by the Michigan Public Service Commission shall conform to the minimum requirements as established from time to time by the Michigan Public Service Commission and codified in the Michigan Gas Safety Code.

Where a pipeline or power line is proposed to pass through land not previously so used as a sight for power lines or pipelines, the location, erection, and use shall first be approved by the Planning Commission. A public notice shall be given in a newspaper of general circulation in the township containing a statement of the proposed use and location and the time of a hearing thereon, which shall not be less than seven (7) days from the date of publication. If, on such hearing, it shall appear that the proposed location, erection, or use be detrimental to the public health, safety, or general welfare, then such use shall forthwith be denied.

Section 3.10 PRINCIPAL BUILDING ON A LOT

General Provisions

In the AG, R-1, and R-2 zoning districts, no more than one (1) residential structure shall be placed on a lot.

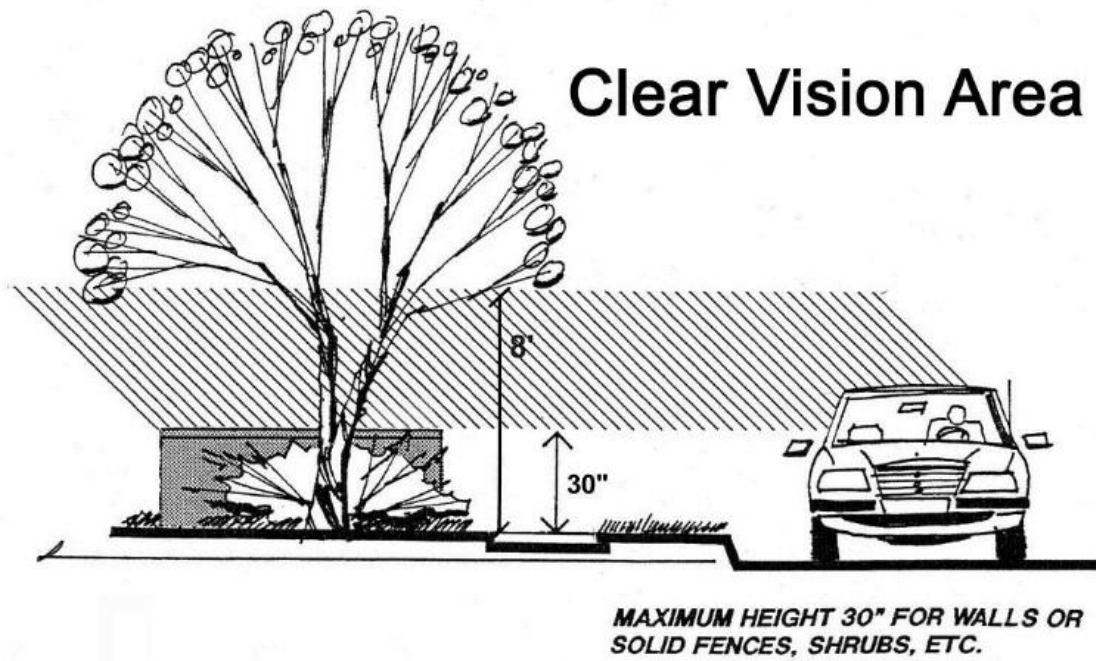
Section 3.11 LOTS HAVING FRONTAGE ON TWO STREETS

Buildings on lots having frontage on two (2) intersecting or nonintersecting streets shall comply with front yard requirements on both such streets (refer to Appendix).

Section 3.12 CLEAR VISION CORNERS

On any corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one half (2 1/2) feet and eight (8) feet above the established curb grade within a triangle formed by the two street right-of-way lines and a line connecting them at points twenty five (25) feet from the intersection of the right-of-way lines (refer to Appendix and Figure 3.12).

Figure 3.12



Section 3.13 HEIGHT AND LOCATION OF FENCES AND WALLS

General Provisions

- (a) Residential District. Fences or walls in an R district shall not exceed six (6) feet and barbed wire is not permitted, provided further that a fence or wall in an R zoning district may be constructed in any yard except a required front yard. Corner lots are permitted to have fences along one street frontage. The finished side of the fence shall face the neighboring property or public right of way.
- (b) Fences or walls in the I Zoning District shall be a minimum of twenty (20) feet from the front lot lines or from any road right-of-way whichever is greater. Barbed wire is not permitted. Otherwise, there are no limitations upon fences in the industrial zoning district, with the exception of required screening fences or other specified district fence requirements
- (c) Fences or walls in the C Zoning District shall not exceed eight (8) feet and barbed wire is not permitted, provided further that a fence or wall in the C Zoning District may be constructed only on the rear lot line, with the exception of required screening fences. Security fences may be permitted by Planning Commission if sufficient details are provided and reviewed through Special Land Use approval procedures.
- (d) Security fences are allowed in the AG Zoning District for the purposes of enclosing animals or livestock, only. Any tract of land not used for farming purposes shall have its fences or walls conform to the requirements of the R Zoning District.
- (e) Security fences in any Zoned district may comply with applicable State and Federal regulations.

Section 3.14 MINIMUM STREET FRONTAGE

Every principal building and use shall be located on a lot having a minimum of continuous frontage on a public street equal to the minimum lot width for the zoning district within which it is located and as defined in [Section 2.56\(e\)](#). The only exception is for lots fronting on a curve or cul-de-sac of a public street which shall have a minimum of at least forty (40) feet of frontage. Further, all structures shall be located on a lot or parcel to provide safe and convenient access for servicing, fire protection, off-street parking and loading and for the provisions of adequate light and air. The width of any vehicular access easement shall be excluded in calculating street frontage.

Section 3.15 ADDITIONAL SETBACKS FOR BUILDINGS ADJACENT TO MAJOR STREETS

The line from which required front yards shall be measured shall be established fifty (50) feet from, and parallel to, the centerline of all state highways and county primaries as they are designated in the "Monitor Township Master Plan", as the same may be amended from time to time. Exceptions shall be granted in those cases where the existing right-of-way is greater than one hundred (100) feet, in which case the front yard shall be measured from the established right-of-way line (refer to Appendix).

Section 3.16 AIRPORT ZONING

The provisions of this Ordinance shall not impair or interfere with the provisions or requirements of the Tri-City Area Joint Airport Zoning Ordinance as amended, with regard to heights of structures or uses which may interfere with or hamper airport related operations as the same may apply to a fifteen (15) mile radius of Tri-City Airport and a ten (10) mile radius of the James Clements Airport.

Any structure or use which does not exceed ninety-nine (99) feet in height above existing ground level shall not require a zoning permit from the Tri-City Area Joint Airport Zoning Board. Any structure or use exceeding ninety-nine (99) feet in height above existing ground level shall apply for a zoning permit as required in Section 11 of the Tri-City Area Joint Airport Zoning Ordinance, as amended.

Section 3.17 GRADES

- (a) The minimum grade line at a house within fifty (50) feet of the roadway shall not be less than one-fourth (1/4) of an inch per foot above the established grade as determined by the Bay County Road Commission.
- (b) Unless the minimum grade established by natural topography or by a rule, law, ordinance or regulation is higher, the maximum grade line for a new development shall be no higher than the grade for any adjacent developed property at the property line and at the foundation of the new structure. In the event that more than one adjacent property is developed at a different grade, the maximum grade for the foundation of the new structure shall be the average of the other adjacent structures.

Section 3.18 SURFACE WATER RUNOFF

- (a) No premises shall be filled or graded so as to discharge surface run-off on adjoining premises in such a manner as to cause ponding or surface accumulation of such run-off thereon. In instances where the final grade is above that adjacent to the properties it is the responsibility of the property owner to construct swale ditches or provide other satisfactory means of preventing surface water from draining onto adjacent property.
- (b) Perimeter drainage shall be installed on each lot or parcel in accordance with an approved plan at the time a structure is constructed unless an engineer certifies in writing that such installation is not necessary to avoid a discharge of surface water run-off on adjoining premises. No occupancy permit will be issued until all final lot grading and the installation of drainage has been completed and approved by the Township.

Section 3.19 SEWAGE DISPOSAL AND WATER SUPPLY

There shall be provided for every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for human habitation or congregation, including dwellings, business, recreational, commercial, industrial or other purposes, a safe and sanitary

General Provisions

means of collection and disposal of sewage and industrial waste and a safe and sanitary water supply system in accordance with the requirements of Bay County, the State of Michigan, and the Federal Government.

Section 3.20 SITE PLAN REVIEW

To fully insure the safety, convenience, and well-being of the citizens of the Township and of the intended occupants of a particular use, a site plan or required site sketch plan for all uses which require more than four (4) parking spaces, all uses permitted as special land uses, and all building additions or new buildings in the Commercial and Industrial Districts in this Ordinance shall be required and receive approval by the Planning Commission prior to the issuance of a building permit. As used in this paragraph, a determination that a use requires four (4) or more parking spaces is based on the contemplated use and structural additions to the property, if any, which, by the terms of this Ordinance, would require an addition of four (4) parking spaces to the required minimum parking, irrespective of whether additional parking actually need be constructed. *Site Plan* approval shall be subject to the following procedures and conditions:

- (a) The applicant shall submit fourteen (14) copies of a site plan at a scale not to exceed one (1) inch equals two hundred (200) feet (1" = 200'). The following items shall be shown on the plan:
 - (1) Property description.
 - (2) Property lines and dimensions, including individual lot lines and lot numbers if the complete parcel includes more than one platted lot.
 - (3) Dimensions of all existing structures and proposed structures or improvements.
 - (4) Utilities, showing the location of sanitary sewers and/or water lines or a statement of intent to utilize private wells and/or septic disposal systems.
 - (5) Street right-of-way, indicating proposed access routes and internal circulation.
 - (6) Storm drainage - how storm water will be drained.
 - (7) Easements, if any exist.
 - (8) Proposed paved parking areas, drives and landscaped areas. Parking areas shall be designated by lines showing individual spaces.
 - (9) The following information shown on the plan in separate tabular form:

General Provisions

- a) Total lot (or parcel) area (square feet acreage)
 - b) Proposed building area (square feet).
 - c) Proposed parking area (square feet).
- (10) Seal of the engineer, architect, landscape architect, or other registered professional responsible for preparation of the plan.
- (11) Date site plan was prepared.
- (12) If available for informational purposes, a floor plan of the proposed facility.
- (13) Notation on the site plan describing the proposed use.
- (b) The Planning Commission shall determine that the proposed development is arranged:
- (1) To provide convenient and safe automobile circulation and parking in relation to streets, pedestrian walkways and adjoining properties or parking areas.
 - (2) To insure adequate visual distances for traffic.
 - (3) To minimize conflicts of traffic movements on public streets and upon the property involved.
 - (4) To insure the value and reasonable use of adjacent properties and the safety, convenience, and well-being of adjoining property owners and the citizens of the Township.
 - (5) To insure adequate drainage without jeopardizing adjacent downstream properties.
 - (6) To maintain setback and yards as set forth in the zoning ordinance.
 - (7) To insure adequate paved parking areas and the proper identification of loading zones and storage areas.
 - (8) To insure the provision of adequate and safe water supply and sewage disposal.
 - (9) To preserve the existing natural landscape in its nature state as much as possible, by minimizing tree and soil removal.

General Provisions

- (10) To insure reasonable visual and sound privacy through the use of fences, walls, barriers and landscaping, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users.
- (11) To insure convenient and direct emergency vehicle access.
- (12) To arrange exterior lighting so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.
- (13) To insure compliance with all applicable Federal, State, County and Township health and pollution laws and regulation.
- (14) To promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to:
 - a) Reduce wind and air turbulence;
 - b) Reduce heat and noise;
 - c) Reduce the glare of automobile lights;
 - d) Preserve underground water reservoirs and return precipitation to the ground in water strata;
 - e) Act as a natural drainage system;
 - f) Reduce the level of carbon dioxide and return oxygen to the atmosphere;
 - g) Prevent soil erosion;
 - h) Provide shade;
 - i) Conserve and stabilize property values;
 - j) Relieve the stark appearance of parking lots; and
 - k) Generally preserve a healthful and pleasant environment in keeping with Township character.

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- (15) To improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with the site development standards of the Township.
 - (16) To retain, enhance, and protect the quality, value and privacy of the Township's single family land uses.
 - (17) To insure the design of all development phases in logical sequence.
 - (18) To insure the design of all sites in compliance with Federal, State and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.
 - (19) To provide a safe pedestrian environment that is insulated from the vehicular circulation system and provides comfortable pedestrian movement.
- (c) To accomplish these goals, the Planning Commission may recommend the following:
- (1) Entries and exits for vehicular traffic;
 - (2) The direction of traffic flows on off-street parking areas and drives;
 - (3) The number and location of entries and exits onto public streets;
 - (4) The use of existing entries and exits on adjacent properties to minimize traffic hazards on public streets.
- (d) Further, the Planning Commission is empowered to require a performance bond or cash payment in an amount equal to the estimated cost of improvements associated with the project. Such performance guarantee shall be filed with the Clerk of the Township at the time of the 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 bond shall be forfeited. The cash payment shall be made to the Township Treasurer and placed in an interest-bearing account. The Township shall rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, call upon professional assistance from the Township Engineer or the Township Planner. In cases where the provisions of [Section 3.20\(e\)](#) have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to return the property to a safe and healthy condition; and the balance, if any, shall be returned to the applicant.
- (e) Each development shall be under construction within one (1) year after the date of final approval by the Planning Commission. If said applicant does not fulfill this provision, the commission may grant a sixty (60) day extension provided the

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applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties but is then ready to proceed. Should neither of the aforementioned provisions be fulfilled or a sixty (60) day extension has expired without construction underway, the site plan shall be null and void. Sites are required to be maintained, clean, and free of debris at all times during site construction subject to enforcement and penalties as described in [Chapter 20](#).

- (f) The Planning Commission shall undertake and complete all site plan reviews within a timely fashion once all requested information is supplied by the applicant. Upon approval of said plan, the Chairperson of the Planning Commission shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the Commission's files and one (1) shall be forwarded to the Building Inspector for issuance of a building permit. The third copy shall be returned to the applicant. The applicant is required to submit CAD or electronic copies of final as built plans for Township files.

- (g) A site sketch plan review may be used by the Planning Commission when the applicant can demonstrate that:
 - (1) The proposed development is associated with a special land use application where only minor structural or site alternations will be required to initiate the use; or
 - (2) A proposed structural alteration or building expansion not associated with a special land use request will change the floor area of the buildings on the site by less than ten percent (10%) or twenty-five hundred (2,500) square feet, whichever is less of the last approved site plan; or
 - (3) A parking lot that provides, or will provide, more than four (4) parking spaces will be expanded.

At the discretion of the Planning Commission, a site plan may be required in place of a site sketch plan if the Planning Commission determines that additional information is needed. The Planning Commission shall not accept a sketch plan in place of a site plan if the requested approval will result in construction of a new building on a site. The Planning Commission shall not accept a sketch plan in place of a site plan associated with a special land use that requires expansion of a building in excess of [Section 3.20\(g\)\(2\)](#) above.

- (h) A site sketch plan is a scaled drawing and related written documentation that describes a proposed use and any related structural or site improvements. The following information shall be included in a site sketch plan for review by the Planning Commission in accordance with [Section 3.20\(g\)](#) above:
 - (1) A drawing shall be prepared on paper at one of the following scales:

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- a) One (1) inch equal to ten (10) feet;
 - b) One (1) inch equal to twenty (20) feet;
 - c) One (1) inch equal to thirty (30) feet;
 - d) One (1) inch equal to forty (40) feet;
 - e) One (1) inch equal to fifty (50) feet;
 - f) One (1) inch equal to one hundred (100) feet.
- (2) Name, address and phone number of the applicant and the person preparing the drawing.
 - (3) Property boundary lines and dimensions; if more than one lot is included in the site, the lot lines of each lot shall be indicated.
 - (4) Edges of all existing and proposed paved surfaces, as required.
 - (5) Parking spaces, at the size required by this Ordinance.
 - (6) The outline of all existing and proposed exterior building walls on the site.
 - (7) Existing and proposed driveways.
 - (8) All exterior site improvements or modifications proposed in conjunction with the use described on the sketch plan including, but not limited to, building construction, new pavement, landscaping and site clearing.
 - (9) A written description of the proposed use.
 - (10) A floor plan describing the use of all interior floor space.
- (i) The following is a table of Site Plan and Sketch Plan eligibility and submittal requirements.

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ELIGIBILITY REQUIREMENTS	SITE PLAN	SKETCH PLAN
Special Land Uses	Significant structural or site alterations, as determined by Planning Commission	Minor structural or site alterations
Structure Alteration	More than 2,500 square feet or 10% of an existing structure	Less than 2,500 square feet or 10% of an existing structure
Parking	More than 4 spaces, or expansion of a parking lot with more than 4 parking spaces	Up to 4 spaces
SUBMITTAL REQUIREMENTS	SITE PLAN	SKETCH PLAN
Number of Copies	14	
Scale	Not to exceed one (1) inch equals two hundred (200) feet (1" = 200')	Drawing at one of the following scales: One (1) inch equal to ten (10) feet One (1) inch equal to twenty (20) feet One (1) inch equal to thirty (30) feet One (1) inch equal to forty (40) feet One (1) inch equal to fifty (50) feet One (1) inch equal to one hundred (100) feet
Property description	X	Not required
Property lines and dimensions, including individual lot lines and lot numbers if the complete parcel includes more than one platted lot	X	X
Dimensions of all existing structures and proposed structures or improvements	X	X
Utilities, showing the location of sanitary sewers and/or water lines or a statement of intent to utilize private wells and/or septic disposal systems	X	Not required
Street right-of-way, indicating proposed access routes and internal circulation	X	Not required
Storm drainage - how storm water will be drained	X	Not required
Easements, if any exist	X	Not required
Proposed paved parking areas, drives and landscaped areas. Parking areas shall be designated by lines showing individual spaces	X	X
Total lot (or parcel) area (square feet acreage) - in table	X	Not required
Proposed building area (square feet) - in table	X	Not required
Proposed parking area (square feet) - in table	X	Not required
Seal of the engineer, architect, landscape architect, or other registered professional responsible for preparation of the plan	X	Name address and phone number of the applicant and person preparing the drawing
Date site plan was prepared	X	Not required
If available for informational purposes, a floor plan of the proposed facility	X	X
Notation on the site plan describing the proposed use	X	A written description of the proposed use

Section 3.21 DRIVEWAY, SEPTIC AND SOIL EROSION PERMITS

Prior to the issuance of a building permit, there shall be submitted to the Building Inspector the following approved permits in all cases where such permits are required:

- (a) Driveway permit including approved culverts, where necessary, approved by the Bay County Road Commission or the Michigan Department of State Highways and Transportation;
- (b) Septic tank permit approved by the Bay County Health Department;
- (c) Soil erosion permit.

Section 3.22 KEEPING OF PETS AND LIVESTOCK

The keeping of more than three (3) dogs and/or cats or the keeping of poultry, hogs, horses or other livestock is prohibited within any R-1, R-2, or R-3 Zoning District; provided, however, that any litter of dogs or cats which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth; and provided further, however, that no more than two (2) such litters shall be allowed to so remain on the afore described premises within any consecutive 12-month period.

Section 3.23 TRANSITION ZONING

The following transitional uses are permitted on premises in an R Zoning District where the side yard adjoins a C, I, or PUD District.

- (a) The first such lot or lots in single ownership or the first one hundred fifty (150) feet thereof, whichever is the lesser, may be utilized in accordance with the next less restricted zone requirements.
- (b) The first one hundred fifty (150) feet thereof may be utilized for off-street parking.
- (c) Any single principal structure located or built completely upon the first one hundred fifty (150) feet thereof may be used for offices, funeral homes or business; provided:
 - (1) The yards meet the district requirements which such lot is required;
 - (2) The building conforms to the residential character of the neighborhood; and
 - (3) The signs conform to the requirements of the less restricted Zoning District.

Section 3.24 CERTAIN USES PROHIBITED

Under the provisions of this Ordinance, it shall be unlawful to:

- (a) Maintain a truck, truck trailer, motor home, camper, or similar vehicle either operable or inoperable, as a permanent storage building.
- (b) Use a mobile home, travel trailer, or any other unit so designed that it is or may be mounted on wheels and used as a conveyance on streets or highways, propelled or drawn by its own or other motor power, excepting a device used exclusively upon stationary rails or tracks for any business, occupation, or trade.
- (c) Occupy a travel trailer, recreational vehicle, or any other similar unit as a permanent dwelling.
- (d) Occupy a basement as a permanent dwelling unit.

Section 3.25 HOME OCCUPATIONS

A home occupation, where permitted, shall be regulated according to the following conditions:

- (a) No stock in trade may be kept or articles sold or offered for sale in the dwelling except such as are produced by such home occupation.
- (b) No display of goods or signs pertaining to such use are visible from the street and no persons are employed other than the dwelling occupants.
- (c) No such home occupation may be conducted in an accessory building, neither shall a home occupation exceed the use of one (1) room of the dwelling.

**Section 3.26 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE,
VIBRATION AND ODORS**

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

**Section 3.27 ACCESSORY BUILDINGS AND STRUCTURES IN R DISTRICTS
AND ON RESIDENTIAL LOTS IN THE AGRICULTURAL
DISTRICT**

(Refer to Appendix.)

These buildings apply to any building used as an accessory to a principal residential use on a lot in any zoning district where the residential use has been established. In no event are accessory buildings permitted prior to the establishment of a residential use on a parcel of property. If the accessory building is proposed as an accessory to a non-conforming residential use, a building permit shall not be issued until the expansion of the non-conforming use has been approved consistent with the provisions of this Ordinance.

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- (a) Location of Detached accessory buildings shall be located in rear yards. In no event shall a detached accessory building be constructed in a required front or required side yard, excepting properties where the lot is adjacent to a river.

In instances where a lot has two frontages on public or private streets, such as corner lots or through lots, the accessory structure must be set back the minimum distance from the roadway as required for a principal structure in that zone district. The building official may determine the location of an accessory structure in such circumstances to be as consistent as possible with the harmonious use of the neighborhood and make a determination of a front lot line. All discretionary decisions of the building official are appealable to the planning commission prior to any variance being sought.

- (b) Maximum Height of In no event shall an accessory building exceed one (1) story in height nor exceed the maximum height limitation for the district in which the building is located. For purposes of this section, an attic area with less than seven and one-half (7 1/2) feet of vertical clearance between all parts of a floor and ceiling shall not be considered a story. Additionally, the accessory structure shall not exceed the maximum height permitted within this section.

- (c) Setbacks and Building Separation of Detached accessory buildings shall comply with the following setback and separation requirements:

(1) Side Yard Setback of The accessory building shall comply with the side yard setback as set forth on the table below.

(2) Rear Yard Setback of The accessory building shall comply with the rear yard setback as set forth on the table below.

(3) Distance from Other Buildings and Lot Lines of Detached accessory buildings shall be located at least twenty (20) feet from any dwelling. Minimum separation from dwellings and other structures and lot lines shall meet the specifications of the table of Residential Accessory Building Conditions and Requirements.

- (d) Garages of In addition to an accessory building, one attached or detached private garage, up to a maximum of fourteen hundred (1,400) square feet in floor area, may be constructed as an accessory to a single family residence. However, in no event may the garage include more than eighty percent (80%) of the floor area of the principal residence on the lot. The height of garages shall not be higher than the peak of the principal structure. Detached garages shall not have second stories.

- (e) Farm Accessory Buildings in all Zoning Districts of These regulations shall not be applied to any building accessory to a farm as defined in this Ordinance in any zoning district.

- (f) Attached Garages of Private garages may be erected as a part of the principal building or may be connected thereto by a breezeway or similar enclosed

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structure. If any wall of a garage is located within ten (10) feet of any exterior wall of a principal building, the garage shall be considered to be attached for purposes of compliance with this Ordinance. The attached garage shall be considered a part of the principal building and shall meet the requirements of this Ordinance for principal building.

- (g) Detached Garages ó Private garages may be erected separate from the principal building. If no wall of a garage is located within ten (10) feet of any exterior wall of a principal building, the garage shall be considered to be detached for purposes of compliance with this Ordinance. The detached garage shall not be considered a part of the principal building and shall meet all side and rear yard requirements of this Ordinance for detached residential accessory buildings. A detached garage shall not be located in any front yard area.
- (h) Residential Use of Accessory Building ó No accessory building shall include residential or living quarters for human beings.
- (i) Accessory Buildings on Corner Lots ó When the rear line of a corner lot abuts the rear line of any other lot or is directly across an alley therefrom, no accessory building shall be closer to the side street lot line of the corner lot than the side street yard setback of the principal building on the corner lot, but in no case shall the setback be less than twenty-five (25) feet.
- (j) Incidental Accessory Uses ó Accessory uses, incidental only to a permitted use, are permitted when located on the same lot; provided however, that such accessory uses shall not involve the conduct of any business, trade or industry other than a permitted home occupation. Provided further that all buildings on a lot shall not occupy more than twenty-five percent (25%) of the total lot area.

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- (k) In order to construct a residential accessory building, the application for a lot and proposed accessory building must satisfy all of the required conditions on the following table for the lot size requested.

Residential Accessory Building Conditions and Requirements							
Lot Size (Sq. Ft.)	MAXIMUM TOTAL ACCESSORY BUILDING(S) SIZE PER LOT, LESSER OF COLUMN (A) OR (B)		MAXIMUM HEIGHT (FEET)		MINIMUM SETBACKS (FEET)		
	(A) Maximum Acc. Bldg. Size (Sq. Ft.)	(B) Maximum % of Dwelling Floor Area	Peak	Side Wall	Side or Rear Yard	From the Principal Bldg.	From Any Other Structure
Up to 11,999	400	75	22	14	25 ⁷	20	20
12,000 - 19,999	1,000	90	22	14	25 ⁸	20	20
20,000 - 43,559	1,500	100	22	14	25 ⁸	25	25
43,560 - 87,120	2,000	125	22	14	25	25	25
87,121 - 217,800	2,500	150	22	14	40	30	30
217,801 and over	3,500	200	22	14	40	30	30

Conditions:

- These requirements apply to any residential lot within any residential or agricultural zone district.
- Residential accessory buildings cannot be used for commercial purposes.
- There shall be no second story in a residential accessory building.
- 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.
- Up to three (3) residential accessory buildings are permitted per lot in addition to an attached or detached garage so long as the maximum square footage per lot is not exceeded and each accessory building has a minimum of a 15 foot setback between other accessory buildings.
- All accessory building setbacks are based on lot size regardless of the size of the accessory building.
- For structures with a maximum floor area of 240 sq. feet, the side and rear yard setback may be reduced to a minimum of 10 feet from the property line if at the time of obtaining the building permit and constructing the building, the applicant provides positive rear and side yard drainage by installation of a catch basin with pipe directing storm drainage flow away from the neighboring property and, further, by the installation of a roof collection system and downspouts directing all storm water runoff to the catch basin, including the sloping of the surrounding grade to the catch basin, in order to prevent storm water runoff onto adjoining property. As a condition of the reduction of side and rear yard, the property owner shall maintain the storm water drainage system to effectively eliminate any runoff onto adjoining properties as directed by the Building Official from time to time.
- The minimum side and rear yard setback for buildings greater than 240 sq. feet and up to 1,200 sq. feet may be reduced to a minimum of 15 feet on all of the same terms and conditions as enunciated in footnote 8 above.
- Planning Commission in its discretion may grant a special land use to structures that vary from the above standards if circumstances warrant.

Section 3.28 ACCESSORY BUILDINGS AND STRUCTURES IN OTHER THAN AN R DISTRICT

Accessory Buildings in the Agricultural District on non-farm residential lots as defined within that district shall be governed by the setback requirements found in [Section 5.05](#) and shall conform to all of the requirements found in [Section 3.27](#) above. For all other accessory buildings and structures in other than the R district, an accessory building or structure may be erected detached from the principal building or an integral part of the principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building.

Section 3.29 YARD REQUIREMENTS

(a) Front Yards

- (1)** In any R District, the front yard requirements of a lot may be modified so as to equal the average depth of existing front yards on developed lots within one hundred (100) feet of said lot and within the same block front, provided the front yard shall not be less than twenty (20) feet and should not exceed by more than ten (10) feet the minimum front yard depth required by other provisions of this Ordinance.
- (2)** Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be closer than five (5) feet from any lot line.
- (3)** Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and other similar features may project into a required front yard.

(b) Side Yards

- (1)** Cornices, eaves, gutters, balconies, fire escapes, and fireplaces shall not project into a required side yard more than one third (1/3) of its required width nor more than three (3) feet, provided that the length of any such projection shall not exceed one third (1/3) of the length of the side yard in which such projection occurs; however, any fire escape so located may be at least ten (10) feet in length.
- (2)** Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be closer than five (5) feet from any lot line.
- (3)** Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters, and other similar features may project into a required side yard.

- (c) Rear Yards
 - (1) Terraces, steps, uncovered porches or other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be located less than ten (10) feet from the rear lot line or less than six (6) feet from an accessory building.
 - (2) Bays, including their cornices and eaves, balconies and fire places, shall not project more than three (3) feet into a required rear yard.
 - (3) A fire escape, fire tower, balcony or outside stairway shall not project more than six (6) feet into a required rear yard.
 - (4) Normal chimneys, flues, elevator shafts, connecting hallways, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and other similar features may project into a required rear yard.

Section 3.30 RESIDENTIAL DESIGN STANDARDS

The following design standards shall apply to any residential dwelling unit constructed or installed subsequent to the effective date of this Ordinance or amendment thereto:

- (a) Dimensions.
 - (1) Residential structures shall be located on the lot so that the minimum width of the front yard façade is not less than 30 feet and the minimum façade length along any side or rear yard is not less than 24 feet. If the residential dwelling unit is located on a corner lot, the applicant may select which corner yard shall have the required minimum 30-foot façade width.
 - (2) Residential structures shall comply with the minimum floor area requirements specified below exclusive of uninhabitable basements, porches, garages, breezeways, crawlspaces, terraces or attics:
 - a) Detached single-family homes shall be a minimum of 1,000 square feet;
 - b) Two-family homes shall be a minimum of 720 square feet per individual home;
 - c) Multi-family dwelling units shall be a minimum of 620 square feet per individual unit.
- (b) Foundations. All residential structures shall be placed on a basement, slab or crawl space foundation to form a complete enclosure under the exterior walls. The

foundation shall be constructed in accordance with the adopted Building Code of the Township. All homes shall be securely anchored to basement or crawl space foundations in order to prevent displacement during windstorms.

Section 3.31 PARKING AND STORAGE OF RECREATION OR UTILITY VEHICLES ON RESIDENTIAL AND AGRICULTURAL ZONED PROPERTY

The purpose of restrictions on recreation and utility vehicles, as defined herein, is to preserve the health, safety, and welfare of persons and property of the Township and to maintain the existing character in residential areas of the Township.

Recreational and utility vehicles shall be permitted to park outside on property used for residential purposes within the Township in accordance with the following table and criteria:

Lot Size	Type of Vehicle Permitted	Total Number of Vehicles Permitted
Residential Zoned District		
One acre or less	Recreation vehicle, utility vehicle-minor	One
Greater than one acre	Recreation vehicle, utility vehicle-minor	Two
Agricultural Zoned District		
One acre or less	Recreation vehicle, utility vehicle-minor, utility vehicle major	Two
Greater than once acre, but less than five acres	Recreation vehicle, utility vehicle-minor, utility vehicle major	Three
Five acres or greater	Recreation vehicle, utility vehicle-minor, utility vehicle major	No limit

- (a) Ownership. The recreation vehicle, utility vehicle-minor, or utility vehicle-major must be owned or leased by one or more persons occupying the principal residence where the recreation or utility vehicle will be parked, except as provided in [Section 3.31\(d\)](#).
- (b) Storage Location. A recreation vehicle, utility vehicle-minor, or utility vehicle-major shall be stored behind the established front building line (closest to where the vehicle is located) or setback fifty (50) feet from the front property line. Storage shall be defined as outside storage not inside storage of any recreational vehicle as defined by [Section 2.78](#), [Section 2.100](#), and [Section 2.101](#) on a lot or within a public street or private road not in conformance with [Section 3.31\(c\)](#), [Section 3.31\(d\)](#), and [Section 3.31\(e\)](#) below. No recreation or utility vehicle shall be stored within the public road right-of-way or a private road easement. There shall be five (5) foot setback from the side or rear lot line.
- (c) Temporary Parking. Notwithstanding the above provisions concerning "Storage Location", a recreation vehicle, utility vehicle-minor, or utility vehicle-major may be parked within the required front setback within the driveway prior to or after a trip for the purpose of loading, unloading, and cleaning for a period not to exceed 72 cumulative hours in any seven (7) day period. Parking shall be defined as any time the recreation vehicle, utility vehicle-minor, or utility vehicle-major is on the lot or within the public road right-of-way or a private road easement and not stored as defined in [Section 3.31\(b\)](#). However, for such vehicles temporarily

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parked in the front yard, a minimum setback of 15 feet shall be maintained from the public sidewalk where applicable or if a sidewalk does not exist then the setback shall be measured from the road pavement or traveled portion of any unpaved road.

- (d) **Temporary Dwelling.** To accommodate the needs of guests and visitors of residents within the Township, recreation or utility vehicles may be used as a temporary dwelling for a period not to exceed seven (7) days in any six (6) month period. A permit for the use of a recreation and utility vehicle as a temporary dwelling shall be obtained from the Township by the occupant of the principal residence on the lot. Only one (1) permit shall be issued during any six (6) month period. During the time period such recreation or utility vehicle is used as a temporary dwelling, the subject vehicle shall not be within the required side or rear yard setback for a home in the zoning district. Further, a minimum setback of 15 feet shall be maintained from the public sidewalk where applicable or if a sidewalk does not exist then the setback shall be measured from the road pavement or traveled portion of any unpaved road.
- (e) **Recreation or Utility Vehicle Sales.** Sales are limited to a maximum of three (3) recreation or utility vehicles which can be offered for sale during any calendar year. No one (1) vehicle may be offered for sale for more than 30 cumulative days in a six (6) month period. The recreation or utility vehicle for sale must be owned or leased by one or more persons occupying the principal residence on the lot where the vehicle is located. No recreation or utility vehicle offered for sale shall be located closer than 15 feet from the public sidewalk where applicable or if a sidewalk does not exist then the setback shall be measured from the road pavement or traveled portion of any unpaved road, and 5 feet from any side or rear property line. Any sign used to advertise the sale of a recreation or utility vehicle shall be placed on the vehicle. Not more than one (1) recreation or utility vehicles may be offered for sale at any one time.
- (f) Any recreation or utility vehicle parked on a lot as permitted in this ordinance shall also be subject to the standards in the Township's Anti-Blight Ordinance, as amended.

Section 3.32 SPECIAL LAND USE PERMITS AND PROCEDURES

- (a) **Procedures**
 - (1) Upon receipt of an application for a special land use permit, a notice that a request for a special land use has been received shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall:

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- a) Describe the nature of the special land use request.
 - b) Indicate the property which is the subject of the special land use permit request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c) State when and where the special land use permit request will be considered.
 - d) Indicate when and where written comments will be received concerning the request.
 - e) Indicate that a public hearing on the special land use permit request may be requested by any property owner or occupant of any structure located within three (300) hundred feet of the boundary of the property being considered for a special land use.
- (2) At the initiative of the Planning Commission, or upon the request of the applicant for special land use authorization, or a real property owner whose real property is assessed within three (300) hundred feet of the property, or the occupant of a structure located within three (300) feet of the boundary of the property being considered for special land use, a public hearing, with notification as required for a notice of a request for special land use permit approval, as provided in [Section 3.32\(a\)\(1\)](#) above, shall be held before a discretionary decision is made on the special land use permit request.
- (3) Before the Planning Commission issues a permit for a special land use, the applicant shall submit a site plan in accord with the provisions of [Section 3.20](#).
- (4) The Planning Commission may deny, approve, or approve with conditions, a request for a special land use permit. The decision on a special land use permit shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision, and any conditions imposed.

The Planning Commission shall have the authority to issue special land use permits for the uses which this Ordinance requires the obtaining of such permits.

- (b) In granting any special land use permit, the Commission shall prescribe any conditions that it deems to be necessary or desirable for the public interest. However, no such special land use permit shall be granted by the Planning

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Commission unless it finds that the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this Chapter.

- (c) In determining its findings, the Commission shall take into account:
 - (1) The character and use of adjoining buildings and those in the vicinity;
 - (2) The number of persons residing or working in such buildings or upon such land;
 - (3) Traffic conditions in the vicinity; and
 - (4) Such other standards and conditions as set forth in this Ordinance.

Section 3.33 PONDS

Except as provided in [Section 3.34](#) and [Section 3.35](#), ponds shall be permitted within the Township by permit issued by the Building Official, upon review of a sketch plan, consistent with the following criteria:

- (a) Size ó Ponds shall be no larger than one (1) acre or greater than five (5%) percent of the total ground surface area of the parcel where the pond is located, whichever is smaller. Ponds in the AG District may exceed this standard if, in the opinion of the Building Official, additional size is needed for the intended use of the pond in relation to a genuine agricultural use of the property.
- (b) Setbacks ó Ponds shall be set back not less than one hundred (100) feet from any property line and shall not be located in any required yard area. (Nothing in this Ordinance shall be construed to prohibit the erection of any structure on the sole basis of its proximity to an existing pond.)
- (c) Side Slopes ó Ponds shall have stabilized side slopes consistent with State of Michigan requirements and guidelines. For shallow water ponds, with depths of 6 inches to four feet, side slopes shall not be steeper than three (3) to ten (10) horizontal feet to one (1) vertical foot extending into the water to a depth of two (2) feet below the surface of water at the lowest sustainable water level. For deep water ponds, with greater than four (4) feet of depth side slopes shall not be steeper than two (2) to three (3) horizontal feet to one (1) vertical foot extending into the water to a depth of three (3) feet below the surface of water at the lowest sustainable water level.
- (d) Soil Removal ó Earth excavated during construction of a pond may be removed from the parcel if the applicant has complied with all requirements to obtain a pond permit.

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- (e) Sanitary Conditions ó A pond must be maintained so as to assure that unsanitary conditions or obnoxious odors will not be created by the growth of biological organisms.
- (f) Accessory Use ó A pond shall only be established as an accessory use after a principal use is established on a parcel except that a pond may be a principal agricultural use on a parcel located in the AG District.
- (g) Sketch Plans Requirements for Ponds ó A plan indicating the location of the pond on the parcel shall be submitted to the Township. The plan shall be drawn to scale to provide adequate detail for the following items:
 - (1) Distance of the edge of the pond to all property lines, septic fields, dwellings or other structures within one hundred (100) feet of the edge of the pond;
 - (2) Required yard areas in the vicinity of the pond to demonstrate that the pond does not encroach in required yard areas;
 - (3) All under-ground or above-ground utility service lines and easements in the vicinity of the pond;
 - (4) All drains, ditches, sewers and discharge pipes existing or proposed for installation with the pond;
 - (5) All natural rivers, streams, lakes, ponds and wetlands within one hundred (100) feet of the edge of the pond; and
 - (6) Any other information reasonably available that the Building Official may determine is necessary to complete his or her review of the proposed pond.
- (h) Time Limit ó A permit issued in accordance with the provisions of this section shall remain valid for six (6) months from the day of issuance. Prior to the permit expiration date, the time limit may be extended by the Building Official for an additional six (6) months if, in the opinion of the Building Official, the additional time is necessary to complete the approved improvements.
- (i) Other Regulations ó An applicant shall be required to comply with all other Township, Bay County, State of Michigan and Federal requirements. (Private deed restrictions may limit the use of the land for private pond purposes.)

Section 3.34 PONDS IN COMMERCIAL AND INDUSTRIAL ZONES

Ponds proposed for development in commercial and industrial zones, including ponds used for storage of storm water, shall be subject to site plan review requirements and other requirements applicable to the use which is serviced by the pond. Other requirements may include special land use permit approval and planned unit development conditions.

Section 3.35 PONDS PERMITTED BY SPECIAL LAND USE PERMIT

If the Building Official is unable to approve a permit for a pond due to the design, location, usage characteristics, or size in excess of the limitations of [Section 3.33](#), the applicant may request approval of the pond by Special Land Use Permit from the Planning Commission. An application for Special land use Permit may be submitted by the applicant in accordance with the procedures and specifications of [Section 3.32](#). All information described in [Section 3.33\(g\)](#) above must be supplied in plans prepared to accompany the application for a Special Land Use Permit. The Planning Commission shall consider at least the following factors for any application submitted for a pond Special Land Use Permit:

- (a) The size of the pond and its relationship to the parcel area;
- (b) Proximity and use of neighboring parcels;
- (c) Proximity of the proposed pond to nearby septic systems, storm drains and sewers, utility lines, and other features of the natural or developed environment;
- (d) Design and method of construction proposed for the pond to assure protection of neighboring properties during construction and after completion of the proposed pond;
- (e) Proposed use of the pond;
- (f) Method of disposal of earth excavated during pond construction.

The Planning Commission may require installation of warning signs, rescue facilities, safety ramps, a gated fence, or any other items necessary to secure the public safety in relation to the proposed pond. The Planning Commission may require installation of a filtration system, a maintenance program or other requirements to assure the pond is maintained in a sanitary condition and is free of noxious or obnoxious odors.

Section 3.36 PONDS NOT REQUIRING PERMITS

Any pond approved as a part of a site plan or during plat review shall be exempt from the requirements of obtaining a pond permit.

Section 3.37 POOLS, SWIMMING

- (a) Permit Required. ó No private swimming pool (hereinafter referred to as ðpoolö) shall be constructed, erected, or installed on any lands in the Township unless a building permit therefore has first been obtained from the Monitor Township Building Inspector. The application for such a Building Permit shall be accompanied by the fee for said Permit as provided for in the Monitor Township Uniform Building Code and a sketch or diagram of the proposed pool indicating that all requirements of this Ordinance will be complied with in its construction.
- (b) Location of Pool Walls. ó The outside edge of the pool wall shall not be located nearer than eight (8) feet to any lot line; provided, however, that if any part of the

pool walls are more than two (2) feet above the surrounding grade level then the outside edge of the pool wall shall not be placed nearer than ten (10) feet from any lot line.

- (c) Enclosure. 6 Each pool shall be enclosed completely by a wall, fence, or other protective enclosure. The entire enclosure, including doors and gates, shall be at least four (4) feet high as measured on the outside, shall not provide ready footing for climbing, and shall prevent passage by children through it. The height of an opening under the bottom of the enclosure shall not exceed four (4) inches.

The enclosure shall have at least one (1) entrance. Each entrance shall have a door or gate equipped with a self-closing and self-latching mechanism and a lock. The fence may be placed on or anywhere inside the lot lines of the lot where the pool is situated; provided, however, that no fence or wall may be erected closer to a street than a building may be erected in the zoning district in which the pool is located. If the pool is a permanent above ground type with a wall height of at least four (4) feet above the surrounding ground surface and if the pool is of such construction as not to be readily climbed by children, then the ends of the fence may be attached to the pool structure and the fence need be erected only around the immediate area of the ladder or other means of access to the pool.

- (d) Locking of Gates and Doors. 6 All gates and doors which permit access to the pool area shall be locked at all times when no person is present on the lot on which the pool is located.
- (e) Maintenance. 6 The fence or wall and all gates or doors shall be maintained in good repair and in working order. Any fence, wall, door, or gate which is found not to be maintained in proper fashion is hereby declared to be a nuisance per se.

Section 3.38 PUBLIC SAFETY PROVISIONS

Except for single family residences and agricultural buildings, all uses established or significantly expanded so as to require submittal of a site plan in accordance with the provisions of [Section 3.20](#) shall comply with the following minimum safety standards to permit access by public safety vehicles and to provide firefighting capability to protect the public. If municipal water service infrastructure is not available to a subject site, the Planning Commission may choose to delay installation of some of the improvements specified below until the public water supply becomes available to the site.

- (a) Public Service Access 6 All structures shall be provided with adequate access for fire, police, sanitation, and public works vehicles.
- (b) Fire Protection 6 All structures shall be provided with adequate fire protection, including adequate water supply for firefighting purposes, adequate internal fire suppression systems, fire walls and fire-proof materials, and other fire protection measures deemed necessary by the Monitor Township Fire Chief. Such fire protection systems shall include but not be limited to the following:

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- (1) In all districts zoned and used for commercial or industrial purposes, multiple family attached dwellings, and for nonresidential uses permitted by special land use permit in residential districts, an audible alert fire protection system with outdoor flashing lights shall be required for installation in every occupied building reviewed in accordance with the site plan procedures.
- (2) All parts of a nonresidential building must be located within three hundred (300) feet of a public fire hydrant. The distance shall be measured on improved, hard surfaces accessible by fire fighting vehicles.
- (c) Nonconforming Use § In those instances where a commercial or industrial nonconforming use is established in a residential district, any approved modifications to the building housing the nonconforming use shall conform to the fire protection requirements applicable in the district where the use would first be appropriately located under the provisions of this Ordinance.
- (d) Nonconforming Buildings § In those instances where a nonconforming building subject to regulation by these provisions does not comply with these requirements, the nonconforming building shall be required to provide public safety improvements if the nonconforming building is proposed to be modified, used or significantly expanded so as to require submittal of a complete site plan.

Section 3.39 IMPACT ASSESSMENT

To fully insure the safety and well-being of the citizens of the Township and of the occupants of a particular use, an Impact Assessment for all uses that will use or store any material defined as a hazardous material by the Michigan National Resources and Environmental Protection Act, Public Act 451 of 1994, as may be amended, shall be required and receive approval of the Planning Commission. The purpose of the Impact Assessment is to assess the developmental, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the site development and performance standards set forth in this Ordinance. The Township reserves the right to hire experienced professionals to evaluate an applicant's Impact Assessment, and if necessary, prepare additional analysis with the cost borne by the applicant. Approval of an Impact Assessment shall be subject to the following procedures and conditions:

- (a) Scope and Applicability:
 - (1) An Impact Assessment shall be required upon the determination by the Building Inspector, Zoning Administrator, Supervisor or the Planning Commission that any proposed development project, new or renovation, will use or store any hazardous material on-site. An Impact Assessment shall also be required upon a similar determination that due to a change of use, by a new owner or otherwise, of an existing structure or site, hazardous materials will be used or stored. The Planning Commission may determine that the amount of hazardous material that will be stored shall be an insignificant quantity that does not require an impact assessment.

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- (2) Permitted agricultural uses of such hazardous substances as fertilizers, insecticides, herbicides and other chemical compounds as may be regulated by the State of Michigan or federal agencies shall not be regulated by these provisions.
- (b) Assessment Issues ó Where required, preparation of the Impact Assessment shall be the responsibility of the applicant. The applicant shall use qualified personnel (in the determination of the Township) to complete the Impact Assessment, which shall address the following issues, at minimum:
- (1) Qualifications of Preparer ó Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment and a brief statement of their qualifications.
 - (2) Site Description ó An area plan or aerial photograph illustrating the entire site and nearby properties.
 - (3) Description of Use ó Narrative of the proposal, describing operating characteristics and standards.
 - (4) Overall Site Conditions ó Narrative and illustration describing adjacent uses, zoning, public roadways, utilities, significant woodlands, soil types, one hundred (100) year floodplains, drainage ways and general topography. The area described shall be within one-quarter (1/4) mile for sites up to one hundred (100) acres, and within one (1) mile radius for larger sites. Aerial photographs are recommended to assist in describing the general vicinity, historic and archeological significance of the site and adjacent properties.
 - (5) Wetlands ó Documentation by a qualified wetland specialist shall be required wherever the Township determines there is a potential state or federally regulated wetland which may be impacted by the proposed project.
 - (6) Conceptual Site Plan ó Illustration of the very general layout of proposed uses upon which preliminary impact analysis is based, and any proposed phasing. For Planned Unit Developments the required PUD concept plan shall meet this requirement.
 - (7) Land Use Impacts ó Description of the types of proposed uses and other manmade facilities, including any project phasing, and an indication of how the proposed use(s) conforms or conflicts with existing and Master Planned development patterns. A description shall be provided of any increases in light, noise or air pollution which could negatively impact adjacent properties, particularly associated with smoke or truck routing.
 - (8) Environmental Impact ó Description of any general impacts expected to wildlife areas, lakes, streams, ponds and regulated wetlands. Conceptual mitigation or replacement measures under consideration shall be

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described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction.

- (9) Impact on Public Facilities and Services ó Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the use to fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.
- (10) Utility Impacts ó Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long range development on the site.
- (11) Drainage ó Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as storm water basins, methods to control fertilizers and filter runoff shall be identified. Correspondence from the Bay County Drain Commissioner shall be attached indicating the Drain Commissioner's Office concerns and suggestions.
- (12) Storage and Handling of Waste and Hazardous Materials ó Methods of on and off-site disposal of solid waste shall be identified using the best available control technology for disposal. The information shall describe the type of hazardous substances expected to be used, sorted or disposed of on the site; general location within the site; and method of containment. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.
- (13) Traffic Impacts ó Impact of the proposed use on traffic and any affected public transit systems. A detailed traffic impact study shall be submitted where the proposed use:
 - a) Generates at least 50 peak hour trips per hour in the peak direction; or
 - b) The required Level of Service, as defined by the Transportation Research Board Highway Capacity Manual, will be altered by the proposed use.
- (c) Applicability of Other Standards and Ordinances. Approval of the Impact Assessment shall not relieve the project's sponsor from complying with other land development standards of the Zoning Ordinance, or with any other Township ordinance, or with any other applicable local, State or Federal law or regulation.

Section 3.40 LANDSCAPING AND SCREENING

- (a) Frontage and Screening Landscaping - One of the following landscaping and screening options is required for any nonresidential use, or any residential use for

which site plan review is required, on that portion of the site abutting a public road right-of-way, or where a business, commercial, industrial or multiple family district is adjacent to an AG, R-1, R-2 or R-3 district. When a site plan is submitted for the expansion or redevelopment of an existing use, the entire site shall meet the following landscape requirements.

- (1) Greenbelt ó A greenbelt meeting the following standards:
 - a) Minimum width of fifteen (15) feet. The Planning Commission may permit the width of the greenbelt to be reduced in cases where existing conditions do not permit a 15-foot width.
 - b) At least one (1) deciduous tree (minimum two and one-half (2.5) inch caliper) and four (4) shrubs not less than eighteen (18) inches high shall be installed for each forty (40) lineal feet of street frontage. The locations of trees and shrubs should be carefully considered and planned to avoid creating visual obstructions for vehicle drivers and pedestrians. Additionally, the planted materials should be planted to imitate a natural setting as much as possible. Rhythmic plantings at regular intervals should be generally avoided. The Planning Commission may approve use of evergreen trees at least five (5) feet high as a substitute for some of or all the deciduous trees. Additional deciduous trees may be provided in lieu of the requirement for shrubs at the rate of one additional deciduous tree for every four required shrubs.
- (2) Berms ó A combination of a raised earth berm and plantings meeting the following standards:
 - a) Minimum height of two (2) feet with a crest at least three (3) feet in width. The height of the berm may meander if the intent of this Article is met.
 - b) The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3). The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace or other means acceptable to the Planning Commission.
 - c) At least one (1) deciduous tree (minimum two and one-half (2.5) inch caliper) shall be provided for each thirty (30) lineal street berm length.
 - d) At least one (1) minimum eighteen (18) inch high shrub shall be provided for each one hundred (100) square feet of berm surface area (calculated from a plan view).

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- e) Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected, until the seed germinates and a permanent lawn is established by a straw mulch, hydro-mulching or netting specifically designed to control erosion.
 - f) The base of any signs placed within the berm shall be at, or below, the average grade along the berm.
 - g) A storm water drainage system shall be provided for water draining from the berm surface. The drainage system may be integrated with the drainage system that serves the remainder of the site or may be a different system that the property developer has obtained the right to use or construct. The drainage system shall be subject to review by the Township Engineer and Bay County Drain Commissioner's office.
 - h) Fences shall not be placed on a berm.
- (3)** Buffer Strip ó A buffer strip may be required, particularly where adjacent uses are less intense than the use of the subject site. The intent of the buffer strip is to have a minimum five (5) foot high obscuring area. A buffer strip shall meet the following requirements:
- a) Minimum width of fifteen (15) feet.
 - b) All trees shall be evergreens a minimum five (5) feet high at planting.
- (b)** Parking Lot Landscaping ó Landscaped islands shall be provided in all off-street parking lots with twenty-five (25) or more spaces.
- (1)** Landscaped islands shall be provided at the ratio of at least one hundred fifty (150) square feet of island for every ten (10) parking spaces or fraction thereof.
 - (2)** For every three hundred (300) square feet of landscaped island, at least one (1) deciduous tree (minimum two and one-half (2.5) inch caliper) shall be planted and at least one (1) deciduous tree shall be planted for each island.
 - (3)** All islands shall be planted and maintained with landscape materials and kept free of debris. Each landscaped island shall be provided with a ground cover of low growing woody shrubs, deciduous or evergreen plants, perennial plants and vines, and/or grass.

- (4) Landscaped island shall be curbed and designed to protect landscaping from damage by vehicles. Islands shall be located to aid the flow of traffic, control speeds and break visual monotony of large expanses of parking area.
 - (5) The Planning Commission may approve alternative, unique designs that do not meet the specific requirements of this subsection regarding parking lot island landscaping. The Commission may approve such designs if, in the sole opinion of the Planning Commission, the designs meet the overall design objectives of the Ordinance and will serve to aesthetically enhance the parking lot area for a subject site.
 - (6) When parking space improvements are deferred in accordance with the provisions of [Section 14.14](#), installation of the parking lot landscaping for those parking spaces shall also be deferred.
- (c) Time of Completion ó All tree plantings and planting screens required by this ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay, but shall issue no permanent zoning compliance certificate until completion of all required plantings. Any zoning compliance permit may be revoked after thirty (30) days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever planting screens or required tree plantings are not maintained as required in this ordinance.
- (d) Living Materials Requirements ó Where these provisions describe the installation of trees, shrubs and grasses, the required landscape areas shall be primarily covered with plants and living materials. Nonliving materials, such as crushed stone, gravel, mulch and edging, shall only be installed to stabilize and support the growth of the plants. Such nonliving materials shall not be installed to replace the living material requirements of this section.
- (e) Vehicle Headlight and Exterior Light Source Nuisance Mitigation ó Where headlights from parked vehicles or lights from parking lots or signs will shine onto a roadway or adjacent land use, the Planning Commission may require installation of an obscuring hedge, berm or other landscape screening material to provide for the peaceful use and enjoyment of adjacent land and to reduce hazards to drivers and pedestrians on adjacent roads.

Section 3.41 INCENTIVES TO PRESERVE EXISTING TREES

The Township encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts, and buffer strips required in [Section 3.40](#) above. Trees intended to be preserved shall be indicated with a special symbol on the landscape plan and be protected during construction through use of a fence around the drip line. To obtain credit, the preserved trees shall be of a high quality and at least two and one-half (2.5) inches caliper. Trees to be preserved shall be counted for credit only if they are located in a required buffer area. Tree preservation outside of the required buffer area may receive credit if the preserved trees are found to contribute to the required buffer area by the Planning Commission.

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The credit for preserved trees shall be as follows. Any preserved trees receiving credit which are lost within two (2) years after construction shall be replaced by the land owner with trees otherwise required.

Caliper of Preserved Tree	Number of Trees Credited
Over twelve (12) inches	3
Eight (8) to eleven and nine-tenths (11.9) inches	2
Two and five-tenths (2.5) to seven and nine-tenths (7.9) inches	1

Note: Caliper measurement for existing trees is the diameter at a height of four and one-half (4.5) feet above the natural grade. (Diameter at Breast Height, D.B.H.)

Section 3.42 EXTERIOR LIGHTING

All lighting for parking areas, external illumination of buildings or grounds, or illumination of signs, shall be directed away from and shall be shielded from, adjacent residential districts. It shall also be so arranged as to not affect driver visibility adversely on adjacent arterial roads. Light shall not exceed more than one-half (0.5) foot-candle at a residential property line. Light shall not exceed more than one (1) foot-candle at a non-residential property line. The Planning Commission may require the submission of a photometric plan prepared by an electrical engineer graphically illustrating the planned layout and foot-candles of site lighting. A photometric plan may be required to ensure compliance with the above standards and that adequate light levels are provided on the site. The Planning Commission may require the use of shields or landscape screens to reduce the impact of light source penetration onto adjacent roads and land uses.

Section 3.43 CONDOMINIUM DEVELOPMENT STANDARDS AND SITE PLAN REVIEW

The intent of this Section is to provide regulatory standards for condominiums and site condominiums similar to those required for projects developed under other forms of ownership. This article is not intended to prohibit or discourage development of condominium projects.

- (a) Definitions ó Definitions of condominium terms contained in [Chapter 2](#) are intended to make comparison possible between the definitions of terms in the Zoning Ordinance for lots, conventional platted lots and subdivisions and to ensure that the standards in the Zoning Ordinance are properly and uniformly applied to condominiums and site condominium projects.
- (b) Applicability of District Regulations ó Site condominium projects in any residential district shall comply with all zoning district setback, height, coverage and area restrictions in the same manner as these standards would be applied to platted lots in a subdivision.
- (c) Applicability of Subdivision Regulations ó Unless otherwise permitted or specified in these provisions, site condominium projects shall conform to the design, layout and improvement standards in the Monitor Township Subdivision Control Ordinance. The plat review and approval process required by the

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Subdivision Control Ordinance shall not apply to site condominiums. The review process shall be as stipulated in [Section 3.43\(g\)](#) below.

- (d) **Modification of Design Standards** ó The Planning Commission may recommend approval of a modified design standard in a particular application where it can be demonstrated that the modified standard meets sound planning, safety and engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission. The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified design standard.
- (e) **Applicability of Street Standards** ó Any condominium with public streets shall meet the standards of and be accepted by the Bay County Road Commission. Private streets developed under PUD Provisions, must meet the standards of the Bay County Road Commission.
- (f) **Utilities** ó The condominium plan shall grant utility easements or the right of access to utility easements as required by the Township to construct, operate, inspect, maintain, repair, alter, replace and/or remove pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities. Public utilities shall include, but not be limited to, conveyance of sewage, water and storm water runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.
- (g) **Review Process for Site Condominiums** ó Prior to the issuance of a building permit for construction of a site condominium project, the project must be reviewed and approved by the Planning Commission according to the following procedure. Conventional condominium projects as defined in this Section shall not be required to follow this review procedure and shall be required to follow the site plan review process as described in this Ordinance.

(1) Concept Plan Review:

- a) **Planning Commission Review** ó The applicant shall submit a concept plan, with information listed in the Table of Site Condominium Submittal Requirements for review by the Planning Commission. The Planning Commission shall impose conditions on the concept plan as deemed necessary to comply with concept plan review standards in the Table of Site Condominium Submittal Requirements. The Planning Commission shall approve, approve with conditions or deny the concept plan. All conditions imposed by the Planning Commission on the concept plan shall be resolved prior to submittal of the plans for final review as further provided herein.
- b) **Public Hearing** ó The Township shall send a notice to the applicant and to all persons to whom any real property is assessed within three hundred (300) feet of the premises in question. The notice shall be made at least five (5) days prior to the Planning

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Commission meeting when the concept plan will be considered and shall state the time, place, date and purpose of the hearing. Said notice may be personally delivered or sent by mail. A list of all persons notified shall be filed with the Planning Commission prior to the hearing.

- c) **Concept Plan Information** ó The concept plan shall include all information indicated as required for concept plan submittal in the Table of Site Condominium Submittal Requirements.
 - d) **Review Standards** ó In reviewing the concept plan, the Planning Commission shall consider whether the project conforms to the appropriate design and layout standards of the Subdivision Control Ordinance, private road regulations and the requirements for site plan review. A review by the Township Engineer may be required at the concept review stage.
- (2) **Review by Outside Agencies** ó The applicant shall submit the concept plan, as approved, to those outside agencies with review or permit authority over the project as determined by the Planning Commission. Such agencies shall include but not be limited to:
- a) County Road Commission;
 - b) County Drain Commissioner;
 - c) County Health Department;
 - d) Michigan Department of Transportation;
 - e) Michigan Department of Natural Resources; and
 - f) Michigan Department of Environmental Quality or other appropriate agencies.
- (3) **Final Site Plan Review:**

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- a) **Planning Commission Recommendation** ó Following submittal of the concept plan to applicable outside agencies, the applicant shall revise the plan, if required, and shall submit a final site plan to the Planning Commission. The final site plan submittal shall include evidence that the plan was submitted as required for outside agency review and shall include all review letters that have been obtained. If major modifications to the site plan are required as a result of outside agency review, the site plan shall be re-submitted for concept plan review. A determination of a major modification shall be made by the Building Official and shall follow the guidelines outlined below under "Plan Amendments". The Planning Commission shall review the final site plan, along with comments by outside agencies, and shall approve, approve with conditions or deny the final site plan approval.
 - b) **Final Site Plan Information** ó The final site plan must include all information indicated as required in the Table of Site Condominium Submittal Requirements.
 - c) **Document Submittal Requirements** ó All pages of all documents submitted must include the name of the project, name of the engineer, date submitted, date of original drawing and date of all revisions. Final documents must be verified by the developer/owner including a listing of all voided and current drawings.
 - d) **Review Standards** ó In reviewing the final site plan, the Planning Commission and Township Board shall consider whether the project meets the design and layout standards of the Subdivision Control Ordinance, the Township's Private Road Standards and Standards for site plan review. The Planning Commission and Township Board shall also consider comments of the Township Planner, the Planning Commission Attorney, and Township administrative officials regarding the proposed condominium by-laws and master deed and shall require any necessary modifications to these documents.
- (4) **Engineer Review and Final Documents** ó If required, the Township Engineer shall review construction plans and establish any necessary financial guarantee requirements, and to confirm that the applicant has obtained all required permits from outside agencies, prior to the issuance of a building permit. As-built plans for the project, including all roads and utilities shall be submitted in accordance with [Section 3.43\(l\)](#) below. Final by-laws and condominium documents shall be submitted in accordance with [Section 3.43\(m\)](#).
 - (5) **Site Plan Amendments** ó Proposed amendments to an approved condominium site plan shall be submitted to the Planning Commission for

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a determination of whether such amendments constitute a major or minor modification to the approved site plan. Major amendments shall require a complete re-review of the project beginning with concept plan review. Minor amendments shall require a re-review and approval beginning with final site plan review.

- (6) Guidelines to Distinguish Major and Minor Amendments ó Major amendments or modifications to an approved final or concept plan include, but are not limited to, modifications which substantially alter the alignment of a road, change the size or location of drainage facilities, increase the length of a cul-de-sac, increase traffic volumes, change traffic circulation or that increase the density or intensity of the project. Minor amendments or modifications include changes that are determined to be only minor adjustments to the location of roads or the size or location of approved drainage facilities or other changes which do not increase traffic volumes or circulation or the intensity or density of a project. For example, a proposal to eliminate or add an access point, or to increase the number of residential units would be a major amendment. A proposal to decrease the number of residential units or to adjust the location of an approved road would be a minor amendment. The determination of whether a proposal constitutes a major or minor amendment shall be made by the Planning Commission.

**TABLE OF
SITE CONDOMINIUM SUBMITTAL REQUIREMENTS**

SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
An application form and payment of review fees established by the Township Board.	○	○	○
Name(s) and address of the applicant and the owner of record of the subject site. The applicant shall indicate interest in the land as land contract interest, or fee simple ownership.	○	○	○
Names, address and professional seals of the designer, engineer or land surveyor who designed the site condominium layout.		○	○
Location by Section, Town and Range, or by other legal description, and an area map showing the general relationship of the proposed site condominium project to the surrounding area within one-half mile at a scale of not less than 1" = 500'.	○	○	○
Proposed name of subdivision, site condominium project.		○	○
Fifteen (15) copies of the submitted plans on paper not greater than twenty-four (24) inches by thirty-six (36) inches, drawn to an engineer's scale no smaller than 1" = 100'. For large projects, one overall plan shall be provided, with sections at a larger scale such as 1" = 20'.	○	○	○
Date, revision dates, and north arrow.	○	○	○
EXISTING SITE INFORMATION			
Site Analysis including general topography, wetlands and woodlands	○	○	
Lines and dimensions for the site condominium project boundaries.	○	○	○
Boundaries and dimensions for any phase. All phases shall be numbered in the order in which they are intended to be constructed.	○	○	○
All existing and proposed property lines in or within two hundred (200) feet of the proposed site condominium project. Existing lines should be graphically distinguished from proposed lines.		○	○

SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
Zoning district classification for all land parcels within and adjacent to the site condominium site.	○	○	○
Boundaries of floodplain or wetlands regulated by the MDEQ, with documentation and credentials supporting that the boundary was determined by a qualified firm or individual.		○	○
Existing buildings or other structures in or within one hundred (100) feet of the proposed site condominium project.		○	○
PROPOSED SITE CONDOMINIUM PROJECT			
NATURAL FEATURES			
Topography drawn as contours at an interval of not less than two (2) feet for the subject site and a general description of topography within one hundred (100) feet of the site. Topography shall be based on U.S.C. and G.S. Datum. Existing and proposed topography lines shall be shown in a manner which is easily distinguishable.		○	○
Boundaries of wetlands regulated by the MDEQ as established by a qualified wetland consultant.	general	○	○
Location of regulated trees and woodlands	general	○	○
Inventory of regulated trees and woodlands			○
Location and elevation of any floodplain areas	general	○	○
LOT ARRANGEMENT			
Layout of lots	○	○	○
Lot information including: numbers, dimensions square footage per lot.		○	○
Building setbacks: dimensions of required building front, side, and rear yard setbacks (i.e. building envelopes). Distances from any shore line or wetland boundary should be clearly dimensioned.		○	○
An indication of the ownership, and existing and proposed use of any parcels identified as "excepted" on the site plan. If the applicant has an interest or owns any parcel identified as "excepted," the condominium site	○	○	○

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SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed site plan in terms of utilities, streets and land uses.			
STREETS			
Name, location, and right-of-way widths of existing or proposed public or private streets within a PUD in or within two hundred fifty (250) feet of the site.	○	○	○
Method of connection with adjoining street system.	○	○	○
General layout of proposed streets	○	○	
Names of proposed streets		○	○
Details on street design including curve radii, rights-of-way, cross sections, gradient, street signs, etc.		○	○
Street Lighting: the location for any street lights shall be shown. A diagram of a typical street light planned to be installed shall be provided.		○	○
Location of school bus stops and documentation from the school district			○
Details on street design including curve radii, rights-of-way, cross sections, gradient, street signs, etc.		○	○
SIDEWALKS AND BIKEPATHS			
Locations of proposed sidewalks, bike paths and similar facilities		○	○
Details on the width, materials, grades, etc.		○	○
MAIL BOX CLUSTERS			
Proposed location of mail box clusters		○	○
Details on mail box cluster design and letter from Post Office		○	○
LANDSCAPE PLAN			
A general conceptual landscape plan illustrating buffer zones and greenbelts.	○	○	
Location and details of street trees, buffer zones and			○

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SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
greenbelts including plant lists.			
Cost estimates for landscape and woodlands replacement plans		○	○
Entry Features: A detailed drawing to scale of any proposed entrance features including dimensions of boulevards, walls, landscaping signs or lighting.		○	○
PUBLIC RESERVATIONS AND EASEMENTS			
Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.	general	○	○
Documentation of dedication or reservation			○
Existing or proposed easements in or within one hundred (100) feet of the site. Information should include the width and purpose for all easements.		○	○
UTILITIES			
General layout of water and sanitary sewer lines	○		
Sewage disposal: Location and sizes of lines, or location of septic fields, for sewage disposal by a method approved by the Bay County Health Department or the MDEQ or other appropriate agency, and the Township Board. Utility information shall be shown for the site and for a distance two hundred (200) feet outside of the site.		○	○
Water system: Location and sizes of lines, or location of wells for proposed water supply by a method approved by the Bay County Health Department or the Michigan Department of Health and Human Services (MDHHS) or other appropriate agency, and the Township Board. Utility information shall be shown for the site and for a distance two hundred (200) feet outside of the site.		○	○
Location, sizes and other information on underground utilities present and other proposed utilities. Utility information shall be shown for the plat and for a distance two hundred (200) feet outside of the plat.		○	○
General plans for storm water.	○		
Drainage: An indication of storm drainage proposed by methods acceptable to the Township and/or the Bay County Drain Commissioner. Storm water runoff		○ (final)	○

SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
calculations shall be provided to analyze the adequacy of proposed drainage facilities.			
Construction cost estimate of utilities, roads and other facilities to establish financial guarantee requirements			○
CONDOMINIUM DOCUMENTS			
Master deed and bylaws.		○	○
As-built plans.			○

- (h) Boundary Relocation ó The relocation of boundaries between adjoining condominium units as defined and restricted in Section 148 of the Condominium Act, as may be amended (only permitted if expressly permitted by the condominium documents) shall conform to all setback requirements of the district in which the project is located, shall be submitted to the Township Board for review and approval and these requirements shall be made a part of the bylaws and recorded in the master deed.
- (i) Subdivision of Unit Sites ó Subdivision of condominium unit sites or lots is permitted subject to approval by the Township Board and the submittal of the amended bylaws and master deed to determine the effect of the subdivision on conditions of zoning or site plan approval, and shall be made as part of the bylaws and recorded as part of the master deed.
- (j) Water and Waste Water ó The condominium project shall comply with and meet all federal, state and county standards for a fresh water system and waste water disposal.
- (k) Master Deed ó The project developer shall furnish the Township with fourteen (14) copies of the proposed consolidated master deed, bylaws and proposed plans. The master deed and bylaws shall be reviewed for compliance with the Township's Code of Ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean-out such drainage ways to keep them functioning as intended in the approved drainage plan. The Master Deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the condominium must conform to Township, County and state laws and regulations. The Master Deed shall also include any variances granted by township, county or state authorities and include a hold harmless clause from these variances.

Master Deeds submitted to the Township for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed and bylaws to the Township Board for review and approval. Fees

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for these reviews shall be as established, from time to time, by the Township Board.

- (l) As-built Plan and Occupancy ó Submission of an as-built plan of a condominium project is required. The Building Official may allow occupancy of the project before all improvements required are installed provided that an acceptable financial guarantee is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Township Board based on estimates of Township personnel or consultants.
- (m) Final Bylaws, Consolidated Master Deed and Final Site Plan ó Upon approval of the final condominium site plan, the applicant shall furnish the Township Clerk a copy of the final bylaws and consolidated master deed. A site plan shall be provided on a Mylar sheet of at least twenty-four (24) inches by thirty-six (36) inches.
- (n) Survey and Monument Requirements ó Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer shall deposit with the Township an acceptable financial guarantee in an amount to be determined by the Township based on the actual cost to set the monuments and irons as required. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. Road rights-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The developer shall dedicate any required easements to the Township for all public water and sanitary sewer lines and appurtenances.

- (o) Compliance with Other Statutes and Ordinances ó All condominium projects shall comply with federal, state and local laws, statutes and ordinances.

Section 3.44 OSP - OPEN SPACE PRESERVATION DEVELOPMENT OPTION

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- (a) Intent ó The intent of open space preservation (OSP hereafter) development option, is to provide a procedure for single family detached residential development that will result in concentrated and enhanced living environments. OSP techniques can promote more economical residential development, and encourage a variety of architectural types and styles for dwellings. It will encourage ingenuity and originality in total residential lot and street design and development and preserve open space to service recreational, scenic, and public service purposes.
- (1) Variations in lot areas are permitted.
 - (2) Procedures are established to assure adequate maintenance and restricted use of open space areas for the benefit of the inhabitants of the developments or for dedication to public use.
 - (3) Procedures are established to assure protection of existing developments adjoining the proposed open space preservation development.
- (b) Approval Procedure ó An OSP development shall be permitted in the AG Agricultural District and shall be constructed in accord with the established requirements for development of a single family residential subdivision plat, a detached single family residential condominium plan, or a residential land division, as described in more detail below.
- (1) Applicants shall submit a parallel plan, location map, topographic map, concept plan, and such other information as is necessary and shall seek advice from and confer with the Township Planning Commission prior to formal submission of a preliminary subdivision plat, condominium plan or land division application.
 - (2) A preliminary subdivision plat or condominium subdivision plan or land division application shall be filed and processed in accord with the procedures set forth in this ordinance, the Condominium Ordinance (Ordinance 42), the Subdivision Control Ordinance (Ordinance 45) or the Land Division Ordinance (Ordinance 50), as may be appropriate and otherwise required by those separate Ordinances.
 - (3) An OSP subdivision plat shall conform to the plan preparation requirements, review and approval procedures, and design, layout and improvement standards in Ordinance 45 in addition to the requirements of this Zoning Ordinance.
 - (4) An OSP condominium plan shall conform to the plan preparation requirements, review and approval procedures, and design, layout and improvement standards in Ordinances 42 and 42A in addition to the requirements of this Zoning Ordinance.
 - (5) An OSP land division application shall comply with the requirements of Ordinance 50 in addition to the requirements of this Zoning Ordinance. An OSP proposal filed in conjunction with a land division application

shall also be subject to the special land use permit requirements as described in [Section 3.32](#) of this article. Additionally, the site plan for the OSP land division shall comply with the design, layout and improvement standards specified in Article IV of Ordinance 45, the Subdivision Control Ordinance, as may be amended. Further, the site plan for the OSP land division shall provide the minimum information specified in Article III, subsection 3.2 of Ordinance 45.

- (c) Open Space Preservation Development Standards ó Development under the OSP development option is permitted only in the AG Agricultural zoning district, and is subject to approval by the Township Planning Commission, provided the requirements contained in this ordinance are satisfied.
 - (1) Each development utilizing OSP provisions shall have at least one (1) property line abutting an arterial or collector road. Access routes for the OSP development shall be provided to the arterial or collector road(s) in accordance with the published design standards of the Bay County Road Commission.
 - (2) The number of dwelling units permitted within an OSP development shall be determined through review of a parallel plan prepared by the applicant. The parallel plan for the project shall be consistent with all State, County, and Township requirements and design criteria identified within Ordinance 45, Ordinance 50, and Ordinance 42, as may be amended, as applicable. The parallel plan shall meet all standards for lot size, lot width and setbacks required for development in the AG zoning district as stated in [Section 5.05](#), public road improvements, and contain an area that conceptually would provide sufficient size for storm water management. Lots in the parallel plan shall each provide a sufficient building envelope to permit development of a conforming dwelling, accessory structures and necessary improvements without impacting wetlands regulated by the Michigan Department of Environmental Quality (MDEQ) or other protected natural features.
 - (3) The Planning Commission, in conjunction with the Township's consultants as may be required by the Planning Commission, shall review the parallel plan and determine the number of lots that could be feasibly constructed and be economically viable following the parallel plan. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable within the OSP development.
- (d) Modification of lot area, width and yard setback requirements ó Development for single-family non-farm dwellings under the OSP development option, where the land is zoned at a density equivalent to 2 or fewer dwelling units per acre or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre, shall be permitted to reduce the lot area, lot width and yard setbacks for each dwelling subject to the following specifications and subject to approval of the Township Planning Commission.

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- (1) Lot area may be reduced up to fifty (50%) percent of the size otherwise required in the AG zoning district.
 - (2) The minimum lot width may be reduced to not less than one-hundred (100) feet.
 - (3) All lot area reductions shall be compensated for by at least an equivalent amount of land in open space to be preserved and maintained in perpetuity for its scenic value or for recreation and conservation purposes. Improvements shall be limited to serving such open space purposes. Such open space shall be protected to remain as open space by a conservation easement, plat dedication, restrictive covenant, or other legal mechanism that runs with ownership of the land.
 - (4) Front yards may be staggered to provide for a variety in the size of such yards, subject to review and approval of such a design by the Planning Commission. The average setback distance shall not be less than fifty (50) feet and in no event shall any front yard setback be less than thirty (30) feet.
 - (5) Side yards shall provide a total of not less than twenty-five (25) feet in width. No side yard shall be less than ten (10) feet wide.
- (e) Guidelines for creation of open space ó In acting on a proposed plan, the Planning Commission shall give particular consideration to the following criteria:
- (1) Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural site features to be preserved.
 - (2) The usefulness of open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the purpose proposed for the site.
 - (3) Open space shall include irreplaceable natural features located on the parcel, such as but not limited to stream beds, lakes and ponds, significant stands of trees, individual trees of significant size, wetlands and steep slopes.
 - (4) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between the development and the land.
 - (5) Individual lots, buildings, and units should be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, to lessen area devoted to motor vehicle access and to avoid the adverse effects of shadows, noise, and traffic.

Section 3.45 STANDARDS FOR MAINTENANCE OF PUBLIC AND PRIVATE HORSE STABLES

Owner(s) of a public and private stable facility within the AG Agricultural District, including corrals and grazing areas, shall provide for the proper disposal of all manure, excrement, and feed produced by or for any horse on said lot. The property owner shall follow the manure disposal guidelines of the Michigan Department of Agriculture's "Generally Accepted Agriculture and Management Practices for Manure Management and Utilization".

Section 3.46 PRIVATE STREETS

Private streets shall only be permitted in the Planned Unit Development (PUD) District. All private streets shall meet all applicable standards of the Bay County Road Commission. Setbacks from private roads shall be measured from a line located thirty-three (33) feet from the centerline of the proposed private road.

Section 3.47 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 land 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 land 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.

As used within this section, a farm homestead is a pre-existing, legitimate farm operation as it existed in March of 1997 when the Land Division Act took effect. The farm homestead would include the house and buildings utilized by the owner at that time in furtherance of agricultural pursuits.

If, since March 31, 1997, a parcel of property has been split and/or divided, which has resulted in the addition of more residential development and agricultural accessory buildings, the resulting addition, shall not qualify as a farm homestead and would not be afforded this benefit.

- (b) Said special land 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 31, 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

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split of property is other than preservation of agricultural land and it is being subdivided or otherwise divided and utilized for residential purposes.

- (2) 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. However, in exception circumstances, the Planning Commission may permit up to five (5) accessory buildings (or a total of 4 accessory buildings when the residential dwelling unit has an attached garage) if the applicant can demonstrate that all structures are in good condition and are usable as part of a residential homestead.
- (3) In the event that no residential structure exists and such a 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 land 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 land use permit, with completion to be completed within two (2) years and occupancy permit to be granted by that time. The Planning Commission may grant a six (6) month extension provided the applicant presents reasonable evidence that the applicant has encountered unforeseen difficulties but is then ready to proceed. 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. In the event these restrictions are not adhered to, the bond shall be utilized to remove the previously approved but now unauthorized 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 land use permit shall be null and void.
- (4) The setback from all property lines shall be equal to the highest point of the building plus an additional 10 feet. However, in no event shall the setback be less than 25 feet.
- (5) In the event there are inappropriate setbacks, the Planning Commission may determine, at 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. In granting a variation to permit an additional split, the Commission shall prescribe any conditions that it deems to be necessary or desirable for the public interest. However, no such variation shall be granted by the Planning Commission unless it finds that the proposed split will be in harmony with the general purpose of this Ordinance and not

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injurious to the neighborhood or otherwise detrimental to the public welfare.

- (6) In order to obtain Planning Commission approval for this special land use permit, all potential splits or divisions of property to be created, for which this special land 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 land 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. However, if only 1 agricultural accessory building is located on the site and such building is deemed to be the principal accessory structure on the parcel, then the property owner shall be entitled to a residential garage as permitted in this ordinance.
- (9) Replacement, alteration, and modification of non-conforming buildings shall be governed by [Chapter 16](#).
- (10) The Building Inspector shall provide a written report to the Planning Commission providing a general opinion of the structure of the building and an estimate of repairs to be presented to the Planning Commission for their review. The Building Inspector's report shall also identify whether a particular construction project is deemed to be alterations or repairs versus replacement of an accessory building as determined by [Section 16.07](#) and [Section 16.08](#) and as modified within this section. The Building Inspector's decision is not appealable to the Zoning Board of Appeals inasmuch as the Planning Commission shall retain ultimate authority and jurisdiction over the special land 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. However, the applicant may provide an independent written or verbal opinion from a certified building inspector, architect, engineer, or similar occupation, to the Planning Commission regarding the status of the structure for the building in question. In the event that the Planning Commission determines 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

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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.

- (11) If the principal residential use is removed from a lot or not timely constructed as required in [Section 3.47\(b\)\(3\)](#), above, then all accessory buildings shall be removed.
- (12) A special land 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 land use permit. If an agricultural structure has been built within two (2) years prior to the requested special land 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 land 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) As a condition of any approval of this special land use permit, the applicant shall execute documentation in recordable form to be recorded with the Register of Deeds as approved by the Planning Commission, notifying any subsequent purchaser of this parcel of property of all the terms and conditions of the special land 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 on conditions regarding this special land 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 by the Zoning Board of Appeals 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. However, the Zoning Board of Appeals shall have authority to interpret this ordinance. 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.

In the event that the terms of [Section 3.47](#) of this Ordinance shall conflict with other Sections of the Township's Zoning Ordinance, specifically including, but not limited to [Section 3.28](#) and [Section 3.32](#), the terms of this section shall control.

Section 3.48 WIND ENERGY CONVERSION SYSTEMS

A wind energy conversion system (WECS) as defined by this Ordinance is allowed as a special use when approved by the Planning Commission in accordance with the process defined herein. Large scale Wind energy conversion systems (WECS) are permitted as a special use in agricultural zoned property. In addition to the standards and requirements for issuance of a special use permit specified in this Ordinance, the Planning Commission shall not approve the issuance of a Special Land Use Permit unless the following requirements shall be met:

- (a) **Purpose and Intent.** Purpose. The most common and prevalent land use in Monitor Charter Township is residential, and its preservation has been an ongoing goal within the community for many years. This Ordinance is intended to protect the health, safety and welfare of the residents of the Township and to encourage the safe, effective, efficient and orderly development and operation of wind energy resources in the Township while preserving and protecting the character and the stability of residential, agricultural, recreational, commercial, industrial and other areas within the Township.

With advances in technology of wind energy development in general, specific locations within the Township may support the implementation of Utility Grid Wind Energy Systems. To prepare for potential wind development projects within the Township, this Ordinance will require such developments to obtain a Special Land Use Permit to ensure wind development sites are appropriately located so as to protect the character and stability of the Township's residential, agricultural, recreational, commercial and/or industrial areas and character while simultaneously preserving and protecting the Township's important and sensitive environmental and ecological assets and areas, open space, views and aesthetics, wetlands, and other ecological and environmentally sensitive areas. Accordingly, regulations are necessary to further the above goals and, equally important, to minimize the potential adverse effects of this emerging land use on adjacent properties.

- (b) **Supplementary Definitions.**

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- (1) **Adverse Sound Character:** Sound that causes building rattle, is impulsive, tonal, or has low-frequency bass rumble.
- (2) **Ambient:** Ambient is defined as the sound pressure level exceeded 90% of the time over a 96-hour measurement period with daytime/nighttime division.
- (3) **Anemometer Tower (MET):** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a Utility Grid Wind Energy Conversion System.
- (4) **ANSI:** the American National Standards Institute.
- (5) **Audible:** The varying degrees of sound perception as reported by affidavit, including, but not limited to, just perceptible, audible, clearly audible, and objectionable.
- (6) **dB(A):** The A-weighted sound level.
- (7) **dB(C):** The C-weighted sound level.
- (8) **Decibel (dB):** The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 microPascals); abbreviated "dB."
- (9) **Equivalent Sound Level (or Leq):** The sound level measured in decibels with an integrating sound level meter and averaged on an energy basis over a specific duration.
- (10) **Excessive noise:** Sound that is determined by ordinance to be too loud or unnecessary or creates a noise disturbance.
- (11) **FAA:** The Federal Aviation Administration
- (12) **GIS:** Geographic Information System and is comparable to GPS (global positioning system) coordinates.
- (13) **IEC:** The International Electrotechnical Commission
- (14) **ISO:** The International Organization for Standardization

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- (15) **LMax (LAMax or LCMaX):** The maximum dB(A) or dB(C) sound level measured using the "fast response" setting of the sound meter (equivalent to 0.125 second exponential averaging time).
- (16) **Lease Unit Boundary:** The boundary around a property(ies) leased or purchased for purposes of operating a wind energy facility, including leased or purchased adjacent parcels to the parcel on which the wind energy facility tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road rights-of-way.
- (17) **L10:** Is the noise level exceeded for 10% of the time of the measurement duration. This is often used to give an indication of the upper limit of fluctuating noise, such as that from road traffic.
- (18) **L90:** Is the noise level exceeded for 90% of the time of the measurement duration and is commonly used to determine ambient or background noise level.
- (19) **Noise:** A sound that causes disturbance that exceeds 45dba (Lmax) or 55dbc (Lmax).
- (20) **On-Site Wind Energy Conversion System (also called Small-Scale):** A wind energy conversion system less than 60 feet in total height with the blade fully extended (Tip Height) intended to generate electric power from wind solely for the use of the site on which the system is located. Small-scale WECS primarily intended to provide on-site power, but contribute surplus energy to the grid, may also be considered On-Site Small-scale WECS. Small-scale wind energy systems that consistently sell power back to the public grid will require a special use permit.
- (21) **Participating and Non-Participating Parcels:**
- a) Participating Parcel shall mean a parcel of record that is to be used, occupied, maintained, let, leased or authorized to be used for any purposes of developing or operating a WECS, including construction of improvements, providing access to improvements, providing space for collection or distribution lines, or to meet requirements and regulations set forth herein. Evidence of the participation must be filed at the Bay County Register of deeds in a form of an easement or lease. It must include an appendix with a site plan.

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- b) Non-Participating Parcel shall mean a parcel of record that is not a Participant Parcel.
- (22) **Pasquill Stability Class:** Reference, wikipedia.org Outline of air pollution dispersion.
- (23) **Quiet Rural or Residential property:** Any property where there is an inherent expectation of quiet, including, but not limited to, all residential, business, or agricultural-zoned properties, single family homes, and retirement homes where it is expected that noise not be greater than 45dba (Lmax) or 55dbc (Lmax).
- (24) **SCADA** (supervisory control and data acquisition): A computer system that monitors and controls WECS units.
- (25) **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a Wind Energy Conversion System casting shadows on the ground and stationary objects, such as but not limited to a window of a dwelling.
- (26) **Sound level meter:** An instrument for the measurement of sound levels that meets the ANSI requirements of S1.4-1983 (or later revision) for Type 1 or 2 instruments. For frequency analysis, octave and 1/3 octave filters shall conform to ANSI S1.11-1986 (or later revision).
- (27) **Sound Pressure:** An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- (28) **Sound Pressure Level:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- (29) **Strobe Effect:** The effect resulting from flashing of reflected light, which can be visible from some distance, from the surface finish of turbine blades.
- (30) **Survival Wind Speed:** The maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
- (31) **Tip Height:** The height of the turbine with a blade at the highest vertical point.
- (32) **Utility-Scale (also known as Commercial and Large-Scale) Wind Energy Conversion System:** A wind energy conversion system greater than sixty (60) feet in total height (tip height) intended to generate power

from wind primarily to supplement the greater electric utility grid. Utility-Scale WECS include accessory uses such as, but not limited to, SCADA towers, anemometers, or electric substations.

- (33) **WECS Applicant:** The person, firm, corporation, company, limited liability corporation or other entity, as well as the Applicant's successors, assigns and/or transferees, which applies for Township approval (permit) to construct a WECS and WECS Testing Facility. An Applicant must have the legal authority to represent and bind the Participating Landowner, or lessee, who will construct, own, and operate the WECS or Testing Facility. The duties and obligations regarding a zoning approval for any approved WECS or Testing Facility shall be with the WECS or Testing Facility owner, and jointly and severally with the owner, operator, and lessee of the WECS or Testing Facility if different than the WECS owner.
- (34) **Wind Energy Conversion System (WECS):** Wind Energy Conversion System (WECS): Any combination of the following:
- a) A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
 - b) A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
 - c) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
 - d) The generator, alternator, or another device to convert the mechanical energy of the surface area into electrical energy; and
 - e) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
 - f) Any other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.
- (35) **Wind Energy Conversion System (WECS) Testing Facility:** A structure and equipment such as a meteorological tower for the collection of wind data and other meteorological data and transmission to a collection source, shall not be deemed to be a communication tower.
- (36) **Wind Energy Facility:** Clusters of two or more Utility Grid Wind Energy Conversion Systems, placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which

the Wind Energy Conversion Systems are located. Said Wind Energy Conversion Systems may or may not be owned by the owner of the property upon which they are placed.

(c) **On-Site Wind Energy Conversion System Standards (also called Small Scale).**

The following standards shall apply to On-Site WECS, including Anemometer Towers, in addition to the general Special Approval Requirements of [Section 3.32](#) of this Ordinance:

- (1) **Purpose.** Designed to primarily serve the needs of a dwelling, farm, or small business.
- (2) **Height.** Shall have a total height of 60 feet or less; except where state and federal regulations may require a lesser height; or where, as a condition of special use approval, the Planning Commission requires a lesser height. Height is measured from the average grade at the base of the pole to the highest point of WECS when a blade is in its vertical orientation.
- (3) **Setbacks.** The distance between an On-Site WECS and the property lines shall be equal to 300% of the height of the tower including the top of the blade in its vertical position. The distance between an Anemometer Tower and the owner's property lines shall be equal to 150% of the height of the tower. No part of the WECS structure, including guy wire anchors, may extend closer than 20 feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.
- (4) **Minimum Lot Area Size.** The minimum lot size for a property to be eligible to have an On-Site WECS shall be two (2) acres.
- (5) **Minimum Ground Clearance.** The minimum vertical blade tip clearance from grade and any structure, adjoining property, or tree shall be 20 feet for an on-site WECS employing a horizontal axis rotor.
- (6) **Noise Emission.** Noise emitting from an on-site WECS shall not exceed 45 dB(A) (L_{max}) or 55 dB(C) (L_{max}) at the property line closest to the WECS.
- (7) **Construction Codes, Towers, & Interconnection Standards.** On-site WECS including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, the Tri-City Area Joint Airport Authority Ordinance, and other applicable local and state regulations. An

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interconnected On-site WECS shall comply with Michigan Public Service Commission (MPSC) and Federal Energy Regulatory Commission (FERC) standards. Off-grid systems are exempt from MPSC and FERC requirements.

- (8) **Safety.** The WECS shall meet the following safety requirements:
- a) The WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
 - b) All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS.
 - c) A sign shall be posted near the tower or operations and maintenance office building that shall contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
 - d) All collection system wiring shall comply with all applicable safety and stray voltage standards.
 - e) WECS towers shall not be climbable on the exterior.
 - f) Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the braking system.
 - g) A copy of the un-redacted Safety Manual from the turbine manufacturer shall be submitted to the Township and the turbine must comply with all requirements therein.
 - h) Signs displaying emergency contact information in case of a fire.
- (9) **Shadow Flicker.** On-site WECS shall produce no off-site shadow flicker. Measures to eliminate all effects of shadow flicker on adjacent properties, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, may be required.

(d) **Wind Grid Energy Conversion Systems Purpose and Application.**

The following standards shall apply to On-Site WECS, including Anemometer Towers, in addition to the general special land use requirements this Ordinance:

- (1) **Findings.** This Ordinance has been developed with the intention of obtaining an appropriate balance between the desire for renewable energy

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resources and the need to protect the public health, safety, and welfare of the community and the character and stability of the Township's residential, agricultural, recreational, commercial and/or industrial areas and preserving and protecting the Township's important and sensitive environmental and ecological assets and areas, open space, viewscapes and aesthetics, wetlands, and other ecological and environmentally sensitive areas.

Based on evidence presented in this State and others concerning the adverse secondary effects of wind energy systems on communities, including, but not limited to, findings from the Wind Turbine Siting in Minnesota: Report of Kristi Rosenquist prepared for the Legislative Energy Commission (2017); Wind Turbine Health Impact Study: Report of Independent Expert Panel, prepared for the Massachusetts Department of Environmental Protection (2012); Strategic Health Impact Assessment on Wind Energy Development in Oregon, prepared for the State of Oregon (2012); Potential impact on the Public's Health from Sound Associated with Wind Turbine Facilities, prepared for the State of Vermont's Department of Health (2010); Analysis of the Research on the Health Effects from Wind Turbines, Including Effects From Noise, prepared for the Maine Department of Health and Human Services (2012); Jeffrey et al, "Adverse Health Effects of Industrial Wind Turbines," 59 Can Fam Physician 473-475 (2013); Acquired Flexural Deformation of the Distal Interphalangeal Joint in Foals: Report of Teresa Margarida Costa Pereira E Curto, prepared for the Technical University of Lisbon, Faculty of Veterinary Medicine (2012); Salt, A., and Kaltenbach, J, Infrasound From Wind Turbines Could Affect Humans, 31(4) Bulletin Science, Technology and Society, 296-302 (2011), the following are among the potential harmful secondary effects of wind energy systems:

- a) Falling ice or "ice throws" is physically harmful and measures should be taken to protect the public from the risk of "ice throws."
- b) Nighttime wind turbine noise can cause sleep disturbance. Generally, sleep disturbance can adversely affect mood, cognitive functioning and one's overall sense of health and well-being. Chronic stress and sleep disturbance could increase the risk for cardiovascular disease, decreased immune function, endocrine disorders, and mental illness. In addition, possible health effects include increased heart rate, insomnia, fatigue, accidents, reduction in performance and depression.
- c) Sound from wind energy facilities could potentially impact people's health and wellbeing if it increases background sound levels by more than 10 dB(A) or results in long term outdoor community sound levels above 35-40 dB(A).

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- d) There is evidence that wind turbine sound is more noticeable, annoying and disturbing than other community industrial sounds at the same level of loudness.
- e) People who live near wind turbines are more likely to be impacted by wind turbine than would those far away.
- f) Alternating changes in light intensity caused by the moving blades of wind turbines on the ground and stationary objects, also known as shadow flicker, can cause health issues.
- g) The Township desires to protect ecological and environmentally sensitive areas in the Township, which comprises part of the Saginaw Bay Area, including, but not limited to, habitats for endangered species or heavily used migration routes for species of waterfowl, endangered bat species, and other migratory birds (some of which are protected species), including tundra swans and sand hill cranes. Thus, the Township has determined that wind development sites can adversely impact wildlife and their habitats and makes evaluation of proposed wind development sites essential. The Township finds that any wind development sites should have the lowest potential for negative impacts on wildlife resources and avoid locations with higher concentrations of migratory birds. Further, any wind development sites that would fragment sensitive habitat areas, like rivers, streams, and wetlands, shall be avoided.
- h) The general welfare, health, and safety of the citizens of the Township will be promoted by the enactment of this ordinance.

- (2) **Public Utilities.** Transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment owned or provided by public utility companies or by the Township shall be permitted in all zoning districts. Any equipment enclosures, substations, equipment storage buildings or similar structures shall be subject to the site plan review. Any office, manufacturing, or sales buildings must be located in the Commercial or Industrial zoning district. All commercial wind energy conversion systems operated by public utility companies shall be subject to the requirements of section "Commercial Wind Energy Conversion Systems (WECS)". Unless specifically noted, all WECS permit information and supporting documentation shall be allocated reasonable Township review time based on complexity and outside expertise review. Requirements shall be presented in written form and allow minimum thirty (30) days before Township discussion. Township may at its discretion review provided documents sooner than thirty (30) days. Providing documents without time for Planning Commission to review shall result in permit denial and require WECS application to reapply. Each ordinance section requires approval by the Planning Commission unless otherwise

noted. Township shall review all documentation to assure that residents' health, welfare, and safety are not negatively impinged.

(e) **Review Standards for Commercial Wind Energy Conversion Systems (WECS).**

Wind energy conversion systems and WECS testing facilities, other than those exempted under "Exempt Towers and Wind Energy Conversion Systems (WECS)", shall only meet the following standards. An application for a special land use permit shall be filed with the Township for Special Land Use approvals. Supporting data and documentation must be submitted in their entirety at time of application. Applicant shall provide to the Township updated documents throughout the lifespan of the WECS upon request by the Township Board or Planning Commission. Applicant shall also include the following:

- (1) **Height and Scenic Vista.** The maximum height of any Utility-Scale WECS is 500 feet. The height of a WECS is measured from the lowest natural grade at the base of the pole to the highest point of the WECS when a blade is in its vertical orientation.
- (2) **Permitting Costs:** An escrow account shall be set up when the Applicant applies for a Special Use Permit for a WECS and WECS Testing Facilities. The monetary amount filed by the Applicant with the Township shall be in an amount estimated by the Township Board to cover all reasonable costs and expenses associated with the special 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 fourteen (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 ninety (90) days of permitting process completion. An itemized billing of all expenses shall be provided to the Applicant. The Township shall hire qualified professionals for each and any of the technical fields associated with the Special Use Permit, such as, but not limited to, electrical, acoustics, environment, economics, wildlife, health, and land-use.
- (3) **Abandonment.** Any WECS that is not used to produce energy for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property in accordance with the decommissioning regulations of this ordinance, unless the applicant receives a written extension of that period

from the Township Board in a case involving an extended repair schedule for good cause.

- (4) **Reasonable Conditions.** In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of WECS as a special use.
- (5) **Vibrations.** Wind turbines shall not create vibrations that are detectable by humans on non-participating properties.
- (6) **Decommissioning:** To ensure proper removal of each WECS structure when it is abandoned or non-operational, application for a special land use permit shall include a proof of the financial security in effect before permit is approved. The security shall be in the form of a cash deposit. Additionally, security is based on each WECS and is to be backed by owner assets, operator assets, parent company assets, and leaseholder assets approved by the Planning Commission.
 - a) The amount of each WECS security guarantee, shall be the average of at least two independent (applicant) demolition (removal) quotes obtained by the Planning Commission and approved by the Township Board. If the quantity of quotes obtained is two (2), the formula should be (quote 1 + quote 2) divided by two (2). The security guarantee shall be a cash deposit of no less than 150% of the cost for the first turbine, 120% of the cost for the second turbine and 100% of the cost for each additional WECS thereafter. The security guarantee shall be no less than one-million-dollar cash deposit with (150% for the first turbine, 120% for the second turbine, 100% for each additional turbine) per WECS. Quotes shall be based on individual WECS removal and shall not group multiple WECS simultaneous removals together. Quotes shall be ordered and obtained by the Township from established demolitions companies. Quotes shall not include salvage values. The cash deposit shall be updated every two (2) years at the rate of 1.5 times CPI (consumer price index) for each year.
 - b) Such financial guarantee shall be deposited with the Township Treasurer after a special use has been approved but before construction operations begin on the WECS project. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of a special use approval and this ordinance, and shall subject the Applicant to all available remedies to the Township, including enforcement action, fines, revocation of the special use approval and WECS removal.

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- c) The Applicant shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal.
 - d) The Applicant/Owner and Operator shall execute any and all document (as provided or approved by the Township), sufficient to provide the Township with a perfected security interest in monies deposited with the Township for the purpose of decommissioning any wind energy system.
- (7) **Transfer or sale.** In the event of a transfer or sale of the WECS, the Township shall be notified and the special land use permit, may be amended administratively by the Township board.
- a) Change in ownership alone shall be considered a minor amendment to the special land use and may be approved administratively without a public hearing.
 - b) 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 WECS as outlined herein, including a public hearing.
 - c) Upon transfer or sale, the cash bond shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new estimate.
- (8) **Safety Manual:** The Applicant must provide an unredacted copy of the manufacturer's safety manual for each model of turbine without distribution restraints to be kept at the Township Hall and other locations deemed necessary by Planning Commission or local first responders. The Manual should include standard details for an industrial site such as materials, chemicals, fire, access, safe distances during WECS failure, processes in emergencies, etc.
- (9) **Substations and accessory buildings.** Structures related to a WECS shall be subject to the dimensional and locational standards of structures in the zoning district. Where structures are visible from adjacent properties, vegetative or manmade screening may be required to minimize visual impact off-site. The planning commission shall require vegetative or manmade screening to minimize visual off-site impact.
- (10) **Inspection.** The Township shall have the right upon issuing any WECS or wind energy facility special use permit to inspect the premises on which each WECS is located at any reasonable time. The Township may hire a

consultant to assist with any such inspections at a reasonable cost to be charged to the operator of the WECS.

- (11) **Repair Policy Documentation:** Applicant must provide a detailed policy and process book for the repair, replacement, and removal of malfunctioning, defective, worn, or noncompliant WECS. Sections of the process book should consider any ordinance requirement or WECS performance deficiency.
- (12) **Noise:** Applicant shall provide an initial sound modeling report and, within six (6) months of commencing operation of the WECS, a post-construction report for the project with a schedule and documentation which adhere to the following:
- a) Chart outlining ordinance requirements and a description of compliance or noncompliance.
 - b) Declaration whether submitted data is modeled or measured.
 - c) Declaration of values, test methods, data sources, and similar for all modeled or measured data.
 - d) Estimated timeline for project including ordinance requirements completed, construction, post construction, and validation testing.
 - e) Applicant measured data shall be accompanied by SCADA data confirming full power during testing. Unless otherwise requested, minimum SCADA data format shall be grouped in 24hr periods and 1 second intervals including wind vector, wind speed, temperature, humidity, time-of-day, WECS power output, WECS amps, WECS volts, WECS nacelle vector, WECS blade RPM, WECS blade pitch.
 - f) Permitting data may be submitted based on WECS manufacturer data. However, measured data from active and similar WECS facilities shall be simultaneously submitted.
 - g) It is acknowledged that WECS units sustain wear over time. Applicant is to submit data from existing and similar WECS installations showing aged sound measurements (to demonstrate compliance potential over the life of WECS) in accordance with this ordinance for 5, 10, and 15-year-old units.
 - h) Modeling factors shall be set for the worst-case environment, such as high humidity, frozen ground (non-porous), atmospheric variances (atmospheric profile Pasquill Stability Class E or F preferred), elevated noise source and no ground cover. Use of

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modeling methods (standards) shall have deficiencies (limitations) fully disclosed and shall include known error margins. Non-disclosure of modeling method deficiencies shall require resubmission of SLUP in its entirety with complete modeling deficiencies disclosed.

- (13) **Setback:** The minimum setback from any property line of a Non-Participating Landowner or any road right-of-way shall be no less than 2000 feet. The minimum setback from any property line of a Participating Landowner shall be no less than 1640 feet.
- (14) **Lot Size.** The size of a single property, or a leased unit to be used for a utility-scale WECS shall be sufficient to comply with all setback requirements in this section.
- (15) **Separation:** Tower to Tower Separation shall not be less than 2000 feet to allow for proper safety setback. Measurement shall be from center of hub to center of hub.
- (16) **Ground Clearance:** The minimum clearance from ground level to the blade at its lowest point shall be one hundred (100) feet.
- (17) **Applicant Compliance:** The WECS and related equipment shall comply with any and all State, Federal, County and Township requirements.
- (18) **Blade Clearance:** Blade arcs created by a WECS shall have a minimum of one hundred (100') feet of clearance over and from any structure.
- (19) **Braking:** Each WECS shall be equipped with a braking, or equivalent device, capable of stopping the WECS operation in high winds with or without SCADA control. Braking system shall be effective during complete GRID power failure where WECS are unable to communicate with SCADA control or receive power.
- (20) **Signage:** Each WECS and Testing Facility shall have one sign per turbine, or tower, located at the roadside and one sign attached to base of each WECS, easily visible throughout four seasons. Signs shall be two square feet in area and be placed at the road right of way. Signs shall be the same and shall uniquely identify each WECS. Additional signage on and around the tower is recommended. The sign shall contain at least the following:
 - a) Warning high voltage.
 - b) Participating Land owner's name, WECS owner's name, and operator's name.

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- c) Emergency telephone numbers and web address. (list more than one number).
 - d) If WECS uses fencing, place signs on the perimeter fence at fence entrance door.
 - e) Unique identification such as address of WECS. If more than one WECS on access drive, units shall have further identification such that first responders can positively identify. An identification example is 54585 3 Mile Rd, Bay City, MI 48706.
- (21) **Communication Interference:** Each WECS and Testing Facilities 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 ninety (90) days of receipt of the complaint. Any such complaints shall follow the process stated in Complaint Resolution sections.
- (22) **Infrastructure Wiring:** All electrical connection systems and lines from the WECS to the electrical grid connection shall be located and maintained underground. Burial depth shall be at a depth that causes no known environmental, land use, or safety issues. Depth shall be a minimum of 6ft below grade, be deeper than drain tile and be in compliance with NEC 2014 or newer Code standards. The Planning Commission may waive the burial requirement and allow above-ground structures in limited circumstances, such as geography precludes, or a demonstrated benefit to the township. The waiver shall not be granted solely on cost savings to Applicant. Request for variation shall consider aesthetics, future use of land, and effect on nearby landowners.
- (23) **Road Damage:** The Contractor shall inform the Bay County Road Commission (BCRC) of all the roads they propose to use as haul routes to each construction site. This shall be done prior to beginning any construction at any site. The identified haul routes shall be videotaped by either the BCRC or Contractor prior to the beginning of construction and after construction has been completed. Upon review of the before and after videos and physical review of each roadway, the BCRC shall determine what damage, if any, was caused by the Contractor's vehicles. If it is determined damage to the road was caused by the Contractor's vehicles or activities, the Contractor shall work with the BCRC to determine the extent of the roadway repair needed. This may include, but is not limited to, crush and shaping the roadway, placing additional aggregate, placing a new chip seal surface (two courses minimum), placing a new asphalt surface or a combination thereof. In all cases, the roadway shall be constructed in accordance with the BCRC's current specifications and requirements associated with the type of roadway to be installed. All costs for said work shall be the responsibility of the

Contractor.

- (24) **Liability Insurance:** The current WECS owner and operator shall insure for liability for the WECS in an amount of \$2,000,000, without interruption until removed and comply with section "Site Insurance" to protect the current WECS owner and operator.
- (25) **Coating and Color:** A WECS shall be painted a non-obtrusive (light environmental color such as beige, gray or off-white) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.
- (26) **Shadow Flicker:** No amount of Shadow Flicker may fall on or in a Non-Participating Parcel. Site plan and other documents and drawings shall show mitigation measures to eliminate potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis. Measures to eliminate all effects of shadow flicker on all Non-Participating parcels beginning at the property lines, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, shall be required.
 - a) Participant parcels shall not exceed 30 hours of shadow flicker per calendar year.
- (27) **Strobe Effect:** No amount of Strobe Effect may fall on or in any parcel. Under no circumstances, shall a WECS or Testing Facility produce strobe-effect on properties.
- (28) **Voltage:** The Applicant shall be responsible for compensation to residents for property, including livestock, health or other damage by stray voltage caused by a WECS. The Applicant shall demonstrate WECS prohibits stray voltage, surge voltage, and power from entering ground.
- (29) **Protection of Adjoining Property:** In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any WECS or Testing Facility unless it finds that the WECS or Testing Facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.
- (30) **Removal and Site Renovation:** A condition of every approval shall be adequate provision for the removal of the structure in its entirety whenever it ceases to actively produce power for one hundred eighty (180) days or more. The Planning Commission can grant an extension of an additional one hundred eighty (180) days upon the WECS owner demonstrating that the structure will be put back into use. Removal shall include the proper receipt of a demolition permit from the Building Official and proper restoration of the site, including but not limited to all participating parcels, to original condition. Removal of the structure, wiring, and its accessory use facilities shall include removing the caisson and all other components in their entirety. Restoration must be completed within 365 days of non-

operation. The WECS owner must provide data indicating the repaired WECS is in good operational condition and functioning at an efficiency similar to surrounding WECS.

- (31) **Operational, Maintenance, and Issue Resolution:** Each WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the Applicant shall take expeditious action to correct the situation, including WECS removal. The Applicant shall keep a maintenance log on each WECS and must provide complete log to the Township within thirty (30) days of request.
- (32) **Complaint Resolution:** It is the intent of this ordinance to provide a mechanism to address and resolve complaints prior to the expenditure of significant funds by the Township and/or operator for investigation and resolution. Therefore, the Township shall perform an initial vetting of complaints prior to requesting funds from the operator for complaint resolution efforts. Complaints of noncompliance with the requirements of this ordinance shall be resolved in the following manner:
- a) Complaints shall be submitted to the Township Supervisor in writing from the affected property owner, or written designee, including name, address, contact information, and specific complaint. The written complaint shall include the specific section of the ordinance which is believed to be violated. The Supervisor shall cause the complaint to be added to the agenda of the next Township Board meeting in accordance with the procedure for setting the agenda.
 - b) The Supervisor shall submit to the operator of record notice of all written complaints to the Township within thirty (30) days of receipt of any complaint. Complaints received by the Township and the date of any Township Board meeting where complaints may be considered shall be communicated to the operator at least 10 days prior. The notice shall state that the Township Board may determine that the WECS is in violation of its permit and is therefore a nuisance and may be ordered out of service until the owner operator can demonstrate compliance with the requirements of this ordinance.
 - c) Upon review, if the Township Board, by an affirmative vote of the majority of the members present, deems a complaint sufficient to warrant an investigation, the Township Board shall notice the owner(s) and/or operator of the WECS that an investigation has been requested by the Board.
 - d) Owner operator shall be required as a condition of the operation to fund an escrow account for investigation of complaints for, but not

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limited to, shadow flicker, stray voltage, noise, and signal interference in the amount of \$15,000.00 to be use at the discretion of the Township Board. When the escrow account balance is below \$5,000.00 the Township shall notify the Applicant and the Applicant shall replenish the account in the amount of \$15,000.00 within 45 days.

- e) If the WECS is found in violation of this ordinance, the owner(s) and/or operator shall take immediate action to bring the WECS into compliance. If the operator fails to bring the operation into compliance within thirty (30) days, the Township may seek any relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation. Each violation for which the owner(s) and/or operators are deemed responsible shall result in a \$500.00 fine. Each day of non-compliance shall be a separate offense.
- f) Any WECS found by the Township Board to be in violation of this ordinance set forth herein shall be considered a nuisance and the WECS operations shall cease until such time as the WECS owner/operator can demonstrate compliance with the requirements of this ordinance.

(33) Regulation of WECS Commercial and Industrial Noise: To preserve quality of life, peace, and tranquility, and protect the natural quiet of the environment. This ordinance establishes the acoustic baseline, background sound levels for project design purposes, and limits the maximum noise level emissions for commercial and industrial developments. Residents shall be protected from exposure to noise emitted from commercial and industrial development by regulating said noise.

(34) Non-Compliance with Standards: The Township Board reserves the right to require WECS Applicant to shut down any WECS unit that does not meet ordinance requirements until such WECS unit meets ordinance requirements or is removed.

(35) Noise:

- a) No WECS shall generate or permit to be generated audible noise from commercial or industrial permitted facilities that exceeds 45 dBA (L_{max}) or 55 dBC (L_{max}) (dBC to dBA ratio of 10 dB per ANSI standard S12.9 Part 4 Annex D) for any duration, at a property line or any point within any property.
- b) No WECS shall generate or permit to be generated from commercial or industrial permitted facilities any acoustic, vibratory, or barometric oscillations in the frequency range of 0.1

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to 1 Hz that is detectable at any time and for any duration by confirmed human sensation or exceeds a sound pressure level from 0.1 to 20 Hz of 50 dB(unweighted) re 20uPA or exceeds an RMS acceleration level of 50 dB(unweighted) re 1 micro-g by instrumentation at a landowner's property line or at any point within a landowner's property.

- c) No WECS shall generate or permit to be generated from commercial or industrial permitted facilities any vibration in the low-frequency range of 0.1 to 20 Hz, including the 1, 2, 4, 8, and 16 Hertz octave bands that is perceivable by human sensation or exceeds an rms acceleration level of 50 dB(unweighted) re 1 micro-g at any time and for any duration either due to impulsive or periodic excitation of structure or any other mechanism at a landowner's property line or at any point within landowner's property.
- d) A noise level measurement made in accordance with methods in section "Noise Measurement and Compliance" that is higher than 45dBA (L_{max}) or 55 dBC (L_{max}) adjusted for the penalty assessed for a tonal noise condition, shall constitute prima facie evidence of a nuisance.
- e) An acoustic, vibratory or barometric measurement documenting oscillations associated to commercial or industrial permitted facilities with levels exceeding the noise limits shall constitute prima facie evidence of a nuisance.
- f) All commercial and industrial activity shall comply with limits and restrictions anywhere at any time on another property.
- g) Leq 1-sec shall be used for all measurements and modeling.

(36) Noise Measurement and Compliance

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- a) Post construction validation and compliance testing shall include a variety of ground and hub height wind speeds, at low (between 6-9mph) medium (between 9-22mph) and high (greater than 22mph). SCADA data shall be provided in the format determined by Township, Township licensed engineers, or Township professional acousticians. Compliance noise measurements are the financial responsibility of the WECS owner of the facility and shall be independently performed by a qualified professional acoustician approved by the Monitor Charter Township Board or their designated agent. Compliance noise measurements shall not exceed the stipulated noise limits and shall assess for and apply tonal noise penalties when warranted.
- b) **Quality:** Measurements shall be attended. All noise measurements shall (must) exclude contributions from wind on microphone, tree/leaf rustle, flowing water, and natural sounds such as tree frogs and insects. The latter two can be excluded by calculating the dBA noise level by excluding octave band measurements above the 1000 Hz band as in ANSI S12.100 3.11. The ANS-weighted sound level is obtained by eliminating values for octave bands above 1000 Hz, or one-third octave bands above 1250 Hz, and A-weighting and summing the remaining lower frequency bands. The wind velocity at the sound measurement microphone shall not exceed 3 m/s (7 mph, maximum) during measurements. A 7-inch or larger diameter windscreen shall be used. Instrumentation shall have an overall internal noise floor that is at least 5 dB lower than what is being measured. During testing of elevated sources including, but not limited to, wind turbines, the atmospheric profile shall be Pasquill Stability Class E or F preferred, Class D as alternate.
- c) **Noise Level:** Noise measurements shall be conducted consistent with ANSI S12.18 Procedures for Outdoor Measurement of Sound Pressure Level and ANSI S12.9 Part3 (Quantities and Procedures for Description and Measurement of Environmental Sound ó Part 3: Short-term Measurements with an Observer Present), using Type 1 meter, A-weighting, Fast Response.

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- d) **Tonal Noise:** Tonal noise shall be assessed using unweighted (linear) 1/3 octave band noise measurements with time-series, level-versus-time data acquisition. A measurement shall constitute prima facie evidence of a tonal noise condition if at any time (single sample or time interval) the noise spectrum of the noise source under investigation shows a 1/3 octave band exceeding the average of the two adjacent bands for by 15 dB in low one-third octave bands (106125 Hz), 8 dB in middle-frequency bands (1606400 Hz), or 5 dB in highfrequency bands (500610,000 Hz).
- e) **Sample Metric and Rate:** Noise level measurements for essentially continuous non-timevarying noise sources shall be acquired using the Leq(Fast) metric at a sample rate of 1-persecond. For fluctuating or modulating noise sources including, but not limited to, wind turbines, a 10-per-second sample rate or faster shall be used. These sample rates shall apply to dBA, dBC and unweighted 1/3 octave band measurements.
- f) **Reporting:** Measurements of time-varying dBA and dBC noise levels and 1/3 octave band levels shall be reported with time-series level-versus-time graphs and tables. Graphs shall show the sound levels graphed as level-vs-time over a period of time sufficient to characterize the noise signature of the noise source being measured. For 1-per-second sampling, a 5-minute-or-longer graph shall be produced. For 10-per-second sampling, a 30-second-or-longer graph shall be produced. Reporting shall identify, and graphs shall be clearly notated, identifying what was heard and when the noise source is dominating the measurement. Reporting shall furnish all noise data and information on weather conditions and, Pasquill Class occurring during testing.

(f) Wind Energy Conversion System (WECS) Site Plan Review Procedure.

- (1) Environmental Assessment:** The Applicant shall fund an environmental assessment or impact study and other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review. Such assessments or studies shall be completed by an independent third-party professional that is acceptable to the Township. Studies shall be limited to the area within three (3) miles outside of the Township boundaries. This includes gas lines, oil wells, coal mines, water lines Dow Chemical lines, Enbridge lines, and any other similar area determined by the Planning Commission to require and Environmental Assessment.
 - a) A background (ambient) sound study shall be performed by an independent third-party acoustician acceptable to the Township and a report provided which indicates Leq 1 second, (same as

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LMax) L10, and L90 sound levels using A-weighting and C-weighting. Data shall be collected at midpoints along property lines of adjoining Non-Participating and Landowners Participating. Measurement procedures are to follow the most recent versions of ANSI S12.18 and ANSI S12.9, Part 3 guideline (with an observer present). Measurements shall be taken using an ANSI or IEC Type 1 Precision Integrating Sound Level Meter. The study must include a minimum of a four-day (96 hour) testing period, include one Sunday, and divide data by daytime and nighttime. The sound background study shall report for the period of the monitoring topography, temperature, weather patterns, sources of ambient sound, and prevailing wind direction.

- (2) **Economic Impact:** The Applicant shall fund and provide an economic impact study for the area affected by the WECS project. Such a study shall include probable financial impact regarding jobs, tax revenue, lease payments and property values at a minimum and average set-backs distances. Business and residential growth potential shall be considered.
- (3) **Site Plan:** The Applicant shall submit a site plan in full compliance with this Ordinance. The Applicant shall also submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards, as well as information regarding health, welfare and safety in areas including, but not limited to, noise, vibration, shadow flicker, and blade ice deposits. This information shall also address the potential for the WECS to structurally fail or collapse, and what results should be expected in such an event.

The application for a WECS shall be reviewed in accordance with all applicable requirements in site plan review and special use requirements of this Ordinance. In addition to these requirements, site plans and supporting documents for WECS shall include the following additional information, as appropriate:

- a) Documentation that noise emissions, construction code, tower, and safety requirements have been reviewed by the appropriate third-party professional and the submitted site plan is prepared to show compliance with these issues.
- b) Proof of the applicant's public liability insurance for the project.
- c) A copy of that portion of all the applicant's Participating Property lease(s) with the land owner(s) granting authority to install the WECS and/or Anemometer Tower; legal description of the property(ies), Lease Unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.

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- d) An un-redacted safety manual from the turbine manufacturer and a statement from the applicant verifying that the WECS is or will be operated in compliance with all requirements therein.
- e) The phases, or parts of construction, with a construction schedule.
- f) The project area boundaries.
- g) The location, height, and dimensions of all existing and proposed structures and fencing.
- h) The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest County or State maintained road.
- i) A description of the routes to be used by construction and delivery vehicles and of any road improvements that shall be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the WECS.
- j) All new infrastructure above and below ground related to the project, including transmission line locations.
- k) A copy of Manufacturer's Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- l) Description of operations, including anticipated regular and unscheduled maintenance.

(4) Additional Requirements for commercial Wind Energy Conversion Systems:

- a) A wind assessment study conducted within a potential project area shall be completed within 18 months of the date of application for a WECS. The study must show analysis for a period of time no less than one (1) year. The height of an anemometer (or similar) device measuring wind availability shall be placed within the potential vertical swept blade area of the proposed WECS. Temporary (one-year) installation of said device may be applied

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for through the Township site plan approval process and may be approved for a height acceptable to determine feasibility of a WECS height allowed by this ordinance. The anemometer shall be decommissioned in accordance with this ordinance, including the provision of a security bond covering decommissioning costs.

- b) A copy of a noise modeling and analysis report completed by a third-party acoustician acceptable to the Township and the site plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the Utility Grid WECS shall not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to the most current protocol for The International Electrotechnical Commission (IEC) 61400, Parts 11 and 14, The International Organization for Standardization (ISO) 9613-2, and ANSI S12.62, including all tolerances and uncertainties. After installation of the WECS, sound pressure level measurements shall be performed by a third party, acoustician acceptable to the Township according to the procedures in the most current version of The American National Standards Institute (ANSI) S12.9, Part 3 and ANSI S12.100 for measurements (with an observer). All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the actual sound pressure level measurements shall be provided to Monitor Township within 60 days of the commercial operation of the project and as requested to respond to a noise complaint from a resident.
- c) A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles.
- d) A copy of an Environmental Analysis by a third party qualified professional acceptable to the Township to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that shall remain after mitigation efforts.
- e) A copy of a site suitability analysis by a third party qualified professional acceptable to the Township to identify and assess any potential impacts to or hazardous conditions resulting from

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proximate existing uses and conditions. The suitability analysis must include:

- i) A flight pattern analysis and impact statement.
 - ii) A subsurface mine analysis and impact statement.
 - iii) An oil and gas lease analysis and impact statement.
 - iv) Other local site conditions identified by Planning Commission.
- f) A copy of a shadow flicker analysis at Non-Participating Parcel property lines to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the owners and/or occupants of the Non-Participating Parcels and show measures that shall be taken to eliminate the problems.
- g) The restoration plan for the site after completion of the project which includes the following supporting documentation:
- i) The anticipated life of the project.
 - ii) The estimated decommissioning costs as defined in this ordinance
 - iii) The cash bond ensuring that funds shall be available for decommissioning and restoration.
 - iv) The anticipated manner in which the project shall be decommissioned, and the site restored.
- h) A contact person/address to which any notice of complaint, as defined by this ordinance, may be sent.
- i) Building Siting: GIS locations and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above-ground structures associated with the WECS.

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- j) **Nearby Building Siting:** GIS locations and height of all adjacent buildings, structures, and above ground utilities located within three (3) times minimum set-back distance for Non-Participating Landowners where the proposed WECS and WECS Testing Facility will be located. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the WECS or Testing Facility, located on the lot or parcel involved.
- k) **Access Driveways:** GIS location of WECS and Testing Facility access driveways together with details regarding dimensions, composition, and maintenance of the proposed driveways and be filed with the township and recorded at the Bay County Register or Deeds as an easement. The site plan shall include traffic routes, time of the year use, staging areas, and any other physical sites related to WECS. Construction of the Access Driveway that serves a WECS or Testing Facility is required to protect the public health, safety, and welfare by offering an adequate means by which governmental agencies may readily access the site in the event of an emergency. All such roads shall be constructed to allow access at all times by any emergency service vehicles, such as fire, police, and repair. Access driveways shall be no closer than 300ø to adjacent property unless The Applicant provides an easement in the form of a signed approval by affected Participating Landowners. Access driveways must meet Monitor Township Fire Department regulations and grant permanent access easement to the Township to be recorded at the Bay County Register of Deeds.
- l) **Facility Security:** Security measures shall be sufficient to prevent unauthorized trespass and to protect health, welfare, and safety.
- m) **Maintenance Program and Resolution Program:** The Applicant shall provide to the Township a written description of the problem and failure program to be used to resolve the WECS and WECS Testing Facility issue, including procedures and schedules for removal when determined to be obsolete or abandoned.
- n) **Site Lighting:** A lighting plan for each WECS and Testing Facility. Such plan must describe all lighting that will be utilized and documentation that FAA requirements are met. RADAR activated lighting shall be utilized if allowed by FAA. Such a plan shall include but is not limited to, the planned number and location of lights, light color, activation methods, effect on township residents and whether any lights blink. Due to complexity in describing lighting effects for health, welfare, and safety, Applicant shall, if available, provide example locations with product descriptions, where similar, or proposed, lighting solutions

are currently deployed. Lighting shall be fully shielded from ground, be FAA compliant, and be of most current design, to minimize lighting blinking and brightness nuisance. (Tri City Airport recommends no Turbines South of US 10, or East of I 75).

- o) Proof of documents recorded at the Bay Country Register of Deeds.
- p) Supplemental: Additional detail(s) and information as requested by the Planning Commission.

(5) Site Insurance: The Applicant shall provide proof of insurance for each WECS at all times for at least \$2,000,000 for liability, property damage, livestock damage, and future earnings loss. Applicant shall provide yearly proof of insurance to Township that confirms active coverage for the Applicant, Township, Participating Landowners, and Non-Participating Landowners. Aggregate policies are allowed if minimum coverage per WECS is satisfied and coverage is provided for every site where Applicant's equipment is located.

(g) Deposit to defray cost of hiring consultants and experts.

To administer the provisions relating to WECS, the Township may hire consultants and experts as are reasonably necessary in the sole discretion of the Township. The applicant shall pay the Township in advance for the costs of such consultants and experts. The township shall require a minimum of \$50,000.00 to be held in escrow for these costs. The Township may charge an annual fee to be determined by the Monitor Township Board and assess additional fees in order to execute its responsibilities related to a project. Any fees charged must be reasonable in light of efforts require.

Applicant shall be required as a condition of approval to fund an escrow account for investigation of complaints for, but not limited to, shadow flicker, stray voltage, noise, and signal interference to the amount of \$15,000.00 to be used at the discretion of the Monitor Township Board. When escrow account balance is below \$5,000.00, Township shall notify Applicant and Applicant shall replenish account in the amount of \$15,000.00 within 45 days.

Section 3.49 SHARED ACCESS ON NON-RESIDENTIAL LOTS

The following shared access provisions shall apply to any non-residential zoned lot:

- (a)** Access across adjacent lots. For any lot where vehicular access is proposed across another private lot (in lieu of direct connection to a public road), a shared access easement shall be required which demonstrates continuous vehicular access between the proposed use or uses and a public road. Shared access easements shall be created according to the provisions in [Section 3.49\(b\)](#) below.

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- (b) **Shared Access Easements.** A shared access easement is a privately-owned and maintained right-of-way that provides vehicular access to adjacent building lots. Shared access easements may cover a private access drive and/or any portion of an off-street parking area.

The following standards shall apply to all shared access easements:

- (1) The minimum width of a shared access easement shall be 66 feet, in order to provide space of construction and maintenance of public utilities, including but not limited to sewer and water. The Planning Commission may reduce the width of the easement if utilities are not required or for other demonstrable reason that a 66-foot wide easement is not necessary.
 - (2) Any driveway connecting to a shared access easement shall be constructed in conformity with the dimensional standards of the Bay County Road Commission.
 - (3) For every shared access easement, a written agreement which provides for continued use and maintenance of the easement area shall be recorded with the Bay County Register of Deeds. The agreement shall also grant a right of access to the easement to the Township as may be necessary to ensure the public health, safety, and welfare. A copy of the recorded agreement, including a certified survey and legal description of the easement, shall be provided to the Township for its records.
- (c) **Non-residential driveway standards.** All driveways and shared access drives serving non-residential uses shall comply with the following minimum requirements, in addition to applicable engineering standards enforced by the Township.
- (1) **Minimum Driveway Width.** Any driveway or shared access drive serving two or more non-residential parcels shall be at least 26 feet in width, not including required curbs and gutters.
 - (2) **Minimum Vertical Clearance.** Driveways, shared access drives, and internal circulation routes needed for emergency access and/or designated as truck routes shall maintain a minimum vertical clearance of 15 feet.
 - (3) **Construction Standards.** All non-residential driveways and shared access drives shall be paved with concrete or plant-mixed bituminous material and graded so as to dispose of surface waters. Curb and gutter, constructed to the standards of the Bay County Road Commission, shall be required along all non-residential driveways and shared access drives.

Section 3.50 RUMMAGE, GARAGE, YARD, ESTATE, AND MOVING SALES

The intent of this section is to provide regulations for the operation of rummage, garage, yard, estate, and moving sales on properties with residential uses so that the adjacent residential uses

are not disturbed or disrupted.

- (a) Not more than three (3) rummage, garage, yard, estate, moving or sales of this nature, shall be conducted by a household of the Township during the calendar year.
- (b) Said rummage, garage, yard, estate or moving sales shall not exceed three (3) days duration.
- (c) Temporary Signs, as defined by [Section 2.85\(s\)](#), may be provided following the provisions found in [Section 15.03\(h\)](#).
- (d) There must be a residential dwelling located on the same parcel.

Section 3.51 VEHICLE AND MISCELLANEOUS SALES

Residentially used lots are permitted to sell only one item (car, RV, motor home, etc.) with a maximum display time of 90 days per year.

Section 3.52 SOLAR ENERGY SYSTEMS

- (a) Rooftop and building mounted solar energy systems are permitted in all zoning districts as accessory uses, subject to the following regulations:
 - (1) Systems shall not extend more than 4 feet above the surface to which it is affixed.
 - (2) No solar energy system may protrude beyond the edge of the roof.
 - (3) A building permit shall be required for installation of all systems.
 - (4) When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
 - (5) If a rooftop solar energy system ceases to perform its intended function for more than 12 consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than 90 days after the end of the 12-month period.
 - (6) Structural engineering report shall satisfy the Township that the structure will support the additional weight of the system.

- (b) Ground Mounted Solar Energy Systems are permitted in all zoning districts except residential, with special land use approval, subject to the following regulations:
- (1) Location. The solar energy system may not be located in either the required front setback of any lot, and shall be set back a minimum of 50 feet from any side or rear property line.
 - (2) Height. The height of the solar energy system and any mounts shall not exceed 10 feet when oriented at maximum tilt.
 - (3) Building Permit. A building permit shall be required for any ground mounted solar energy system.
 - (4) Lot Coverage. Ground mounted solar energy systems may not exceed 20% coverage of the total lot area.
 - (5) Batteries. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
 - (6) Removal. If a Ground Mounted Solar Energy system ceases to perform its intended function for more than 12 consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than 90 days after the end of the 12-month period. A cash bond shall be posted to remove the complete structure prior to installation.
 - (7) Screening. Ground Mounted Solar Energy Systems shall be screened from adjacent residential uses and districts.
 - (8) Waiver. Planning Commission may waive any or all of the above standards upon review of the special land use application finding the following conditions apply.
 - a) The proposed use will not impact the productive use of adjacent properties.
 - b) Site access and traffic can be accommodated on the roadway system.
 - c) The use will not destroy potential future use for agriculture.

Section 3.53 TEMPORARY USES AND STRUCTURES

Temporary uses and temporary structures that are not otherwise permitted within this Ordinance

shall be authorized only if the following standards are met:

- (a) Permits for temporary uses or temporary structures may be granted by an authorized Township Official for a period of up to six months under the following conditions:
 - (1) The use and/or structure is permitted in the proposed Zoning District. Uses and related structures that are classified as Special Land Uses in the proposed Zoning District shall not be eligible for a temporary use permit.
 - (2) Permanent alterations to the site are prohibited.
 - (3) At the conclusion of the event, the property must be restored to its original condition.
 - (4) The temporary use or temporary structure shall comply with all applicable construction codes and any other applicable governmental regulations, ordinances, or laws.
 - (5) The temporary use or temporary structure must be located outside any easement, right-of-way, buffers, or landscaping.
 - (6) The temporary use or temporary structure must be located in an area that is not actively used by an existing, approved principal use and will not disturb existing setbacks, traffic or pedestrian movements, storm water drainage, or parking space availability.
 - (7) Temporary structures shall not be used for human overnight shelter.
 - (8) A site or sketch plan is required with each permit application as deemed appropriate by the authorized Township Official.
 - (9) A temporary use or temporary structure shall be reviewed for safety and zoning compliance by the Fire Department, Township Engineer, and Township Planner, as determined by an authorized Township Official.
 - (10) A temporary use permit fee shall be established by the Township Board.
 - (11) A six-month extension of the temporary permit may be granted by an authorized Township Official. Any further extensions shall be granted by the Planning Commission.
 - (12) Conditions and requirements may be added to the permit to meet the intent of this provision.
- (b) Mobile vendors are permitted to operate without a temporary use permit in commercial or industrial districts under the following conditions:

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- (1) The owner of the site where the temporary use is operating provides evidence of written permission upon the request of an authorized Township Official.
- (2) The use operates less than eight hours per day.
- (3) The use occupies less than 25% of the required parking area.
- (4) The duration of the use is for less than six (6) months.
- (5) The use is subject to inspection by an authorized Township Official for compliance with all applicable construction codes and any other applicable governmental regulations, ordinances, or laws.

Chapter 4: MAPPED DISTRICTS

Section 4.01 ZONING DISTRICTS

For the purposes of this Ordinance, Monitor Township is hereby divided into the following zoning districts:

- (a) AG Agricultural District
- (b) R-1 Low Density Single Family Residential District
- (c) R-2 Medium Density Single Family Residential District
- (d) R-3 Medium Density Multiple Family Residential District
- (e) C General Business District
- (f) I-1 Industrial District
- (g) I-2 Industrial District
- (h) FP Floodplain Overlay District
- (i) PUD Planned Unit Development District

Section 4.02 ZONING MAP

The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Monitor Township, Bay County, Michigan", which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

- (a) Boundaries indicated as approximately following the centerline of streets, highways, alleys or railroads, shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
- (d) Boundaries indicated as approximately following the centerline of creeks, streams or rivers shall be construed as following such creeks, streams or rivers, or in the event of change in the location of creeks, streams or rivers, shall be construed as moving with the creek, stream or river.
- (e) Boundaries indicated as approximately following property lines, section lines or other lines of government survey shall be construed as following such property lines, section lines, or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

Section 4.03 AREAS NOT INCLUDED WITHIN A DISTRICT

In every case where land has not been included within a district on the zoning map, such land shall be in the AG Agricultural District.

Section 4.04 OFFICIAL ZONING MAP

The official zoning map shall be maintained in the Monitor Township Hall and shall show all amendments in Zoning District boundaries as they are made from time to time.

Section 4.05 TABLE OF DIMENSIONAL STANDARDS

The following is a table of dimensional standards by district for the primary building on a lot. Dimensional standards for accessory building are located in the individual sections.

Mapped Districts

Zoning District	Land Use	Maximum Height (ft.)	Minimum Setback Requirements (ft.)			Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	
			Front Yard	Side Yard	Rear Yard			
AG	Residential: no services	35	50	50 ft. total 20 ft. each	50	1 acre	200	
	Residential: water only					42,000	165	
	Residential: water + sewer					28,000	140	
	Farms			50 ft. each	n/a	20 acres	330	
	All other uses					10 acres		
R-1	Single-Family: no services	35 ft. 2.5 stories	30	25 ft. total 10 ft. each	40	15,000	100	
	Single-Family: water + sewer					12,000		
	Non-residential					2 acres	200	
R-2	Single-Family: no services	35 ft. 2.5 stories	30	20 ft. total 10 ft. each	30	12,000	100	
	Single-Family: water + sewer					10,000		
	Two-Family: no services					24,000	120	
	Two-Family: water + sewer					20,000	100	
	Non-residential					1 acre	200	
R-3	Single-Family: no services	40 ft. 3 stories	25	25 ft. total 10 ft. each	30	12,000	100	
	Single-Family: water + sewer					8,000	80	
	Two-Family: no services					24,000	120	
	Two-Family: water + sewer					18,000	100	
	Multi-Family: no services					20 ft. each	14,000 / Dwelling Unit	100
	Multi-Family: water + sewer			4,356 / Dwelling Unit				
	Non-residential			15,000				
C	Abutting an AG or R District	35	40 unless otherwise determined	25	25	15,000	100	
	Abutting a C or I District			15				10
	Street side of a corner lot			40				n/a
	All other cases			n/a				10
I-1	All cases	45 ft. or 3 stories, whichever is less	50	See Section 10.05(b)	50	40,000	200	
I-2	General	45 ft. or 3 stories, whichever is less	100	See Section 11.05(b)	100	5 acre	450	
	Platted industrial subdivision of record at time of ordinance amendment					1 acre	200	
PUD	*See Chapter 13 for regulations of residential, commercial, and industrial planned unit developments.							

Mapped Districts

Mapped Districts

Chapter 5: AG AGRICULTURAL DISTRICT

Section 5.01 DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate and preserve certain portions of the township for farming and animal husbandry, dairying, horticultural and other agricultural activities. At the same time, in order to provide a degree of flexibility, it is intended that the agricultural district allow single family, non-farm dwellings on large parcels and other uses that require large parcels of land.

Section 5.02 PERMITTED USES

In the Agricultural District, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following:

- (a) Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms. However, no specialized farming shall be allowed on any agricultural property when the property line of said farm is within three hundred (300) feet of a residential zoning district, unless a special land use permit is obtained from the Planning Commission.
- (b) Greenhouses
- (c) Forestry operations
- (d) Nurseries, orchards, vineyards, apiaries, chicken hatcheries, and private stables. The processing and storage of animals and products grown on the above listed farms is permitted when accessory and incidental to a farm as defined in this Ordinance.
- (e) Single family non-farm dwellings.
- (f) Private Stables, when the proposed stable is to be located on property with a property line more than one hundred and fifty (150) feet away from property zoned for residential purposes.

All private stables, whether allowed by right or under a special land use permit granted by the Planning Commission, shall meet the following requirements.

- (1) A minimum of five (5) acres is required for a private stable, housing one horse.
- (2) One and one-half (1 ½) acres is required per each additional horse.
- (3) A minimum of one-half (1/2) acre of the property must be used solely as pastureland for each horse.

Agricultural District

- (4) In order to house more than ten (10) horses, the property must be at least twenty (20) acres in size, and thus must comply with the requirements of a public stable, and thereupon shall be considered a specialized farm, subject to the regulations of such under this Ordinance and as may be promulgated by the Michigan Department of Agriculture or designated agency.

Each parcel that contains a private stable shall conform to the following yard setback requirements:

- a) Pasture ó Zero (0) feet.
- b) Corral or Barn ó One hundred (100) feet.

- (5) The operation of a private stable containing ten (10) horses or less, as defined and regulated in this ordinance shall not constitute a farm, either generalized or specialized, per se.

- (6) Accessory buildings or structures, excluding attached and detached vehicular garages, located on a parcel with a private stable use, shall be limited to a total building size of Three Thousand (3,000) square feet.

- (g) Public stables, when located on property with a property line more than three hundred (300) feet away from property zoned for residential purposes. In considering such authorization, the Planning Commission shall consider the following proposed standards:

- (1) The size, nature, and character of the proposed stable;
- (2) The proximity of the proposed stable to adjoining properties and the current zoning and planned uses for the adjoining properties;
- (3) The possibility of noise, odor, or other disturbances or hazards for adjoining properties and 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, whether allowed by right or under a special land use permit granted by the Planning Commission, shall meet the following requirements:

- a) A stable shall have a minimum lot area of ten (10) acres and two hundred fifty (250) feet of frontage.

- (6) Each public stable shall provide yards as follows:

- a) Front ó One hundred (100) feet.

- b) Side ó Two (2) side yards of no less than fifty (50) feet each.
- c) Rear ó Fifty (50) feet.
- (7) Stables shall meet the requirements of Michigan Act 93 of 1974, as amended.
- (h) Roadside stands which sell only products grown or produced on the homeowner's premises.
- (i) Signs as regulated by [Chapter 15](#).

Section 5.03 USES PERMITTED WITH SPECIAL LAND USE APPROVAL

The following uses are allowed in the AG District only after special use approval is granted by the Planning Commission:

- (a) Golf courses.
- (b) Parks, athletic grounds, playgrounds and community centers.
- (c) Churches, public, private and parochial schools and colleges, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization.
- (d) Governmental, administration or service buildings including fire stations and other public service facilities which are owned and operated by a governmental agency or a non-commercial organization.
- (e) Municipal, denominational and private cemeteries.
- (f) Home occupations in a single family dwelling. In considering such authorization, the Planning Commission shall consider the provisions of [Section 3.25](#) and the following standards:
 - (1) The nature of home occupations;
 - (2) The effect of the home occupation on the surrounding neighborhood;
 - (3) The environmental effects of the home occupation;
 - (4) The nature of the surrounding neighborhoods;
 - (5) Potential traffic congestion as a result of the home occupation; and
 - (6) Provisions for parking for traffic or clientele which may result from the operation of a home occupation.

- (g) Kennels.
- (1) In considering such authorization, the Planning Commission shall consider the following standards:
- a) The size, nature, and character of the proposed kennel;
 - b) The proximity of the proposed kennel to adjoining properties and the current zoning and planned uses for the adjoining properties;
 - c) The possibility of noise, odor, or other disturbances or hazards for adjoining properties and the surrounding neighborhoods because of the proposed kennel; and
 - d) Potential traffic congestion which may arise because of the proposed kennel.
- (2) Kennels granted a special land 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:
 - i) Front ó One hundred (100) feet.
 - ii) Side ó Two (2) side yards of no less than fifty (50) feet each.
 - iii) Rear ó Fifty (50) feet.
- (h) Private Stables, when located on property with a property line within one hundred and fifty (150) feet of property zoned for residential purposes. All private stables, whether allowed by right or under a special land use permit granted by the Planning Commission, shall meet the requirements of [Section 5.02\(f\)](#).
- (i) Public stables, when located on property with a property line within three hundred (300) feet of property zoned for residential purposes. In considering such authorization, the Planning Commission shall consider the standards of [Section 5.02\(g\)](#).
- (j) Radio and television stations with or without towers, antennas and masts. Operations granted a special land use permit by the Planning Commission shall meet the following conditions:

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- (1) All buildings shall be at least one hundred (100) feet from all property lines.
 - (2) All masts, towers, aerials and transmitters shall be at least a distance equal to the height of such structures from all property lines.
 - (3) The buildings shall conform to the character of the area in which they are located.
- (k) Removal and/or processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources including composting, except composting done for single family sites for the property owners' own purposes. In considering such authorization, the Planning Commission shall consider the following:
- (1) The size of the property from which such topsoil, sand, gravel, or other such materials are to be removed.
 - (2) The amount of topsoil, sand, gravel or other such materials which is to be removed.
 - (3) The purpose of such removal.
 - (4) The effect of such removal on adjoining property.
 - (5) The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table.
 - (6) The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas.
 - (7) The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resource.
 - (8) Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the material removed.
 - (9) Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any other persons having reason to be within the area of activity.
 - (10) No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a permitted use within the District in which the extraction activity is located.

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- (11) No storage or truck parking shall be located within two hundred (200) feet of any adjacent residence or within fifty (50) feet of any other adjacent property.
 - (12) All of the operation may be required to be screened with a wire screen or uniformly painted wood fence at least six (6) feet in height, and it shall be screened with a vegetation barrier on any side adjacent to residentially used property.
 - (13) No part of the operation or removal shall take place closer than two hundred (200) feet from the nearest property line.
 - (14) After the natural resources have been removed, the property shall be restored by the replacement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour be caused to blend as nearly as possible with the natural surroundings. The excavation area shall be plated with a suitable ground cover sufficient to control erosion.
 - (15) All truck operations shall be directed away from residential streets wherever possible.
 - (16) The Planning Commission shall require such bond as deemed necessary to ensure that requirements are fulfilled and may revoke permission to operate at any time specified conditions are not maintained.
 - (17) Topsoil or sand may be removed from a lot without authorization from the Planning Commission for the purpose of erecting or constructing a building or structure on the lot, provided there is compliance with all other requirements of this Ordinance. In addition, topsoil or sand may be moved from one part of lot to another part if such action will not cause, or be likely to cause, sand blows, stagnant water pools, bogs or possible future injury to adjoining properties.
 - (18) The applicant shall secure all necessary permits from County, State and Federal authorities.
- (I) Travel trailer parks and campgrounds, but not seasonal mobile home parks. In considering such authorization, the Planning Commission shall insure that the following requirements can be met:
- (1) The total area of the travel trailer park or campground shall be at least ten (10) acres.
 - (2) There shall be a required yard of not less than twenty (20) feet along all property lines. No travel trailer, tent, camper or similar accommodation, or any structure shall be located in the required yard.

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- (3) There shall be a greenbelt planting strip with a width of lot less than ten (10) feet along the side and rear property lines. The planting strip shall consist of deciduous or evergreen trees which reach a minimum of five (5) feet in height after one growing season.
- (4) Vehicular circulation systems shall consist of drives or roads, hard surfaced and properly graded and drained with access to public streets.
- (5) There shall be a maximum density of twelve (12) travel trailers or campsites per acre.
- (6) The grounds of travel trailer park shall be sloped to drain properly and to satisfactorily meet the approval of acceptable engineering standards.
- (7) Each site so intended shall be arranged to satisfactorily and safely accommodate a travel trailer and motor vehicle.
- (8) All sites within the travel trailer park or campground shall be used for temporary or seasonal accommodations only, excepting that the park caretaker or manager may occupy a permanent dwelling within the park which may be coincidental with the required park registration office.
- (9) All wires, cables, conduits, lines or pipes used for providing utility services to trailers or campsites or to other authorized structures in the travel trailer park shall be located underground within the park.
- (10) There may be permitted a facility for the retail sales of groceries, sundries and other similar commodities provided that this facility shall have hours of operation coincidental with hours of operation of the park.
- (11) There shall be no sales or display of travel trailers within any portion of the park.
- (12) There shall be located, within the park, approved sanitary dumping/pumping facilities for travel trailers.
- (13) Travel trailer parks authorized under these provisions shall comply with all County, State and Federal regulations.
- (14) The Planning Commission may impose any other regulations which it deems necessary to protect the safety, health and general welfare of the people of Monitor Township and shall have the authority to make any change or alterations in such plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that the property may be developed in a reasonable manner but, in so doing, complying with other applicable provisions of this Ordinance.

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(m) Natural gas production and processing facilities, not including treating, separating, hydrogen sulfide processing, or refining of said gas, but strictly limited to dehydration, metering, and required separation for the metering process only.

(1) In considering such authorization, the Planning Commission is empowered within its sole discretion to determine that the proposed use will not be detrimental to the health, safety, or general welfare within the township and, further, will not violate the objectives of this zoning ordinance. The Planning Commission shall consider any pertinent or relevant information regarding the special land use, including the following:

- a) The proposed location and the area of the lands for which the use is proposed;
- b) The purpose of the use;
- c) The effect, if any, of the use on adjoining lands;
- d) The possibility of potential traffic congestion resulting from the movement of trucks or other vehicles traveling to and from the lands where the use is occurring.

(2) Operations granted a special land use permit by the Planning Commission shall meet the following conditions as well as any special conditions attached to the approval of the permit:

- a) Any operations shall comply at all times with all required State permits and approvals for such uses.
- b) The operations shall at all times fully comply with the application submitted to the Planning Commission, the site plan showing the various components of the land use and all other materials submitted by the applicant to the Planning Commission and all conditions imposed by the Planning Commission.
- c) Any violation of the provisions of the special land use permit shall automatically invalidate the special land use permit granted to the applicant. Upon detection of a violation of the terms and conditions of the special land use permit or terms and conditions found within this ordinance, the Zoning Administrator shall give written notice to the applicant of the alleged violation. The notice shall also inform the applicant that a ten-day grace period is being granted within which the applicant shall bring the facility into compliance as required by the Zoning Administrator. Within the Zoning Administrator's sole discretion, the ten-day grace period

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may be extended for up to an additional ten days but, in no event, for greater than 20 days total.

- d) Prior to the termination of the applicant's special land use permit, the applicant shall be afforded an opportunity of public hearing. Following the procedure set forth in Sub-c above, if the Zoning Administrator shall notify the Planning Commission of the noncompliance by the applicant. Thereafter, the Planning Commission is empowered to schedule a public hearing to reconsider the special land use permit granted to the applicant under the same terms and conditions of approval as provided in this section. Notice of that public hearing shall be had under the same terms and conditions required for an original special land use permit. The Zoning Administrator shall also inform the applicant of his or her determination of noncompliance and non-correction of any deficiencies prior to the public hearing.
- e) If at the time of public hearing the Planning Commission determines that the applicant has not complied with all terms and conditions of the original use permit, they may reconsider the special land use permit application *de novo* and either deny the permit, which effectively terminates the applicant's rights to continue utilization of the property in this fashion; grant the permit and reaffirm the applicant's rights; or grant the permit with additional terms and conditions as the Planning Commission deems necessary.
- f) The above provisions dealing with notice and hearings in no way shall be deemed to preclude the township or any other interested persons from attempting to secure temporary restraining orders, preliminary injunctions, or other remedies as available from a court of competent jurisdiction and is not to be construed as an administrative remedy which would be a prerequisite to a circuit court action.
- g) Access to the site shall be only as shown on the site plan. The entire site shall be fenced with a minimum six-foot security fence or other suitable fence as approved by the Planning Commission, with a locked gate across the access drive. Additionally, the Planning Commission, within its discretion, may require any additional screening, berming, or fencing as it deems appropriate, including a landscaped green belt.
- h) An adequate parking area within the site shall be provided.
- i) There shall be a written emergency response plan which shall be approved by all appropriate federal, state, and local agencies,

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including the Director of Emergency Services for Bay County who shall be provided an opportunity to review and comment upon the plan prior to the public hearing.

- j) All plans and applications submitted by the applicant shall be referred to the Township Fire Chief for review and comment to ensure that all local ordinances or state fire protection standards, if any, dealing with the storage and handling of flammable materials are complied with by applicant.
- k) Adequate provisions for storm drainage, runoff, or retention shall be satisfied.
- l) If sanitary sewer facilities are necessary, the applicant shall first obtain approval from the County Health Department for any septic system
- m) No private oxidation pond or private lagoon-type sewage disposal system shall be permitted.
- n) The storage of all materials, objects, equipment, machinery and inoperable motor vehicles shall be wholly within a completely enclosed building or screened from public view.
- o) Odors ó The omission of obnoxious odors, noise, dust, fumes or vibrations of any kind shall not be permitted which are contrary to the public health, safety and general welfare.
- p) Gases ó No gas shall be emitted which is deleterious to the public health, safety, and general welfare.
- q) Glare and heat ó Glare and heat from any processes shall not have an adverse effect outside of the property.
- r) Fire and Safety Hazards ó The storage and handling of flammable materials shall comply with all state laws, rules and regulations as promulgated and amended from time to time.
- s) Minimum Setbacks ó The Planning Commission is empowered within its sole discretion to prescribe setbacks for each facility requested as the Planning Commission determines would be necessary to preserve the health, safety, and general welfare of the surrounding community. However, any permit granted shall have required minimum setbacks and open spaces excluding fences, isolation valves and landscaping as follows: at least 300 feet from any property line or street right of ways.

- t) When the use permanently ends, the equipment and buildings shall be dismantled and removed within one year. The property shall be returned to a pre-production condition as nearly as practical. However, landscaping and fences may remain within the discretion of the property owner. For purposes of this section, the use will be deemed to permanently end when the facility or wells become shut in and/or the facility stops its production processing for a period of one year or longer. However, upon application to the Planning Commission and for good cause shown, the applicant may extend the life of the facility beyond the one-year period.
- (n) Centralized oil production (excluding processing) facilities under the same terms and conditions as set forth in [Section 5.03\(m\)](#) above.

Section 5.04 HEIGHT REGULATIONS

No residential building shall exceed thirty-five (35) feet in height. All other buildings and structures, except accessory buildings on residential lots shall not exceed thirty-five (35) feet in height unless authorized by special land use permit granted by the Planning Commission. Accessory Buildings on residential lots shall conform to [Section 3.27](#).

Section 5.05 AREA REGULATIONS

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following yard and lot area requirements (refer to Appendix).

- (a) Front Yard ó There shall be a front yard of no less than fifty (50) feet.
- (b) Side Yard:
 - (1) For residential dwellings requiring a lot area and width as set forth in (d) and (e) below, there shall be total side yards of no less than fifty (50) feet; provided, however, that no side yard shall be less than twenty (20) feet; for residential accessory buildings on lots requiring a lot area and width set forth in (d) and (e) below, no side yard shall be less than ten (10) feet and further, said accessory buildings shall comply with the requirements of [Section 3.27](#).
 - (2) For all other uses, there shall be side yards of no less than fifty (50) feet each.
 - (3) Farm buildings not housing animals or poultry shall be located at least fifty (50) feet from all property lines.
 - a) Farm buildings or corrals housing animals or poultry shall be located at least one hundred (100) feet from all property lines.

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- (c) Rear Yard ó For residential dwellings on a lot requiring a lot area set forth in (d) below, there shall be a rear yard of no less than fifty (50) feet. For residential accessory buildings on a lot requiring a lot area set forth in (d) below, there shall be a rear yard of no less than ten (10) feet. Additionally, said accessory buildings shall conform to [Section 3.27](#).
- (d) Lot Area, unless otherwise specified specifically in this ordinance, the following standards shall apply:
 - (1) The minimum lot area for single family, non-farm dwellings where neither public water nor public sanitary sewer service are available is one (1) acre.
 - (2) The minimum lot area for single family, non-farm dwellings where public water is available but public sanitary sewer service is not available is 42,000 square feet.
 - (3) The minimum lot area for single family, non-farm dwellings where public sanitary sewer service is available is 28,000 square feet.
 - (4) The minimum lot area for dairy farming, poultry farming and keeping any animals other than household pets is twenty (20) acres.
 - (5) Other uses permitted under [Section 5.02\(b\)](#) and [Section 5.02\(c\)](#) shall contain a minimum of ten (10) acres.
- (e) Lot Width:
 - (1) The minimum lot width for single family non-farm dwellings where neither public water nor public sanitary sewer service is available is two hundred (200) feet.
 - (2) The minimum lot width for single family, non-farm dwellings where public water is available but public sanitary sewer service is not available is one hundred sixty-five (165) feet.
 - (3) The minimum lot width for single family, non-farm dwellings where public sanitary sewer service is available is one hundred forty (140) feet.
 - (4) Other uses permitted under this chapter shall have a minimum lot width of three hundred thirty (330) feet.

Section 5.06 PARKING

Off-street parking shall be provided in accordance with the regulations in [Chapter 14](#).

Section 5.07 SIGNS

Signs shall be regulated in accordance with the provisions of [Chapter 15](#).

Section 5.08 ADDITIONAL REGULATIONS

No private oxidation pond or private lagoon-type sewage disposal system or sanitary landfill is permitted in the agricultural district.

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Chapter 6: R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

Section 6.01 DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Township exclusively for low density, single family dwellings. Certain complimentary religious, educational and recreational facilities may be permitted as special land uses.

Section 6.02 PERMITTED USES

In the R-1 District, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following:

- (a) Single family dwellings.
- (b) State licensed residential facilities as set forth by Act 395 of 1976, as amended, being Section 125.286a of the Michigan Compiled Laws, currently including only adult foster care family homes, family day care homes, foster family homes and foster family group homes. Facilities specifically not permitted within this zoning classification include, but not limited to the following:
 - (1) Adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correction institutions.
 - (2) Nursing homes.
 - (3) Homes for the aged.
 - (4) Hospitals and maternity homes.
 - (5) Institutions for the mentally ill or developmentally disabled operated by the Department of Mental Health under the mental health code.
 - (6) County infirmaries operated by the Bay County Department of Social Services.
 - (7) Alcohol and substance abuse rehabilitation centers.
 - (8) Veteransø facilities.
 - (9) Adult foster care small group homes, adult foster care large group homes or adult foster care congregate facilities.

- (c) Signs as regulated in [Chapter 15](#).

Section 6.03 USES PERMITTED WITH SPECIAL LAND USE APPROVAL

The following uses are allowed in the R-1 District only after special land use approval is granted by the Planning Commission:

- (a) Churches, public, private and parochial schools and colleges, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization. In considering such authorization, the Planning Commission shall consider the following standards:
 - (1) The size, nature, and character of the proposed use;
 - (2) The proximity of the proposed use to adjoining properties;
 - (3) The parking facilities provided for the proposed use;
 - (4) Any traffic congestion or hazards which will be occasioned by the proposed use;
 - (5) How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

Uses granted a special land use permit by the Planning Commission shall occupy a site of at least one (1) acre and shall have a minimum of two hundred (200) feet of frontage on a public street. All buildings shall be located at least fifty (50) feet from all property lines.

- (b) Parks, athletic grounds, playgrounds and community centers. In considering such authorization, the Planning Commission shall consider the following standards:
 - (1) The necessity for such use for the surrounding neighborhood;
 - (2) The proximity of the intended use to adjoining properties specifically including proximity to occupied dwellings;
 - (3) The size, nature, and character of the proposed use;
 - (4) Potential traffic congestion which might be occasioned by the intended use;
 - (5) Parking facilities to be provided for the proposed use; and
 - (6) The effect of the proposed use on adjoining properties and the surrounding neighborhood.

Uses granted a special land use permit by the Planning Commission shall occupy a site of at least two (2) acres and shall have a minimum of two hundred (200) feet of frontage on a public street. All buildings shall be located at least fifty (50) feet from all property lines.

- (c) Governmental, administration or service buildings including fire stations and other public service facilities which are owned and operated by a governmental agency or a noncommercial organization. In considering such authorization, the Planning Commission shall consider the standards in [Section 6.03\(b\)](#).
- (d) Municipal, denominational and private cemeteries. For considering such authorization, the Planning Commission shall consider the standards in [Section 6.03\(b\)](#). Uses granted a special land use permit by the Planning Commission shall occupy a site of at least twenty (20) acres and have a minimum of two hundred (200) feet of frontage on a public street. All buildings shall be located at least one hundred (100) feet from all property lines.
- (e) Home occupations in a single family dwelling subject to the same standards as are provided in [Section 5.03\(f\)](#).
- (f) Group day care homes licensed by the State of Michigan. Approval of a special land 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 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 7 or more people licensed by the State of Michigan.
 - 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) 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.

Section 6.04 HEIGHT REGULATIONS

No building or structure shall exceed thirty-five (35) feet in height or two and one half (2.5) stories.

Section 6.05 AREA REGULATIONS

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements. (Refer to Appendix):

- (a) Front Yard - There shall be a front yard of no less than thirty (30) feet.
- (b) Side Yard - There shall be total side yards of no less than twenty-five (25) feet; provided, however, that no yard shall be less than ten (10) feet.
- (c) Rear Yard - There shall be a rear yard of no less than forty (40) feet.
- (d) Lot Area - The minimum lot area for a single family dwelling shall be fifteen thousand (15,000) square feet. In those cases where both public sewer and water are available, the minimum lot area shall be twelve thousand (12,000) square feet. Unless otherwise provided, the minimum lot area for all nonresidential uses shall be two (2) acres.
- (e) Lot Width - The minimum lot width for a single family dwelling shall be one hundred (100) feet. Unless otherwise provided, the minimum lot width for all nonresidential uses shall be two hundred (200) feet.

Section 6.06 PARKING

Off-street parking shall be provided in accordance with the regulations of [Chapter 14](#).

Section 6.07 ADDITIONAL REGULATIONS

No private oxidation pond or private lagoon type sewage disposal system or sanitary landfill is permitted in the R-1 district.

Chapter 7: R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

Section 7.01 DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Township for medium density one and two family dwellings. Certain complimentary religious, educational and recreational facilities may also be permitted as special land uses.

Section 7.02 PERMITTED USES

In the R-2 District, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following:

- (a) Single family dwellings.
- (b) Two family dwellings.
- (c) State licensed residential facilities, currently including only adult foster care family homes, family day care homes, foster family homes and foster family group homes.

Facilities specifically not permitted within this zoning classification include, but are not limited to the following:

- (1) Adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correction institutions.
- (2) Nursing homes.
- (3) Homes for the aged.
- (4) Hospitals and maternity homes.
- (5) Institutions for the mentally ill or developmentally disabled operated by the Department of Mental Health under the mental health code.
- (6) County infirmaries operated by the Bay County Department of Social Services
- (7) Alcohol and substance abuse rehabilitation centers.
- (8) Veteransø facilities.

- (9) Adult foster care small group homes, adult foster care large group homes or adult foster care congregate facilities.
- (d) Signs as regulated in [Chapter 15](#).

Section 7.03 USES PERMITTED WITH SPECIAL LAND USE APPROVAL

- (a) Churches, public, private and parochial schools and colleges, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization subject to the standards provided in [Section 6.03\(a\)](#).
- (b) Parks, athletic grounds, playgrounds, and community centers, when authorized as special land use by the Planning Commission using the standards provided in [Section 6.03\(b\)](#).
- (c) Governmental, administration or service buildings including fire stations and other public service facilities which are owned and operated by a governmental agency or a non-commercial organization subject to the standards provided in [Section 6.03\(b\)](#).
- (d) Municipal, denominational and private cemeteries subject to the standards provided in [Section 6.03\(b\)](#).
- (e) Home occupations in a single family dwelling subject to the standards provided in [Section 5.03\(f\)](#).
- (f) Group day care homes licensed by the State of Michigan. Approval of a special land use permit for such proposed use shall be granted if the group day care home meets the standards set forth in [Section 6.03\(f\)](#), which are:
 - (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:
 - 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) Shall not exceed 16 hours of operation during a 24-hour period.

Section 7.04 HEIGHT REGULATIONS

No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 1/2) stories).

Section 7.05 AREA REGULATIONS

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements (refer to Appendix):

- (a) Lot Area (Two Family) ó The minimum lot area for a two family dwelling shall be twenty-four thousand (24,000) square feet. In those cases where both public sewer and water are available, the minimum lot area shall be twenty thousand (20,000) square feet.
- (b) Lot Area (Nonresidential) ó Unless otherwise provided, the minimum lot area for all nonresidential uses shall be one (1) acre and two hundred (200) square feet.
- (c) Lot Width ó The minimum lot width for a single family dwelling shall be 100 feet. The minimum lot width for a two family dwelling shall be 120 feet. In those cases where both public sewer and water are available, the minimum lot width for a two family dwelling shall be 100 feet. Unless otherwise provided, the minimum lot width for all nonresidential uses shall be 200 feet.

Section 7.06 PARKING

Off street parking shall be provided in accordance with the regulations of [Chapter 14](#).

Section 7.07 ADDITIONAL REGULATIONS

No private oxidation pond or private lagoon type sewage disposal system or sanitary landfill is permitted in the R-2 District.

Chapter 8: R-3 MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 8.01 DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Township for multiple family developments, including mobile home parks as a special land use. Certain other related and complimentary uses are also permitted.

Section 8.02 PERMITTED USES

In the R-3 District, no land or building shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following (refer to Appendix):

- (a) Any use permitted in the R-2 Zoning District, subject except as specially provided for in this Section, to the same conditions, restrictions and requirements as are provided in the R-2 Zoning District.
- (b) Multiple family dwellings.
- (c) Nursing homes, senior citizen housing, and similar type facilities.
- (d) Adult foster care small group homes and adult foster care large group homes.

Section 8.03 USES PERMITTED WITH SPECIAL LAND USE APPROVAL

- (a) Nursery schools, trade and vocational schools, and schools for music, dance and other performing arts. In considering such authorization, the Planning Commission shall consider the standards of [Section 6.03\(b\)](#).
- (b) Offices - professional and business including sample rooms but not warehouses. In considering such authorization, the Planning Commission shall consider using the standards of [Section 6.03\(b\)](#). Uses granted a special land use permit by the Planning Commission shall meet the following requirements:
 - (1) There shall be no outdoor storage, display or sales, either retail or wholesale, of merchandise.
 - (2) Every building shall conform to the character of the neighborhood in which it is located.
 - (3) The parcel shall have frontage on, and access from, a state highway or county primary road as designated in the Monitor Township General Development Plan.

- (c) Funeral home, mortuaries and ambulance service, using the standards of [Section 6.03\(b\)](#). Uses granted a special land use permit by the Planning Commission shall meet the requirements of [Section 8.03\(b\)](#).
- (d) Mobile home parks, provided they are in conformance with all state regulations governing mobile home parks and this Ordinance. In considering a request for a mobile home park, the Planning Commission shall insure that the following standards and requirements can be met.
 - (1) Minimum Area ó Each mobile home park shall be developed as one (1) entity or on a subdivision basis and shall contain a site of at least ten (10) acres.
 - (2) Buffer Zones ó All mobile home parks shall provide and maintain, as a minimum, a fifty (50) foot buffer zone from any public street right-of-way line or property line abutting a street, whichever is greater, and a twenty (20) foot buffer zone where the park boundary is adjacent to neighboring properties. The Planning Commission may require a greenbelt planting strip with a width of no less than ten (10) feet along all property lines. The green belt planting strip shall contain at least one (1) staggered row of deciduous and/or evergreen trees, spaced not more than twenty (20) feet apart and at least three (3) rows of deciduous or evergreen shrubs at least three (3) feet apart and which grow to an ultimate height of at least twelve (12) feet. Alternative screening devices may be utilized if they protect the mobile home park as effectively as the required landscaping described above and if approved by the Planning Commission when the Special land use Permit is granted. In considering whether to impose a greenbelt planting strip, alternative screening device, or to waive these requirements altogether, the Planning Commission shall consider the uses of the adjoining properties and whether these adjoining properties are compatible or incompatible with the mobile home park use.
 - (3) Minimum Lot Area ó All mobile home lots within the park shall have an average lot area of five thousand five hundred (5,500) square feet, not including open spaces.
 - (4) Minimum Mobile Home Size ó No mobile home in any mobile home park shall contain less than seven hundred twenty (720) square feet of living area.
 - (5) Corner Lots ó Where a mobile home is bounded by two (2) streets, the front yard requirement shall be met for each street. No fence, structure or planting over thirty-six (36) inches in height shall be located on any corner lot within the required front yards. Additionally, corner lots shall be occupied and maintained in a manner which will allow clear vision for vehicular traffic traveling on both roadways.

- (6) Parking ó Two off-street parking spaces shall be required for each mobile home site. All parking spaces, areas, or bays shall conform to the rules and standards set forth by the Michigan Mobile Home Commission.
- (7) Access from Major Streets ó Each mobile home park containing at least 100 lots shall have a minimum of at least two (2) access streets or a boulevard entrance street entering from a public street and all mobile home parks shall provide a continuous route of travel throughout the park.
- (8) Signs ó A maximum of one (1) identification sign is allowed at each access point to the mobile home park. Each such sign shall not exceed thirty-two (32) square feet in area. In those cases where signs are intended to be read from both sides, the combined total area of both sides when combined shall not exceed sixty-four (64) square feet. Each sign may be lighted, provided the source of light is not visible and not the flashing or intermittent type and, furthermore, shall be located from the street a distance equal to the required front or side yard, whichever the case may be. Moreover, the location of all signs shall be in compliance with state regulations.
- (9) Mobile Home Sales ó Mobile homes offered for sale in a mobile home park shall be set upon lots, skirted and shall appear ready for occupancy. When the park reaches 90% occupancy, model home sales operations shall be closed within six (6) months of occupancy.

However, mobile homes located on lots within the mobile home park may be sold, provided that the mobile homes are installed on the lots and attached to all available utilities. This section shall not prohibit the sale of a resident's used mobile home in a mobile home park if the resident meets the mobile home park's requirements.

- (10) Underground utilities ó All public and private utilities shall be installed underground.
- (11) Skirting ó Skirting shall be installed along the base of each mobile home, sufficient to hide the undercarriage and supports from view and in conformance with Michigan Mobile Home specifications regarding skirting. Skirting must be installed within ninety (90) days of the date the mobile home is sited.
- (12) Streets and Parking Areas ó All streets and parking areas in a mobile home park shall be hard surfaced and properly drained as required by the Michigan Mobile Home Commission. Additionally, each internal street shall be curbed to allow appropriate drainage of storm waters and to prevent accumulation of storm water on individual lots. Off-street parking shall be provided for each mobile home as discussed in [Section 8.03\(d\)\(6\)](#). Additionally, off-street parking shall be provided for guests as required by

the Mobile Home Commission. Dead-end streets leading into a turn-around shall not be longer than 400 feet and shall provide adequate space for emergency vehicles to turn around and shall provide adequate turning area, pursuant to Rule 920(1) (c).

- (13) Central Television Antenna ó If a mobile home park has a master television antenna system, it must be underground. Exterior antennas shall not be permitted on individual mobile home lots.
- (14) Drainage ó An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided. The requirements for each particular mobile home park shall be provided. Construction of storm drainage systems shall be in accordance with the standards, specifications, and rules adopted by the Michigan Department of Public Health. All proposed storm drainage systems and plans for mobile home parks shall be approved by the Bay County Drain Commissioner and the Township Engineer.
- (15) Vehicle Storage ó Outside of recreational vehicles, etc. is prohibited. If a mobile home park is to allow storage of campers, 3-wheelers, trailers, motor homes, boats, snowmobiles, and other vehicles ordinarily towed or driven for a special purpose, then the mobile home park shall provide a designated storage area which shall be screened by a solid-type fence five feet in height around its perimeter or by some other screening device which is approved by the Planning Commission when the Special Land Use Permit is granted.
- (16) Water and Sewer Service ó Each mobile home in a mobile home park shall be provided with water and sewer service approved by the Michigan Department of Public Health and compatible with the water and sewer service systems as approved by the Bay County Health Department and the Township Engineer. Each mobile home park and structures located therein shall be connected to the public sewer system as these systems become available.
- (17) Township Approval ó Before the Planning Commission considers the issuance of a Special land use Permit for a mobile home park, the applicant shall submit a site plan in accordance with [Section 3.20\(a\)](#) through [Section 3.20\(d\)](#).

Section 8.04 HEIGHT REGULATIONS

No building or structure shall exceed thirty-five (35) feet in height or three (3) stories in height.

Section 8.05 AREA REGULATIONS

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements (refer to Appendix):

- (a) Front Yard ó There shall be a front yard of no less than twenty-five (25) feet.
- (b) Side Yard ó There shall be total side yards as follows:
 - (1) For single and two family dwellings, the total side yards shall be no less than twenty-five (25) feet; provided, however, that no side yard shall be less than ten (10) feet.
 - (2) For multi-family dwellings and all other permitted uses, each side yard shall be no less than twenty (20) feet.
- (c) Rear Yard ó There shall be a rear yard of no less than thirty (30) feet.
- (d) Lot Area (single family). The minimum lot area for a single family dwelling shall be twelve thousand (12,000) square feet. In those cases where both public sewer and water are available, the minimum lot area shall be eight thousand (8,000) square feet.
- (e) Lot Area (two family). The minimum lot area for a two-family dwelling shall be twenty-four thousand (24,000) square feet. In those cases where both public sewer and water are available, the minimum lot area shall be eighteen thousand (18,000) square feet.
- (f) Lot Area (other than one and two family). The minimum lot area for multiple-family dwelling shall be fourteen thousand (14,000) square feet per dwelling unit. In those cases where both public sewer and water are available, the minimum lot area for multiple-family dwellings shall be four thousand three hundred fifty-six (4,356) square fee per dwelling unit. Unless otherwise provided, the minimum lot area for all other permitted uses shall be fifteen thousand (15,000) square feet.
- (g) Lot Width (single family). The minimum lot width for a single-family dwelling shall be one hundred (100) feet. In those cases where both public sewer and water are available, the minimum lot width shall be eighty (80) feet.
- (h) Lot Width (two family). The minimum lot width for a two-family dwelling shall be one hundred twenty (120) feet. In those cases where both public sewer and water are available, the minimum lot width shall be one hundred (100) feet.
- (i) Lot Width (other than one and two family). The minimum lot width shall be one hundred (100) feet unless otherwise provided above.

Section 8.06 PARKING

Off-street parking shall be provided in accordance with the regulations of [Chapter 14](#), or, in the case of mobile home parks, the regulations in [Section 8.03\(d\)\(6\)](#).

Chapter 9: C GENERAL BUSINESS DISTRICT

Section 9.01 DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the township for the retailing and wholesaling of goods as well as allowing neighborhood convenience shopping, including retail businesses or service establishments which supply commodities or perform services which meet the daily needs of a neighborhood or surrounding area. When any of these types of enterprises are permitted, they are to be regulated in the manner that will protect any abutting residential districts.

Section 9.02 PERMITTED USES

In the C District, no land or building shall be used, and no buildings or structures shall be erected or converted for any use or under any condition other than the following:

- (a) Those nonresidential uses which are permitted in the Residential Zoning Districts, subject to the same conditions, restrictions, and requirements as are provided in the Residential Zoning Districts, except as specifically provided otherwise in this Section.
- (b) Adult day care facilities, and other similar facilities.
- (c) Adult foster care congregate facilities, and other similar residential hospitals, infirmaries, and institutions
- (d) Animal hospitals
- (e) Antique sales and service but excluding commercial vat dipping and stripping
- (f) Automobile repair shop or garage limited to minor repairs as defined in [Section 2.13](#)
- (g) Automobile, truck and tractor sales, new or used, and service and rentals
- (h) Bank, land and finance offices including drive-in branches
- (i) Barber or beauty shop
- (j) Bicycle and motorcycle sales, service and rentals
- (k) Bowling alley, including bars and restaurant
- (l) Campgrounds and travel trailer parks in accordance with the provisions of [Section 5.03\(l\)](#)
- (m) Car wash
- (n) Clinics - dental and medical, including laboratory
- (o) Contractor (plumbing, heating, electrical, etc.) provided operations and storage are completely enclosed in a building
- (p) Crating and packing service
- (q) Department stores

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- (r) Electrical appliances and supplies including retail sales and service, wholesale outlets and storage
- (s) Factory and mill supply and sales but excluding bulk chemical supplies
- (t) Florist and gift shop, including nursery stock for retail sale
- (u) Funeral home, mortuaries and ambulance service
- (v) Food stores and grocery stores, including catering services, wholesale grocers and food storage operations
- (w) Furniture and household wares, new and used, including repair and reupholstering
- (x) Gasoline service stations
- (y) Greenhouses
- (z) Hardware store
- (aa) Hospitals, veterans' facilities and similar uses
- (bb) Hotels, motels and motor courts
- (cc) Laundromats, dry cleaning establishments, and other similar uses
- (dd) Liquor store
- (ee) Lodge hall, private clubs, veterans' clubs, fraternal organization
- (ff) Nursery school and day nurseries
- (gg) Offices - professional and business including sample rooms but not warehouses
- (hh) Pet shop
- (ii) Pharmacy
- (jj) Plumbing and heating shop (retail), provided all operations and storage are completely enclosed in a building
- (kk) Printing and publishing, including processes related thereto
- (ll) Professional studio
- (mm) Radio and television stores, sales and repair services, or broadcasting studios but not including towers
- (nn) Restaurants, cafeterias and other eating establishments
- (oo) Retail stores
- (pp) Sign painting and servicing shops, provided all operations and storage are completely enclosed in a building
- (qq) Signs as regulated in [Chapter 15](#)
- (rr) Theater
- (ss) Trade schools and other similar uses
- (tt) Transportation maintenance and servicing facilities, including truck, taxi cab, and bus terminals

Section 9.03 USES PERMITTED WITH SPECIAL LAND USE APPROVAL

- (a) Automobile repair shop or garage including major repair operations as defined in [Section 2.12](#)
- (b) Residences and mixed-use buildings. In considering such authorization, the Planning Commission shall consider the provisions of [Section 3.32](#). In order to receive special land use approval under the provision of this Section the applicant shall meet the following requirements:

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- (1) All dimensional requirements as set forth in this and other Township codes, including, but not limited to, parking, loading, height, setbacks and lot coverage are met.
 - (2) All landscape, screening, site lighting and other ordinance requirements are met.
 - (3) Compatible businesses in C General Business District may be permitted. Such uses shall be located on the grade level. Uses shall be determined by the Planning Commission to pose no health or safety risk to residents in that structure.
 - (4) Certain uses by the nature of their operation, have a pronounced tendency to be incompatible with residential uses. Therefore, the following uses shall not be permitted with residential uses: Automobile, truck, tractor sales, service or rentals; automobile repair shops (major and minor); motorcycle sales, service or rentals; car wash; dry cleaning and laundry; exterminator services; laboratory, medical or dental; Laundromats; paint and wallpaper store; service stations; sign painting shops; and other similar uses deemed incompatible by Planning Commission.
 - (5) Residential apartments meet the minimum space requirements as established by Zoning and Building Codes.
 - (6) The use will not depress the value of nearby properties or adversely impact planned development patterns.
 - (7) Residential uses without a commercial component must be located in a structure originally designed and constructed to be used as a residence.
 - (8) Mixed residential and commercial uses must be designated to safely accommodate mixed residential and commercial uses. Floor plans and a use statement will be required for Planning Commission review.
 - (9) Sites with multiple units shall obtain a legal address for each unit on the property.
 - (10) A statement indicating that trash collection will be handled in the same manner as all commercial properties is included on the site plan.
- (c) Theater, drive-in. In considering such authorization, the Planning Commission shall consider the provisions of [Section 3.32](#). Drive-in theaters granted a special land use permit under the provision of this Section shall meet the following requirements:
- (1) The site shall be at least ten (10) acres in area.

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- (2) The area of public assembly shall be enclosed with height (8) foot uniformly painted solid fence or wall.
 - (3) Any structure shall be at least one hundred (100) feet from all property lines and the required one hundred (100) foot area landscaped with lawn, trees and shrubs, unless enclosed inside the required fence.
 - (4) In order to provide reasonable traffic access, the ticket booth shall be at least two hundred (200) feet from the street right-of-way from which access is gained.
 - (5) The Planning Commission may attach other reasonable requirements and conditions which it deems are necessary for the protection of the public health, safety and welfare.
- (d) Self-Storage Facility, Without Distribution, subject to the following provisions:
- (1) Lot Size ó The minimum lot or parcel size shall be at least one (1) acre.
 - (2) Prohibited Items. ó No storage of perishable, combustible or flammable material, explosives, or toxic materials shall be allowed on the premises.
 - (3) Prohibited Activities. ó Activities on the premises shall not include for the servicing, repair, auction, sales, or distribution or transfer of goods. No commercial, wholesale, retail, industrial, or other business use on, or operated from the site shall be allowed. The Planning Commission may require the submittal of a use statement to ensure that no distribution activities will take place on site.
 - (4) Security Provisions. ó Cameras and lighting shall provide adequate security on the site, and an emergency access number and no loitering signs shall be clearly posted. Description of the security measures to be installed on site is required.
 - (5) Waste Removal. ó Any waste shall be promptly removed from the site. If tenants need to dispose of large items, arrangements shall be made with the owners to remove the items without storing them outdoors for an extended period of time. Planning commission may require a waste disposal onsite or that a contract for waste removal be maintained by the owner with contact information printed on the site plan.
 - (6) Outdoor Storage. ó Large items such as recreational vehicles may be stored outside of the enclosed storage units, provided that the outdoor storage areas are adequately screened from the view of the surrounding properties. Recreational vehicles and equipment shall be operable.
 - (7) Exterior Appearance. ó Exterior appearance of self-storage facilities shall be of finished quality and design, subject to Planning Commission

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approval. Such buildings shall have pitched roofs and gables and overhead doors shall not face the right-of-way unless screened from public view.

- (8) Screening. 6 All storage facilities shall be screened from adjacent residential uses and public view by landscaping, fencing, or a combination of landscaping and fencing. A greenbelt is required in accordance with [Section 3.40\(a\)\(1\)](#) to screen the site from the right-of-way, and to screen any outdoor storage areas.
 - (9) Access. 6 Directed ingress and egress shall be from a paved public road with drive way dimensions that permit safe access by a 28-foot moving truck. All storage units must be accessible by safe circular drives clearly marked to distinguish traffic flow direction and separate from parking lanes. Parking lanes in front of storage units must be (10) feet. One way travel lanes must be (16) feet. Two-way travel ways must be (20) feet.
 - (10) Parking. 6 Adequate parking shall be provided based on parking requirements for warehousing. The Planning Commission may modify parking standards based on a parking study.
 - (11) Employees or Caretakers. 6 Onsite employees or a caretaker is required. Planning commission may approve sites without onsite employees provided, site access is security controlled, 24-hour emergency access information is posted in a prominent location, and a security plan is approved by Township Fire and Sheriff's Department.
 - (12) Waiver. 6 Where Planning Commission determines that compliance with all the above standards are unreasonable, the standards shall be applied to the maximum extent possible. In such a situation, the Planning Commission may accept suitable alternatives that substantially achieve the purpose of the review standards, provided the following findings can be made:
 - a) The architectural or structural integrity and quality are not undermined.
 - b) That any deviations from the above standards will still provide for harmonious development and serve to minimize any possible impacts on adjacent properties and residences.
- (e) Warehouse, Without Distribution, subject to the following provisions:
- (1) Lot Size. 6 The minimum lot or parcel size shall be at least one (1) acre.
 - (2) Indoor Storage. 6 All storage shall be inside an enclosed building; no outdoor storage shall be permitted.

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- (3) Loading. ó Truck parking shall not be permitted outside of designated loading spaces.
- (4) Traffic Impact. ó Planning Commission may require a traffic impact study and a traffic management plan.
- (f) Any other retail business and service establishment determined to be of the same general character as the above permitted uses or which supply services or conveniences or perform services when authorized by the Planning Commission which shall consider the following standards:
 - (1) The size, nature and character of the proposed area;
 - (2) The proximity of the proposed use to the adjoining properties;
 - (3) The parking facilities provided for the proposed use;
 - (4) Any traffic congestion or hazard which will be created by the proposed use;
 - (5) How well the proposed use harmonizes, blends with, and enhances adjoining properties in the surrounding neighborhoods.
 - (6) The need or necessity for the proposed use to serve the needs of the surrounding neighborhood;
 - (7) The effect of the proposed use on adjoining properties in the surrounding neighborhoods; and
 - (8) The probability that the proposed use will be objectionable by reason of emission or odors, soot, dust, noise, gas, fumes, vibration, or glare.
- (g) Medical Marihuana Facilities, limited to safety compliance facilities and secure transporters and according to the applicable standards listed in [Section 10.03 \(f\)](#).

Section 9.04 HEIGHT REGULATIONS

No building or structure shall exceed thirty-five (35) feet in height.

Section 9.05 AREA REGULATIONS

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements:

- (a) Front Yard ó Where all the frontage on the same side of a street between two intersecting streets is located in a C Zoning District and where a setback has been established that setback shall determine the required front yard. In all other cases, there shall be a front yard of no less than forty (40) feet. Parking shall be

permitted within the required front yard subject to the provisions of [Section 14.09\(a\)](#).

- (b) Side Yard ó
 - (1) Where the side of a lot in a C Zoning District abuts upon the side of a lot in any AG or R Zoning District, each side yard shall be no less than twenty-five (25) feet.
 - (2) There shall be a side yard of no less than forty (40) feet on the street side of a corner lot.
 - (3) A fifteen (15) foot side yard is required when a lot in a C zone abuts upon a C or I zone.
- (c) Rear Yard ó
 - (1) Where the rear of a lot in a C Zoning District abuts upon the side yard or rear of a lot in any AG or R Zoning District, there shall be a rear yard of no less than twenty-five (25) feet.
 - (2) In all other cases, there shall be a rear yard of no less than ten (10) feet.
 - (3) No accessory building shall be allowed closer than (5) feet from the rear lot line.
- (d) Screening - Side yards and rear yards adjoining any lot in an R Zoning District shall be screened (1) by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height after one growing season; or (2) a solid wall or tight board fence six (6) feet in height. Side yards adjoining any lot in an AG Zoning District shall be screened (1) by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height after one growing season; or (2) a solid wall or tight board fence six (6) feet in height within 100 feet of the right-of-way; on a corner lot only one side shall be screened. Planning Commission may defer screening if there are no current uses that will be impacted by the proposed site development. Deferred screening must be shown on the site plan and Planning Commission may, at any time following approval, require screening to be installed if adjacent site conditions are impacted by the site development.
- (e) Lot Area - The minimum lot area shall be fifteen thousand (15,000) square feet; provided, however, that all private sewage disposal systems not connected to a public sewer must be approved by the Bay County Health Department and the Township Engineer.
- (f) Lot Width - The minimum lot width shall be one hundred (100) feet.

Section 9.06 PARKING

Off-street parking and loading shall be provided in accordance with the regulations of [Chapter 14](#).

Section 9.07 ADDITIONAL REGULATIONS

- (a) No private oxidation pond or private lagoon type sewage disposal system or sanitary landfill is permitted in the C District.
- (b) The storage of all materials, objects, equipment, machinery and inoperable motor vehicles shall be wholly within a completely enclosed building or screened from public view. Planning Commission may require storage containers to be screened from public view.

Chapter 10: I-1 INDUSTRIAL DISTRICT

Section 10.01 DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Township for the compounding, assembling, or treatment of articles or materials.

Section 10.02 PERMITTED USES

In the I-1 District, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following:

- (a) Agricultural implements, including retail sales, servicing and rentals
- (b) Animal hospitals
- (c) Automobile, truck and tractor sales, new or used, and service and rentals
- (d) Automobile, truck, tractor and agricultural implement repair including major repair operations
- (e) Building materials and fuel storage yards
- (f) Carting, expressing and hauling operations
- (g) Coal, coke and wood storage yards
- (h) Cold storage plants
- (i) Concrete mixing plants
- (j) Contractor storage yards
- (k) Crating and packing service
- (l) Electrical applicant or equipment assembly
- (m) Electro-plating operations
- (n) Fertilizer blending plants
- (o) Food processing
- (p) Gasoline service stations
- (q) Grain elevators
- (r) Greenhouses
- (s) Industrial research facilities
- (t) Kennels
- (u) Lumberyards
- (v) Machine shops
- (w) Moving and storage facilities
- (x) Pattern shops
- (y) Petroleum and liquefied gas storage, when located at least five hundred (500) feet from all adjoining properties
- (z) Photo engraving
- (aa) Planning mills or saw mills

- (bb) Printing and publishing, including processes related thereto
- (cc) Product distributors - wholesale
- (dd) Radio and television stations with or without towers, antennas and masts
- (ee) Railroad rights-of-way, including switching, storage, freight yards, siding docks, team tracks and passenger and freight stations
- (ff) Restaurants, cafeterias and other eating establishments
- (gg) Sandblasting and cutting
- (hh) Sand and gravel storage
- (ii) Seed stores
- (jj) Self-Storage Facility, Without Distribution
- (kk) Sewage disposal plants, when operated by, or under contract a municipality
- (ll) Sheet metal shops
- (mm) Stone and monument works
- (nn) Storage yards
- (oo) Transportation maintenance and servicing facilities, including truck, taxi cab, and bus terminals
- (pp) Warehouse, Without Distribution
- (qq) Welding shops
- (rr) Wholesale sales and distributing
- (ss) Woodworking shops
- (tt) Signs as regulated in [Chapter 15](#)

Section 10.03 USES PERMITTED WITH SPECIAL LAND USE APPROVAL

- (a) Food stores and grocery stores, including catering services, wholesale and storage operations, and retail sales.
- (b) Other similar light industrial uses when determined to be of the same general character as the above permitted uses utilizing the same standards as provided in [Section 9.03\(f\)](#).

In considering such authorization, the Planning Commission shall make written findings certifying that satisfactory provision and arrangement has been made concerning the following where applicable:

- (1) Ingress and egress to the lot and the proposed buildings and structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- (2) Off-street parking and loading areas where required with particular attention to the items in subparagraph (1) above and the economic, noise, glare, dust, or odor effects of the use on adjoining properties and the surrounding neighborhood;

- (3) Refuse and service areas with particular reference to the items in subparagraphs (1) and (2) above;
- (4) Utilities with reference to locations, availability and compatibility;
- (5) Screening and buffering with reference to type, dimensions and character;
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility had harmony with adjoining and surrounding neighborhood properties;
- (7) Required yards and other open spaces; and
- (8) General compatibility with adjacent properties and the surrounding neighborhood.

If not specifically permitted, the Planning Commission may permit limited retail sales when accessory and incidental to a permitted use. In considering such authorization, the Planning Commission shall consider the above standards and criteria.

- (c) Self-Storage Facility, With Distribution, subject to the following conditions:
- (1) Lot Size. ó The minimum lot or parcel size shall be at least two (2) acres.
 - (2) Distribution Activities. ó No more than 10% of the floor area on the site shall be used for distribution activities. Planning Commission may require the submittal of a use statement to ensure that this provision will be met.
 - (3) Prohibited Items. ó No storage of perishable, combustible or flammable material, explosives, or toxic materials shall be allowed on the premises.
 - (4) Use Statement. ó A use statement shall be submitted for review by Planning Commission. The hours of operation, especially for the distribution activities, shall be reviewed and approved by Planning Commission in consideration of any potential negative impacts, including but not limited to, noise, odor, air quality, dust, spillage, and glare.
 - (5) Traffic Impact. ó Planning Commission may require a traffic impact study and a traffic management plan.
 - (6) Screening. ó All storage facilities shall be screened from adjacent residential uses and public view by landscaping, fencing, or a combination of landscaping and fencing. A greenbelt is required in accordance with [Section 3.40\(a\)\(1\)](#) to screen the site from the right-of-way, and to screen any outdoor storage areas.

- (7) Security. ó Description of the security measures to be installed on site is required.
 - (8) Parking. ó Adequate parking shall be provided based on parking requirements for warehousing. The Planning Commission may modify parking standards based on a parking study.
- (d) Warehouse, With Distribution, subject to the following conditions:
- (1) Lot Size. ó The minimum lot or parcel size shall be at least three (3) acres.
 - (2) Indoor Storage. ó All storage shall be inside an enclosed building; no outdoor storage shall be permitted.
 - (3) Traffic Impact. ó Planning Commission may require a traffic impact study and a traffic management plan.
- (e) Offices and office complexes that provide goods and services for corporate or industrial offices uses. Such offices and office complexes shall not be designed for nor display such goods and services to the general public, except as may be permitted subject to special land use approval by the Planning Commission. Facilities typically permitted under the terms of this special land use provision include barber shops, newsstands, shoe shine and shoe repair services, retail goods concession counters, restaurants, cafeterias and other similar facilities. The following requirements shall apply to all such special land use approvals granted by the Planning Commission:
- (1) The retail facility shall be located in a building primarily occupied by another use permitted in this district.
 - (2) In no event shall such retail facilities occupy more than ten (10%) percent of the total floor area of the building where the use is established.
 - (3) The main access to such retail facility shall be from interior doors connecting the retail use with the other permitted use receiving the retail service.
 - (4) Sale of goods or services shall be intended to provide a necessary service for the convenience of workers in a facility otherwise permitted in this district.
 - (5) Additional parking shall be provided for the retail floor area consistent with the requirements for such commercial facilities.
- (f) Medical marihuana facilities excluding provisioning centers, which shall be prohibited in all zoning districts, may be permitted in the I-1 Zoning District in accordance with the provisions of state law and the ordinances of the Charter Township of Monitor with the issuance of a special use permit. These provisions

are only applicable if the Charter Township of Monitor adopts an ordinance permitting Medical Marihuana facilities. The following requirements shall apply to all such special land use approvals granted by the Planning Commission

- (1) Definitions: Words used herein shall have the definitions as provided for in PA 281 of 2016, as may be amended.
- (2) At the time of operation pursuant to a special use permit the marihuana facility must be licensed by the state of Michigan and must at all time be in compliance with the laws of the state of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL333.26421, *et seq*; the Medical Marihuana Facilities Licensing Act, MCL 27101 *et seq*; and the Marihuana Tracking Act, MCL 333.27901 *et seq*; and all other applicable rules promulgated by the state of Michigan as may be amended.
- (3) At the time of the operation pursuant to a special use permit the marihuana facility must be licensed and be in compliance with the Medical Marihuana Facilities Ordinance of the Charter Township of Monitor.
- (4) All facilities must be designed and operated to minimize the amount of pesticides, fertilizers, nutrients, marihuana, and other potential contaminants discharged into the public wastewater and/or storm water systems.
- (5) Signage requirements may be more restrictive than the requirements enumerated in Chapter 15 up to and including a requirement that signs may not be permitted as a condition of the special use permit.
- (6) The growers and processors of marihuana shall be located entirely within one or more completely enclosed buildings which shall be a secure indoor facility.
- (7) If only a portion of a building is authorized for use for marihuana growers, a partition wall at least seven feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marihuana growing space from the remainder of the building. A partition wall must include a door capable of being closed and locked for ingress and egress between the marihuana growing space and the remainder of the building.
- (8) Odor for growers and processors shall be regulated as follows:
 - a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.

- d) Negative air pressure shall be maintained inside the building.
 - e) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - f) An alternative odor control system is permitted if the special use permit applicant submits and the township accepts a report by a mechanical engineer licensed by the state of Michigan demonstrating the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The township may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
 - g) Secure transporters and safety compliance facilities shall also be required to submit plans for odor control for approval if in the opinion the planning commission such plans are required for the protection of the township and its residents.
- (9) A security plan shall be provided including a requirement that the subject property shall be provided with a staffed security presence for 24 hours a day, seven days a week with a direct phone number supplied to local law enforcement.
 - (10) All transfers of marihuana shall be conducted within the structure and outside of public view.
 - (11) A secure transporter shall also be subject to the special use regulations and standards applicable to warehousing.
 - (12) No required water supply and sanitary sewerage facilities shall be erected, altered, or moved upon a lot or premises and used in whole or in part for a medical marihuana facility unless it shall be provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial, and industrial waste. All such installations and facilities shall conform to the minimum requirements the Bay County Health Department, the Bay County Department of Water and Sewer, and any applicable statutes, ordinances, or regulations.
 - (13) If approved for a Special Use, and after payment of a fee to be determined by the Township Board, Medical Marihuana Facilities shall be permitted to operate. The Operating License permit must be renewed annually, through the payment of a fee to be determined by the Township Board and through compliance with the requirements of the State of Michigan and the Ordinances of the Township. All License Holders shall be subject to periodic inspection, and shall make their Facilities available to any and all authorized state inspectors and authorized Township officials pursuant to Section 17.01 and the Fire Chief of this Township, environmental inspectors, and law enforcement personnel.
 - (14) Within 30 days after Special Use Approval, the Township shall provide the following to the Medical Marihuana Licensing Board:

- a) A copy of the Township Ordinance permitting Medical Marijuana Facilities.
- b) A copy of any zoning regulations that apply to the Applicant Facility.
- c) A description of any violation of any Township Ordinance or applicable zoning regulations committed by the applicant, but only if those violations related to activities licensed under Public Act 281 of 2016.

Section 10.04 HEIGHT REGULATIONS

No building or structure shall exceed a height of three (3) stories or thirty-five (35) feet, whichever is less, except as provided in [Section 3.07](#), as amended.

Section 10.05 AREA REGULATIONS

No building or structure, nor the enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements:

- (a) Front Yard ó There shall be a front setback of no less than fifty (50) feet.
- (b) Side Yard ó Each side yard shall be of a minimum width consistent with the following requirements:
 - (1) Lots located in a platted industrial subdivision with frontage on a street internal to the industrial subdivision shall maintain a minimum side yard of not less than twenty-five (25) feet for each side yard subject to the following conditions:
 - a) No principal or accessory building, fence or other permanent structure shall be constructed within fifty (50) feet of an existing principal or accessory building, fence or other permanent structure on an adjacent lot zoned and used for industrial purposes, except as specifically provided herein. Fire hydrants, light poles, and traffic control signage shall be permitted to be placed in the side yard area if approved by the Planning Commission as part of the site plan.
 - b) A fire access route not less than fifty (50) feet wide shall be created and maintained in perpetuity by the lot owner or owners where such minimum side yard is located. Additionally, landscape planting areas shall be designed and maintained so as to assure the fire access route shall not be obstructed. Such unobstructed fire access route shall be subject to the review and approval of the Monitor Township Fire Chief.

- c) The maximum height of a building wall adjacent to a twenty-five (25) foot wide side yard shall be twenty-five (25) feet. The height of the wall may be increased by one (1) foot for every two (2) feet of additional side yard setback provided adjacent to the wall. However, in no event shall the height of the wall exceed the maximum permitted in the zoning district where the lot is located.
 - d) The minimum width side yard setback of twenty-five (25) feet shall be maintained free of obstructions except as specifically permitted in herein.
- (2) All other lots not meeting the requirements of [Section 10.05\(b\)\(1\)](#) above shall maintain a minimum side yard width of not less than fifty (50) feet for each side yard. In no event shall fences, walls, landscaping or other screening devices be placed in the twenty-five (25) foot wide side yard space immediately adjacent to the side lot line where such lots are contiguous with adjacent industrial uses. Only those site elements specifically included in the site plan approved by the Planning Commission shall be permitted to encroach in that area. However, notwithstanding other requirements of this subsection, if screening is required under the provisions of [Section 10.05\(b\)\(3\)](#), fences, walls, landscaping or other screening devices may be placed in the twenty-five (25) foot wide yard space adjacent to the side lot line provided not less than a twenty-five (25) foot wide fire lane is provided and approved by the Monitor Township Fire Department.
- (3) Where a side yard abuts a residentially zoned parcel, the required side yard shall be screened by:
- a) A ten (10) foot strip consisting of a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height after one growing season; or
 - b) A solid wall or tight board fence six (6) feet in height.
- (c) Rear Yard ó There shall be a rear yard of no less than fifty (50) feet. Where a rear yard abuts a residentially zoned parcel, the required rear yard shall be screened as required in [Section 10.05\(b\)\(3\)](#) above.
- (d) Lot Area ó The minimum lot area shall be forty thousand (40,000) square feet; provided, however, that all private sewage disposal systems not connected to a public sewer must be approved by the Bay County Health Department and the Township Engineer.
- (e) Lot Width ó The minimum lot width shall be two hundred (200) feet.

Section 10.06 PARKING

Off-street parking and loading shall be provided in accordance with the regulations of [Chapter 14](#).

Section 10.07 ADDITIONAL REGULATIONS

- (a) No private oxidation pond or private lagoon type sewage disposal system or sanitary landfill is permitted in the I-1 District.
- (b) The storage of all materials, objects, equipment, machinery and inoperable motor vehicles shall be wholly within a completely enclosed building or screened from public view. Planning Commission may require storage containers to be screened from public view.

Section 10.08 GENERAL PERFORMANCE STANDARDS

The following shall be considered to be the minimum performance standards subject to County, State or Federal standards and requirements which may be more restrictive:

- (a) Odors ó The emission of obnoxious odors, noise, dust, fumes or vibrations of any kind shall not be permitted which are contrary to the public health, safety and general welfare.
- (b) Gases ó No gas shall be emitted which is deleterious to the public health, safety and general welfare.
- (c) Glare and Heat ó Glare and heat from arc welding, acetylene torch cutting, or similar processes shall be performed so as not to have an adverse effect outside of the property.
- (d) Fire and Safety Hazards ó The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with State rules and regulations, and any township ordinances.

Chapter 11: I-2 INDUSTRIAL DISTRICT

Section 11.01 DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the Township for heavy manufacturing, processing of raw materials, and other similar industrial uses.

Section 11.02 PERMITTED USES

In the I-2 District, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following:

- (a) Automobile repair shop or garage limited to minor repairs as defined in [Section 2.13](#)
- (b) Automobile repair shop or garage including major repair operations as defined in [Section 2.12](#)
- (c) Boiler shops
- (d) Chemical manufacture
- (e) Crematories
- (f) Fertilizer manufacture
- (g) Food and related products manufacture
- (h) Forge shops
- (i) Foundries
- (j) Junk, scrap iron, or wrecking operations and the storage or wrecking of damaged or inoperable vehicles, provided the following conditions are met:
 - (1) All operations and storage is located at least fifty (50) feet from all property lines.
 - (2) All operations and storage yards are enclosed by a tight unpierced fence or wall with a height no less than the height of the stored objects, but in no case less than ten (10) feet.
- (k) Machine manufacturer
- (l) Metal and metal ore smelting
- (m) Paper mills
- (n) Petroleum refineries
- (o) Railway repair shops, including railway yards and roundhouses
- (p) Raw hides and skins storage and treatment
- (q) Rendering plants
- (r) Rolling mills
- (s) Slaughter houses
- (t) Steam power plants
- (u) Steel mills
- (v) Sugar beet processing

- (w) Stockyards, including feeding yards, provided all manure is removed daily and the requirements of [Section 5.02\(a\)](#) can be met.
- (x) Structural steel fabricating shops
- (y) Tanneries
- (z) Warehousing and storage structures
- (aa) Other similar heavy industrial uses which are determined by the Planning Commission as a special land use to be of the same general character as the above permitted uses utilizing the standards as provided in [Section 9.03\(f\)](#). In considering such authorization, the Planning Commission shall make written findings certifying the provisions of [Section 10.03\(b\)](#) can be met.
- (bb) Signs as regulated in [Chapter 15](#).

Section 11.03 USES PERMITTED WITH SPECIAL LAND USE APPROVAL

- (a) Waste disposal facilities accessory to commercial and industrial establishments.
 - (1) In considering such authorization, the Planning Commission shall consider the following conditions and standards:
 - a) The size, location, nature and character of the proposed disposal facility;
 - b) The proximity of the proposed facility to adjoining properties;
 - c) The nature and type of existing and planned uses in the surrounding area and the probable impact of such a facility upon such uses;
 - d) The need or necessity for such a facility to service the needs of the community;
 - e) How well the proposed facility harmonizes and blends with the adjoining properties and the surrounding neighborhood;
 - f) The probability of the proposed facility being objectionable by reason of odor, noise, dust, traffic, wind-blown debris, gas, vermin, or other characteristics; and
 - g) The relationship of the soils, topography, water table and other physical features to safely and adequately accommodate such a facility in conformance with applicable Federal, State, County and local regulations and standards.
- (b) Waste disposal facilities, provided they meet or exceed the following requirements:
 - (1) The facility shall be located on a parcel of land of no less than twenty (20) acres.
 - (2) The parcel shall be enclosed by a fence six (6) feet in height which is of such construction that it will contain all wind-blown debris.

- (3) Internal access for firefighting equipment shall be provided by way of hard surfaced roads.
- (4) No burning of waste material shall be allowed without a permit from the Department of Environmental Quality.
- (5) The disposal area shall be regularly covered with a suitable material and the area shall be graded to smooth contours suitable for other uses.
- (6) The yard requirements of the I-2 District are met.
- (7) A site plan is submitted and approved in accordance with [Section 3.20](#).
- (8) The facility is approved by the Department of Environmental Quality and the Bay County Health Department.

The Planning Commission may impose other requirements or regulations which it deems necessary to protect the safety, health and general welfare of the people of Monitor Township and shall have the authority to require changes or alterations in the plans for such a facility as it deems are in the public interest.

- (c) Medical Marihuana facilities shall be permitted in the I-2 District with the same requirements described in [Section 10.03\(f\)](#).

Section 11.04 HEIGHT REGULATIONS

No building or structure shall exceed a height of three (3) stories or thirty-five (35) feet, whichever is less, except as provided in [Section 3.07](#), as amended.

Section 11.05 AREA REGULATIONS

No building or structure, nor the enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements:

- (a) Front Yard ó There shall be a front setback of no less than one hundred (100) feet. Parking is permitted in the required front yard; however, no portion of a parking space or parking area shall be closer than twenty (20) feet to a lot line or street right-of-way line.
- (b) Side Yard ó Each side yard shall be of a minimum width consistent with the following requirements:
 - (1) Lots located in a platted industrial subdivision with frontage on a street internal to the industrial subdivision shall maintain a minimum side yard

of not less than twenty-five (25) feet for each side yard subject to the following conditions:

- a) No principal or accessory building, fence or other permanent structure shall be constructed within fifty (50) feet of an existing principal or accessory building, fence or other permanent structure on an adjacent lot zoned and used for industrial purposes, except as specifically provided herein. Fire hydrants, light poles, and traffic control signage shall be permitted to be placed in the side yard area if approved by the Planning Commission as part of the site plan.
 - b) A fire access route not less than fifty (50) feet wide shall be created and maintained in perpetuity by the lot owner or owners where such minimum side yard is located. Additionally, landscape planting areas shall be designed and maintained so as to assure the fire access route shall not be obstructed. Such unobstructed fire access route shall be subject to the review and approval of the Monitor Township Fire Chief.
 - c) The maximum height of a building wall adjacent to a twenty-five (25) foot wide side yard shall be twenty-five (25) feet. The height of the wall may be increased by one (1) foot for every two (2) feet of additional side yard setback provided adjacent to the wall. However, in no event shall the height of the wall exceed the maximum permitted in the zoning district where the lot is located.
 - d) The minimum width side yard setback of twenty-five (25) feet shall be maintained free of obstructions except as specifically permitted in herein.
- (2) All other lots not meeting the requirements of [Section 11.05\(b\)\(1\)](#) above shall maintain a minimum side yard width of not less than fifty (50) feet for each side yard. Where a side yard abuts a residentially zoned parcel, the minimum required side yard shall be one hundred fifty (150) feet. The first twenty (20) feet adjacent to the residentially zoned parcel shall be screened by a buffer consisting of a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height after one growing season.
- (c) Rear Yard ó There shall be a rear yard of no less than one hundred (100) feet. Where a rear yard abuts a residentially zone parcel, the required rear yard shall be screened as required in [Section 11.05\(b\)\(2\)](#) above.
 - (d) The required front, side and rear yard requirements shall be increased to no less than one thousand (1,000) feet from any street or road right-of-way or any residentially zoned property for the following uses:

- (1) Chemical manufacturer
 - (2) Petroleum refineries
 - (3) Rendering plants
 - (4) Slaughter houses
 - (5) Stockyards, including feeding yards
 - (6) Tanneries
 - (7) Similar uses when determined by the Planning Commission to be dangerous or obnoxious to adjacent properties or the surrounding area.
- (e) Lot Area - The minimum lot area shall be five (5) acres; provided, however, that all private sewage disposal systems not connected to a public sewer must be approved by the Bay County Health Department and the Township Engineer. In platted industrial subdivisions of record at the time of this ordinance amendment the minimum lot area shall be one (1) acre.
- (f) Lot Width - The minimum lot width shall be four hundred fifty (450) feet. In industrial subdivisions platted of record at the time of this ordinance amendment the minimum lot width shall be two hundred (200) feet.

Section 11.06 PARKING

Off-street parking and loading shall be provided in accordance with the regulations of [Chapter 14](#).

Section 11.07 GENERAL PERFORMANCE STANDARDS

Any use permitted in the I-2 District shall meet the performance standards contained in [Section 10.08](#) except that the bulk storage of flammable liquids, liquid petroleum, gases and explosives is permitted anywhere on a parcel except that such storage shall be at least two hundred (200) feet from any public street or road right-of-way or any residential or commercial zone.

Chapter 12: FP FLOODPLAIN OVERLAY DISTRICT

Section 12.01 DESCRIPTION AND PURPOSE

This zoning district is a special overlay district intended to control the use of land in areas subject to periodic inundation. The floodplain overlay district is an area that is determined by the appropriate federal or state agency (currently FEMA-Federal Emergency Management Agency). In order to protect the public health, safety and welfare, development in these areas is regulated to reduce flood hazard potential. The Township shall permit

Section 12.02 PERMITTED USES

- (a) Agricultural uses permitted in the AG Agricultural District, except for Farming Specialized as defined by [Section 2.39](#), but not including any residential structures. Nonresidential development including substantial improvement to existing structures shall be permitted only as provided in [Section 12.04](#).
- (b) Residential supportive uses such as lawns, gardens, parking areas or play areas, but not including residential structures.
- (c) Boat landing or docks for pleasure use.
- (d) Parks, athletic grounds, playgrounds and community centers.
- (e) Parking lots, loading areas and storage areas for equipment and machinery easily moved or not subject to flood damage.
- (f) Golf courses.
- (g) Forestry operations.
- (h) Signs as regulated in [Chapter 15](#).

Section 12.03 USES PERMITTED WITH SPECIAL LAND USE APPROVAL

- (a) Removal and/or processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources including composting except composting done for single family sites for the property owners own purposes, in accordance with the provisions of [Section 5.03\(k\)](#).
- (b) Uses permitted in underlying zoning districts not included in [Section 12.02](#).

Section 12.04 NONRESIDENTIAL DEVELOPMENT

- (a) Nonresidential development, including the erection of new structures as well as the repair or alteration of any existing structures which exceed twenty-five percent (25%) of the value thereof, shall not occur within the floodplain districts except upon the issuance of a Floodplain Development Permit by the Township Building Inspector.
- (b) No such Floodplain Development Permit shall be issued by the Building Inspector unless the following requirements are met:
 - (1) All necessary development permits as required by other local, state and federal authorities shall have first been issued by such other authorities. Such permit specifically include a floodplain permit, approval or letter of no authority from the Michigan Department of National Resources under authority of Act 245, Public Acts 1929, as amended by Act 167, Public Acts of 1968. When a necessary permit cannot be issued prior to the issuance of Floodplain Development Permit by the Township, a letter from such other issuing agency indicating its intent to issue contingent only upon Township approval shall be acceptable.
 - (2) The lowest floor, including basements, shall be elevated at or above the base flood level; OR all portions of the structure below base flood level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards specified herein are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a abase flood in the location of the structure. Such certification as herein required shall indicate the elevation to which the structure is flood-proofed.
 - (3) No building or structure shall exceed thirty-five (35) feet in height.
 - (4) Minimum yard and lot requirements as specified in [Section 5.05](#).
 - (5) Off-street parking requirements as specified in [Chapter 14](#).
 - (6) All buildings and structures shall be designed and anchored to prevent flotation, collapse or lateral movement.
 - (7) All buildings and structures shall be designed and constructed with materials and utility equipment resistant to flood damage, and, shall be designed and constructed so as to generally minimize flood damage and so as not to impede or interfere with the flow of flood waters.

- (8) All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.
 - (9) All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharge from systems into flood waters. On-site water disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
 - (10) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (11) All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
 - (12) Adequate drainage shall be provided to reduce exposure to flood hazards.
 - (13) Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.
 - (14) The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.
- (c) The Building Inspector shall utilize available flood hazard data from federal, state or other sources to determine whether or not the above specified requirements have been met. Data furnished by the Federal Emergency Management Agency shall take precedence over data from other sources. Further, the Building Inspector may require certification by a registered professional engineer or architect that the applicable standards have been met.

Section 12.05 ADDITIONAL REGULATIONS

No private oxidation pond or private lagoon type sewage disposal system or sanitary landfill is permitted in the FP District.

Chapter 13: 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 unusual 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 Monitor 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 an 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 the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, utilities.
- (g) To combine and coordinate architectural styles, building forms, and building relationships within the planned unit development.
- (h) To insure a quality of construction commensurate with other developments within the Township.

Section 13.03 CONCEPT PLAN

Concept plan approval by the Monitor Township Planning Commission is required for a PUD which is larger than fifty (50) acres in size, or will be developed in more than three (3) 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 Monitor Township General Development Plan.
- (c) The concept plan shall be submitted with the preliminary development for the first phase.

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 a concept plan.

Section 13.04 PRELIMINARY DEVELOPMENT PLAN

Submission and Content: Applicant shall submit fourteen (14) copies for approval. 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 zoning district(s) in which the proposed uses will be located.

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 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.
- (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, consistent with the noticing requirements of [Section 13.09](#), below. 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 fourteen (14) copies of the final development plan to the Planning Commission. One copy shall be returned to the applicant per [Section 13.11](#).

- (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 interval 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 of any R-3 PUD or C PUD 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 nay proposed uses therein.
- (h) Current proof of ownership of land to be utilized or evidence of a 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 13.08 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.

Section 13.09 PUBLIC HEARING

The Planning Commission shall hold a public hearing giving notice by publication 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 (300) hundred feet of the boundary of the property in question, and to the occupants of all structures within three (300) hundred feet regardless of whether the property or occupant is located in the zoning district. Such notice shall be given not less than fifteen (15) days before the date the application will be considered for approval if the name of the occupant is not known, the term "occupant" may be used in making notification. Accordingly, the notice shall:

- (1) Describe the nature of the planned unit development project requested.
- (2) 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 exist within the property. If there are no street addresses, other means of identification may be used.
- (3) State when and where the planned unit development project request will be considered and the public hearing will be held.
- (4) Indicate when and where written comments will be received concerning the request.

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 Building Official.
 - (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 plan requirements of [Section 3.20](#).
 - (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 ó 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 ó 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 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) Cash Bonds ó 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 cash bond, or equivalent, 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 conditions; (3) the nature and size of the proposed development; (4) and 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 cash bond or equivalent shall be filed 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 ensure 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 Building Official. The Building Official may, at his or her 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 [Section 13.03](#) or [Section 13.12\(b\)](#), shall be grounds for forfeiture of the cash bond, or equivalent.

In those cases where the aforementioned cash bond or equivalent is 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 ó Each PUD phase shall be under construction within one and one-half (1 1/2) years after the date of final PUD development plan approval by the Township. However, if final PUD development plan approval is granted by 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 or her 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 ó 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 Building Official 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 ó The Planning Commission and the Township Board are specially authorized to require the recording of a plat in connection with any such application as required by state law.
- (g) Additional Provisions ó 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) Common Area Utilities ó For any areas that are to be held under common ownership, a document showing future maintenance provisions shall be submitted to the Planning Commission as required in [Section 13.10](#). 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.
- (i) Public Spaces ó 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 questions of acquiring such areas by dedication, reservation or payment.
- (j) Private Roads ó All private streets and driveways shall meet all applicable standards of the Bay County Road Commission. Setbacks from private roads shall be measured from a line located thirty-three (33) feet from the center line of the proposed private road.

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, condominiums 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, and R-2 PUD District, and an R-3 PUD District.

- (a) Qualifying Conditions ó 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 five (5) acres in area.
 - (2) An R-3 PUD must have direct access to a state highway, county primary, collector or local street as designated in the Monitor Township General Development Plan.

- (b) Permitted Uses ó 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.
 - (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) Golf courses, tennis clubs, athletic clubs, and other recreational uses.
 - (5) 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 the 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 ó 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 ó The regulations of the R-1, R-2, and R-3 Districts shall apply respectively to the R-1 PUD, R-2 PUD and R-3 PUD Districts except as altered by this Section.
 - (2) Site Acreage Computation ó 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\(b\)\(5\)](#).

(3) Maximum Density ó 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	5	1,000 square feet
R-2 PUD	7	750 square feet
R-3 PUD	15	300 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) Minimum Permissive Yard Requirements ó Each lot shall have at least the following minimum yards:

- a) Front Yard ó Thirty (30) feet for all dwellings on private streets or drives measuring from the centerline of the pavement and twenty-five (25) feet for all dwellings on public streets measuring as stated in [Section 2.104\(a\)](#).
- b) Side Yard ó Eight (8) feet on each side yard for all one and two family dwellings; none for townhouses or apartments, provided that there shall be a minimum of twenty (20) feet between ends of contiguous groups of dwelling units.
- c) Rear Yard ó Twenty-five (25) feet for all dwellings.
- d) Perimeter Setback ó The yard requirements at the exterior boundaries of the PUD, in addition to the yard requirements above stated, shall not be less than twenty-five (25) feet.

- e) Minimum Floor Area ó The minimum required floor area shall be provided in the following amounts:

<u>Structure</u>	<u>Area Per Unit</u>
Single Family	One story - 720 square feet Two story - 720 square feet
Two Family (duplex)	720 square feet
Multiple Family Dwelling	720 square feet
Other Units	600 square feet

- (5) Signs ó As provided in [Chapter 15](#).
- (6) Off-Street Parking ó As provided in [Chapter 14](#).
- (7) Buffer ó Wherever a residential PUD abuts, or is adjacent to, a residential district, there shall be provided and maintained a buffer of no less than ten (10) feet in width. Each buffer shall be located adjacent to the residential district and shall be planted with a strip of deciduous or evergreen trees spaced no more than twenty (20) feet apart, each tree shall be capable of growing to more than ten (10) feet in height. There shall also be provided at least one (1) dense row of evergreen shrubs or trees no less than two (2) feet in height and spaced no less than five (5) feet apart.

Section 13.15 COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT

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

- (a) Qualifying Conditions ó Any C 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 buffers as contained in [Section 13.14\(c\)\(7\)](#).
 - c) Loading docks and truck maneuvering areas and terminals should be farther removed from residential lot lines than the principal building.
- (b)** Permitted Uses ó The following uses of land or structures may be permitted within a commercial PUD:
- (1)** Within a C PUD District, any use allowed within the C District.
- (c)** Development Requirements ó In addition to the qualifying conditions, the following requirements shall be met:
- (1)** Minimum Site ó The PUD site shall not be less than three (3) acres in area.
 - (2)** Minimum Requirements ó The requirements of the C 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 ó
 - 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 other 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 ó 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 ó As provided in [Chapter 15](#).
- (7) Off-Street Parking and Loading ó As provided in [Chapter 14](#).
- (8) Buffer ó Wherever a commercial PUD abuts, or is adjacent to, a residential district, there shall be provided and maintained a buffer of no less than ten (10) feet in width. Each buffer shall be located adjacent to the residential district and shall be planted with a strip of deciduous or evergreen trees spaced no more than twenty (20) feet apart, each tree shall be capable of growing to more than ten (10) feet in height. There shall also be provided at least one (1) dense row of evergreen shrubs or trees of no less than two (2) feet in height and spaced no less than five (5) feet apart.

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 ó
 - (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) Wherever a building is to be constructed within this district, a site 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 ó 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 ó A side yard shall be no less than twenty (20) feet wide.
 - c) Rear Yard ó A rear yard of no less than twenty (20) feet shall be required.
- (7) Buffer ó Wherever an industrial PUD abuts, or is adjacent to, a residential district, there shall be provided and maintained a buffer of no less than ten (10) feet in width. Each buffer shall be located adjacent to the residential district and shall be planted with a strip of deciduous or evergreen trees spaced no more than twenty (20) feet apart, each tree shall be capable of growing to no more than ten (10) feet in height. There shall also be provided at least one (1) dense row of evergreen shrubs or trees no less than two (2) feet in height and spaced no less than five (5) feet apart.
- (8) Signs ó As provided in [Chapter 15](#).
- (9) Off-Street Parking and Loading - As provided in [Chapter 14](#).

Chapter 14: PARKING AND LOADING SPACES

Section 14.01 GENERAL

The intent of this section is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of motor vehicle parking needs and demands that are, or can be anticipated to be, associated with land uses allowed by this Ordinance. Before any building or structure is occupied or enlarged or increased in capacity in any zoning district, off-street parking and loading spaces for motor vehicles shall be provided as described in this Article.

Section 14.02 EXISTING PARKING AND LOADING SPACES

No loading area or parking space which exists at the time this Ordinance becomes effective, or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless such modification complies with the provisions of this Ordinance, is provided for the minimum parking and loading spaces required by this Ordinance.

Section 14.03 CHANGE OF USE

The occupancy or use of a building or any part of a building shall not change to another use unless the minimum parking and loading requirements for the new use are provided.

Section 14.04 ENLARGEMENT OF USE

No building or use shall be enlarged if the enlargement required additional parking space unless the minimum requirements for off-street parking and loading are provided.

Section 14.05 ADDITIONAL REQUIREMENTS

- (a) In the AG, residential or FP zoning districts, no parking area shall be used for parking or storing of any commercial vehicle exceeding one-ton capacity. The storage of merchandise, automobile storage of motor vehicles for sale, or the repair of vehicles exceeding one-ton capacity is prohibited in all zoning districts any required parking area, unless otherwise authorized by a temporary use permit.
- (b) No junk motor vehicle shall be kept for any period as defined by [Section 2.53](#) upon any premises within the Township which premises are not licensed as a junk yard.

Parking and Loading

- (1) Provided, however, that this shall not prohibit the keeping of not to exceed two (2) junk motor vehicles upon the premises of a public, commercial motor vehicle repair garage, or upon any premises within the Township where such vehicles are stored wholly within an enclosed garage upon the premises owned or occupied by the owner of such junk motor vehicle.
- (2) Provided, further, that this shall not prohibit the keeping of farm tractors or other motorized farm equipment upon any farm which such tractor or farm equipment is used for farming operations nor shall it prohibit the keeping of motorized construction equipment upon the premises within any commercially zoned district, which premises is legally devoted to such construction business if such construction equipment is regularly used or in a usable condition.

Section 14.06 UNITS OF MEASUREMENT

For the purposes of determining off-street parking requirements, the following units of measurement shall apply:

- (a) Floor Area ó In the case of uses where floor area is the unit for determining the required number of off-street parking space, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage installations of mechanical equipment, heating systems, and similar uses.
- (b) Places of Assembly ó In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each twenty-four (24) inches of seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- (c) Fractions ó When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions of over one half (1/2) shall require one (1) parking space.

Section 14.07 SIZE OF PARKING SPACE AND ADA MARKINGS

Each off-street parking space shall have an area of not less than two hundred (200) square feet (exclusive of access drives or aisles) and shall be a minimum of ten (10) feet in width. Planning Commission may reduce parking space dimension requirements to nine (9) feet by eighteen (18) feet. Parking space markings and signs shall be provided to meet the Americans with Disabilities (ADA) Act requirements.

Section 14.08 LOCATION OF FACILITIES

Parking and Loading

Off-street parking facilities shall be located as hereafter specified; when a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve.

- (a) For all residential buildings and all nonresidential buildings and uses in AG, residential or FP districts, required parking shall be provided on the lot with the building or use it is required to serve.
- (b) For commercial, industrial and all nonresidential buildings and uses in Commercial and Industrial zoning districts, the nearest edge of the parking lot with the required parking shall be provided within three hundred (300) feet of the building or use. In no event shall the required parking be located in an AG or residential zoning district.
- (c) Residential parking areas shall not be located in any required front yard or required side yard except that the driveway in the required front yard leading to a garage or parking area may be used for parking. No commercial repair work, servicing or selling of any kind shall be conducted in such areas and no sign of any kind shall be erected thereon.

Section 14.09 YARD REQUIREMENTS

- (a) In the C or I Districts, parking areas may be located in the front, side and rear yard provided no such parking area is closer than ten (10) feet from any street right-of-way or property line and landscaping and screening requirements can be accommodated. A parking area not adjacent to a street may extend to the lot line if the adjacent lot is used for a C or I use.
- (b) Except for one and two family dwellings, all parking areas in or abutting an residential District shall be screened on all sides abutting the residential District with landscaping or a solid, ornamental fence of no less than four (4) feet or more than six (6) feet high or compact hedge of a type which would obscure vision from adjoining premises at all seasons.

Section 14.10 MINIMUM NUMBER OF PARKING SPACES

Planning Commission may reduce the parking requirement up to 50% of the required number upon review of a parking study. Planning Commission may also approve bicycle parking space substitution for vehicle spaces at a rate of six (6) single bicycle racks to one (1) vehicle parking space. There shall be a minimum number of parking spaces for each use as follows:

TABLE OF MINIMUM PARKING SPACE REQUIREMENTS	
USE	MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE
<u>RESIDENTIAL</u>	
Residential, one-family and two-family	Two (2) for each dwelling unit
Residential, multiple-family	Two (2) for each dwelling unit, plus one (1) additional guest space for each four (4) dwellings
Mobile home park	Two (2) for each mobile home site and one (1) for each employee of the mobile home park.
Boarding and rooming house and bed and breakfast facility	One (1) for each sleeping room.
Senior citizen apartments	One (1) space for each dwelling unit plus one (1) space per each employee expected during the largest work shift for the apartment complex.
Senior interim care and intermediate care units, retirement villages, etc.	One (1) space per each room or two beds, whichever is less, plus one (1) space per each employee expected during the largest work shift.
<u>Institutional</u>	
Churches, temples or synagogues	One (1) for each three (3) seats or six (6) feet of pew based on maximum seating capacity in the main unit of worship
Hospitals	One and three quarters (1.75) spaces per inpatient bed plus one (1) space per each 175 gross square feet of hospital related office, research and administrative space. Other additional uses shall be computed separately.
Convents, children's homes	One (1) per six hundred (600) feet of gross floor area.
Congregate care and dependent care (convalescent/nursing home units)	One (1) space per each three beds or two rooms, whichever is less, up to 120 beds, plus 3.0 spaces for each bed over 120; plus one (1) space for each employee during peak shift.
Group day care homes, adult foster care, group homes	One (1) space per four (4) clients, plus one (1) space per each employee plus designated drop-off spaces
Public, private or parochial elementary and middle school	One (1) for each classroom plus additional parking for office, auditorium and other related uses to be

TABLE OF MINIMUM PARKING SPACE REQUIREMENTS	
USE	MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE
	established on the school site
Senior high schools	Seven (7) for each classroom plus additional parking for office, auditorium and other related uses to be established on the school site
Private clubs or lodge halls	One (1) for each three (3) people allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
Private golf clubs, swimming pool clubs, tennis clubs, racquetball clubs and similar athletic clubs	One (1) for each two (2) member families or individual members.
Golf course open to the general public, except miniature or "par 3" courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
Stadium, sports arena, or similar place of outdoor assembly	One (1) for each three (3) seats or ten (10) feet of bench.
Theaters, gymnasiums, auditoriums (indoor)	One (1) for each three (3) seats or six (6) feet of bench plus one (1) for each two (2) employees.
Libraries, museums, and noncommercial art galleries	One (1) for each two hundred and fifty (250) sq. ft. of gross floor area.
<u>Business and commercial</u>	
Auto body shop/major repair	One (1) space for each five hundred (500) sq. ft. of gross floor area plus one (1) space for each employee.
Automobile service stations, fuel stations, convenience stores in conjunction with service or gas stations	Two (2) for each lubrication stall, rack, pit or pump, plus one for every two hundred (200) sq. ft. of gross floor area devoted to retail sales; plus one (1) for each employee.
Auto wash, auto reconditioning, Auto cleaning (interior/exterior)	Two (2) spaces, plus one (1) designated space per each employee on peak shift, plus 12 stacking spaces per bay for a fully automatic car wash, 15 for a semi-automatic (motorist must leave auto) or 3 stacking spaces per bay for a self-serve car wash.
Beauty parlor or barber shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 1/2) spaces for each additional chair.

TABLE OF MINIMUM PARKING SPACE REQUIREMENTS	
USE	MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE
Bowling alleys	Five (5) for each one (1) bowling lane plus additional for a bar, restaurant and other related uses.
Bars, cocktail lounges and taverns	One (1) space for each seventy-five (75) square feet of gross floor area.
Dance halls, pool or billiard parlors, roller or ice rinks, exhibition halls and assembly halls without fixed seats	One (1) for each three (3) seats or one (1) for each one hundred (100) sq. ft. of gross floor area.
Furniture, carpet, appliance, household equipment stores	One and one-half (1.5) per 1,000 square feet of useable floor area.
Health spas, gymnasiums, and health clubs	Ten (10) for each club or spa plus one (1) space for each two hundred (200) sq. ft. of gross floor area in excess of one thousand (1,000) gross sq. ft.
Laundromats and coin operated dry cleaners	One (1) for each three (3) washing or drying machines.
Mini or self-storage warehouse	Minimum of one (1) parking space on each side of a storage building.
Miniature or "par 3" golf courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
Mortuary establishments	One (1) for each one hundred (100) sq. ft. of gross floor area, plus a minimum of ten (10) stacking spaces.
Motel, hotel or other commercial lodging establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for restaurants, dining rooms, ballrooms, or meeting rooms based upon one space for every two occupants based on maximum occupancy load.
Motor vehicles sales and service establishments, trailer sales and rental, boat showrooms	Two and one-half (2.5) spaces for each one thousand (1,000) square feet of interior sales space plus one and one-half (1.5) spaces per one thousand (1,000) square feet of exterior display, plus three (3) spaces per service bay.

TABLE OF MINIMUM PARKING SPACE REQUIREMENTS	
USE	MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE
Open air business	One (1) for each six hundred (600) sq. ft. of lot area used for outdoor display and sales.
Repair shop, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses	One (1) for each eight hundred (800) sq. ft. of usable floor area plus one (1) per employee.
Restaurant, sit-down type with liquor license	One (1) space per 45 sq. ft. of usable floor area plus any spaces required for any banquet or meeting rooms.
Restaurant - standard (a family-type restaurant without a bar or lounge area)	One (1) spaces per 70 sq. ft. useable floor area plus any spaces required for any banquet or meeting rooms.
Restaurant - fast food with drive-through window	One (1) spaces per 45 sq. ft. of usable floor area, plus ten (10) stacking spaces for each drive-through pick-up window which spaces shall not conflict with access to other required parking spaces, plus one (1) space for each employee on the peak operating shift.
Restaurant - carry out or delicatessen with less than six tables and/or booths	Six (6) spaces plus one (1) space for each employee on peak shift.
Retail stores, except as otherwise specified herein	One (1) for each three hundred (300) sq. ft. of gross floor area.
Shopping center or clustered commercial	One (1) for each two hundred (200) sq. ft. of usable floor area, plus spaces required for supermarket.
Supermarket	One (1) for each one hundred seventy five (175) sq. ft. usable floor area.
Wholesale establishment	One (1) for each five hundred (500) square feet of gross floor area.
<u>Offices</u>	

TABLE OF MINIMUM PARKING SPACE REQUIREMENTS	
USE	MINIMUM NUMBER OF PARKING SPACES PER UNIT OF MEASURE
Banks, savings and loan offices	One (1) for each two hundred (200) sq. ft. of gross floor area plus two (2) spaces for each 24 hour teller, plus four (4) stacking spaces for each drive through window.
Business offices or professional offices, including courthouses and governmental offices.	One (1) for each three hundred (300) sq. ft. of gross floor area.
Medical or dental clinics, professional offices of doctors, dentist or similar professions	One (1) for each one hundred seventy-five (175) sq. ft. of gross floor area.
<u>Industrial</u>	
General manufacturing establishments	One (1) space for every six hundred and fifty (650) square feet of gross floor area, plus one (1) space per each three-hundred fifty (350) sq. ft. of office space.
Light industrial manufacturing	One (1) space for every five hundred (500) sq. ft. of gross floor area, plus one (1) space per each three hundred fifty (350) sq. ft. of office, sales or similar space.
Research and development	One (1) space for every three hundred fifty (350) sq. ft. of gross floor area plus one (1) space per each three hundred fifty (350) sq. ft. of office sales or similar space.
Warehousing	One (1) space for every one thousand five hundred (1,500) sq. ft. of gross floor area, or one (1) space per employee at peak shift, whichever is greater.

Section 14.11 PLANNED UNIT DEVELOPMENTS

As required for each individual use or as may be required by the Planning Commission and Township Board as part of the Planned Unit Development approval.

Section 14.12 MIXED USES IN THE SAME BUILDING

In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one (1) use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein.

Section 14.13 OTHER USES NOT SPECIFICALLY MENTIONED

Off-street parking requirements for buildings or land uses which are not specifically mentioned shall comply with the off-street parking requirements of the most similar mentioned use as determined by the Planning Commission.

Section 14.14 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, is indicated on the site plan, includes sufficient space to provide for the total parking area as required by this section, table of minimum parking space requirements.
- (c) The area designated for deferred parking shall not include areas required for setbacks, side or rear yards, landscaping or greenbelts or land otherwise unsuitable for parking due to environmental or physical conditions.
- (d) The area designated for deferred parking shall be on the same parcel or lot as the principal use for which the deferment is sought. If deferred parking is sought on an adjacent parcel or lot under common ownership, the applicant must record a deed restriction and/or covenant, as approved by the Planning Commission, combining the two parcels or lots into a single building parcel to prohibit separate sale of the deferred parking area from the principal use.
- (e) The Planning Commission, in acting upon a deferred parking plan, may modify the requirements of Table of Minimum Parking Space Requirements. The

Planning Commission may also impose reasonably necessary conditions to protect the public interest and may require the provision of security to assure completion of any related improvements required as a condition of deferred parking plan approval. At any time subsequent to the approval and construction of a deferred parking plan, the Planning Commission may, based on review of parking needs by the Planning Commission, require the construction of additional parking spaces as required in the table of minimum parking space requirements.

Section 14.15 JOINT USE OF PARKING FACILITIES

- (a) Spaces required. Provision of common parking facilities for several uses in the same vicinity is encouraged. Generally in such cases, the total parking space requirement is the sum of the minimum individual requirements. However, in certain instances the Planning Commission may reduce the total number of parking spaces provided collectively by up to twenty-five (25%) percent based on a determination that the timing of parking demands for the individual uses will not overlap due to differences in hours of operation.
- (b) Shared access easement. Where an applicant proposes the joint use of parking facilities, a shared access easement shall be required which demonstrates continuous vehicular access between the parking areas for the proposed uses and a public road. Shared access easements shall be created according to the provisions of [Section 3.49](#).

Section 14.16 REQUIREMENTS FOR PARKING AREAS

Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

- (a) The parking lot and its driveway shall be:
 - (1) Designed to provide drainage in accordance with the specifications and requirements of Monitor Township and the Bay County Drain Commissioner.
 - (2) Surfaced with concrete, asphalt pavement, or a permanent permeable material approved by the Township Engineer; and
 - (3) Maintained in good condition, free of dust, trash and debris; and
 - (4) Striped with paint to indicate individual parking spaces.
- (b) The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.

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- (c) The parking lot shall be provided with entrances and exits so located as to minimize traffic congestion.
- (d) Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
- (e) No part of any public or private parking area, regardless of the number of spaces provided, shall be closer than twenty (20) feet to the street right-of-way.
- (f) There shall be a curb or bumper rail provided wherever an off-street parking and loading area adjoins a public sidewalk or right-of-way so designed to prevent any portion of a vehicle from encroaching upon said sidewalk or right-of-way.

Section 14.17 PLANS AND SPECIFICATIONS FOR PARKING AND LOADING AREAS

- (a) Plans and Specification ó Plans and specifications for the off-street parking and loading spaces shall be submitted to the Building Inspector for review and approval at the time of application for a building permit for the erection or enlargement of a building, or prior change of use requiring different parking and loading requirements. Said plans and specifications shall show the location, size, shape, design, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other features of the parking lot. Any curb cuts, entrances, exits, drainage and design shall have the written approval of the Building Inspector.
- (b) Sureties ó The Building Inspector may require such assurance, surety or performance bonds in the form, manner and amount, as in his or her discretion may be required to compel compliance with, and performance of, all off-street parking requirements of this Ordinance; provided, however, that such assurance, surety or performance bond not be for amounts greater than the reasonable cost complying with the off-street parking requirements of this Ordinance.

Section 14.18 OFF-STREET LOADING SPACES

For every building or addition to an existing building hereafter erected, to be occupied by manufacturing storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition:

- (a) An area or means adequate for maneuvering and ingress and egress for delivery vehicles; and
- (b) Off-street loading spaces in relation to floor areas as follows:
 - (1) Up to twenty thousand (20,000) square feet - one (1) space;

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- (2) Twenty thousand (20,000) or more but less than fifty thousand (50,000) square feet - two (2) spaces; and
- (3) One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.

Section 14.19 REQUIREMENTS FOR OFF-STREET LOADING AREAS

- (a) Each loading space shall be at least ten (10) feet wide, thirty-five (35) feet long, and shall have a clearance of fourteen (14) feet above grade.
- (b) Off-street loading areas shall be surfaced with a concrete or bituminous pavement and shall be sloped and drained to dispose of surface water.
- (c) Any lighting used to illuminate off-street loading areas shall be so arranged as to direct light away from adjoining premises.
- (d) Required loading areas shall be in addition to required off-street parking areas.
- (e) No loading spaces shall be located closer than fifty (50) feet to an AG, residential or FP zoning district unless wholly within an enclosed building or enclosed on all sides, facing said Districts, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6) feet in height.
- (f) Persons desiring to establish, maintain or alter an off-street loading area shall submit to the Building Inspector plans as required in [Section 14.13](#).

Chapter 15: SIGNS

Section 15.01 DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to regulate the size, location and manner of display of exterior signs in Monitor Township in order to:

- (a) Protect the health, safety, and welfare of the general public
- (b) Preserve property values throughout the Township
- (c) Promote the positive aesthetic and physical appearance of the Township

Section 15.02 DEFINITIONS

Refer to [Section 2.85](#) and [Section 2.86](#) for definitions of signs, area, heights and other terms used in this Section.

Section 15.03 SIGNS ALLOWED WITHOUT A PERMIT

The following signs are allowed without permits in all zoning districts, unless otherwise specified herein. These signs shall not count toward the maximum allowed signage on any given lot.

- (a) Any non-commercial sign erected by a public agency, which is exempt from zoning laws.
- (b) Any sign required to be placed by law, including but not limited to address signs.
- (c) Traffic control signs which conform to the Michigan Manual of Uniform Traffic Control Devices and which are required for public safety.
- (d) Signs designating historic sites recognized by the State Historical Commission or the National Register of Historic Places.
- (e) Up to five (5) incidental signs per lot, none of which are greater than two (2) square feet.
- (f) Memorial signs when less than twelve (12) square feet and with text that does not exceed one and one-half (1 ½) inches in height. Memorial signs greater than twelve (12) square feet and with text that does not exceed one and one-half (1 ½) inches in height will be considered wall signs.
- (g) Up to three (3) flags, none of which are greater than fifteen (15) square feet.
- (h) Up to four (4) temporary signs per lot, which may be monument signs or wall signs, the total area of which shall not exceed thirty-six (36) square feet.

Section 15.04 PROHIBITED SIGNS

- (a) Any sign illuminated by flashing or intermittent lights.
- (b) Any sign or sign structure which is structurally unsafe or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.
- (c) Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads. In determining whether a sign may constitute a traffic hazard or interfere with traffic safety or visibility, the Building Inspector shall consider the following:
 - (1) Height, area, supporting structure and distance from ground level of sign.
 - (2) Lighting of the sign.
 - (3) Location of the sign in relation to roads, drives, points of ingress and egress, parking areas, sidewalks and other vehicular or pedestrian access ways.
 - (4) Location of the sign in relation to nearby buildings and structures.
- (d) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
- (e) Any sign which make use of words such as "STOP", "LOOK", "DANGER" or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.
- (f) Any sign unlawfully installed, erected or maintained.
- (g) Any sign projecting into a public right-of-way or dedicated easement except those erected by an exempt public agency or those with a sign permit from the controlling jurisdiction.
- (h) Any sign with scrolling electronic messages.

Section 15.05 GENERAL CONDITIONS

Except as otherwise provided, the following conditions shall apply in all districts:

- (a) Prior to the erection or structural alteration of a sign, a building permit shall be secured from the Building Inspector. A scale drawing of the outside dimensions of the sign or the total area encompassed by a line around all lettering or symbols

shall be presented to the Building Inspector so that he may insure that the provisions of this Ordinance are met. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding pylon signs, a site plan of the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the Building Inspector.

- (b) No sign shall be located closer to a public street right-of-way than a distance equal to the height of the sign and further, no sign or any portion of a sign shall overhang a public street or right-of-way.
- (c) No exterior sign, billboard or pylon sign shall exceed thirty (30) feet in height. Roof signs shall not be higher than thirty-five (35) feet.
- (d) Signs may be illuminated provided the source of light is not visible from any street or adjoining property.
- (e) All signs and sign structures shall conform to all codes and ordinances of the Township, and shall be properly maintained and kept in a good state of repair.
- (f) The provisions of this Section are not intended to conflict with provisions controlling signs regulated under the authority of Public Act 106, 1972, the Highway Advertising Act, as amended.
- (g) Portable signs are allowed in the C and I Districts for a period of not more than seven (7) days, four (4) times per year, not closer than thirty (30) days apart, provided the following conditions are met:
 - (1) They do not exceed fifty (50) square feet in area on any side.
 - (2) They are not located closer than ten (10) feet to a street right-of-way.
 - (3) They may be illuminated provided such lights are not flashing or intermittent and are not placed or designed such that they can be confused with, or appear similar to, a highway sign or traffic safety device.
 - (4) No portable sign shall exceed ten (10) feet in height.
 - (5) No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.

- (6) All portable signs shall require a sign permit. The applicant shall complete an application form supplied by the Building Official. An application fee shall accompany the application form. Said fee shall be determined by the Township Board and shall be sufficient to cover the cost of reviewing the application.
- (h) Electronic changeable copy (LED) signs may be permitted subject to the following conditions:
 - (1) Such sign shall not produce blinking, scrolling, flashing or animated images; blinking scrolling, flashing or animated messages; or have audio and video components similar to television images.
 - (2) The changeable copy or message delivered by the sign shall not be changed more often than once every five (5) seconds. In the AG and R Districts the changeable copy message shall not be changed more often than once every week.
 - (3) The change sequence shall be accomplished instantaneously.
 - (4) Such sign may be a maximum of twenty-four (24) square feet in total, including both faces of a freestanding sign.
 - (5) LED sign square footage shall count toward total sign square footage permitted on the site.
 - (6) LED signs may only be incorporated into free standing signs and wall signs.
 - (7) Such signs shall be limited to 50 foot-candles power output. LED shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the lighting level at night into compliance with the following standards.
 - a) A sign in any district may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m² or Nits, regardless of the method of illumination.
 - b) All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the

sign may resume luminance levels appropriate for daylight conditions, when required or appropriate

Section 15.06 SUBSTITUTION

For all regulations in this Chapter, any non-commercial message may be substituted for any commercial message on any legal sign. The intent of this Section to prevent any inadvertent favoring of commercial speech over non-commercial speech on behalf of the Township.

Section 15.07 SIGNS IN THE AG AND R DISTRICTS

In the AG and R Districts, only the following signs shall be permitted:

- (a) One (1) monument or one (1) wall sign, not to exceed sixty-four (64) square feet, on a lot containing a building with a size of five-thousand (5,000) square feet or greater. The wall sign shall be applied to a building meeting the minimum size requirements.
- (b) One (1) sign not over one hundred (100) square feet in area at the entrance of a legally approved subdivision may be temporarily erected on each plat or development, provided the location of such sign shall be approved by the Building Inspector for a duration not to exceed one (1) year.

Section 15.08 SIGNS IN THE C DISTRICT

In the C District, only the following signs shall be permitted:

- (a) Single Tenant and Single Entrance Buildings. The following sign standards shall apply to buildings which contain only one (1) tenant, and buildings which contain more than one (1) tenant but where all tenants share a common building entrance or entrances (for example, an office building or other type of building where access to individual tenant space is off of a common hallway or atrium).

- (1) The total permitted free standing sign area (excluding Tower Signs, if permitted) for buildings shall be as follows:

Free Standing Sign Requirements (Per Street Frontage)			
Building Type	Building Size	Maximum Height	Maximum Size
Single Tenant Building	Any size	8 ft.	32 sq. ft.
Multi-Tenant Building	Less than 20,000 sq. ft.	8 ft.	32 sq. ft. 16 sq. ft. per side
Multi-Tenant Building	20,000-40,000 sq. ft.	8 ft.	64 sq. ft.
Multi-Tenant Building	Greater than 40,000 sq. ft.	20 ft.	100 sq. ft.

- (2) The total permitted wall sign area for buildings shall be as follows:

Building Mounted Sign Requirements	
Setback From ROW	Building Mounted Sign Maximum Size
Less Than 100 ft.	100% of the building's linear street frontage or 200 sq. ft., whichever is less
101-149 ft.	125% of the building's linear street frontage or 200 sq. ft., whichever is less
150-249 ft.	150% of the building's linear street frontage or 200 sq. ft., whichever is less
More Than 250 ft.	200% of the building's linear street frontage or 200 sq. ft., whichever is less

- a) Sign may be placed on any building face.
 - b) Applicant has the discretion to determine how to distribute permitted square footage on building faces, but no more than three (3) wall signs shall be permitted. One (1) roof sign may be substituted for one (1) wall sign.
- (3) If a business establishment is located in a site with frontage on US-10 or I-75, the business establishment may be permitted to place one (1) additional wall sign on the wall facing US-10 or I-75.

- (4) Any free standing sign shall not be located closer to adjacent properties than a distance equal to its height.
 - (5) Tower signs, as permitted by other provisions of this Ordinance, shall not be included in the sign display area limitation.
- (b) Multi-Tenant Buildings. The following sign standards shall apply to shopping centers and similar multi-tenant buildings, where each tenant has building frontage and their own entrance to the outside:
- (1) Any such development shall be permitted a total of up to three (3) signs, consisting of wall or free standing signs, for group identification or to advertise the name of the shopping center or premises, provided that no more than one free standing sign shall be permitted.
 - (2) The total sign area for a building mounted sign shall not exceed the requirements of [Section 15.08\(a\)\(2\)](#). The total area of free standing sign shall not exceed the requirements of [Section 15.08\(a\)\(1\)](#).
 - (3) For buildings with a setback of 100 feet or less, wall sign lettering shall be a maximum of eighteen (18) inches in height.
 - (4) In addition, individual tenants or uses shall be permitted to have one (1) wall sign not to exceed one (1) square foot per lineal foot of store frontage, up to the maximum wall sign area as permitted in [Section 15.08\(a\)\(2\)](#), located on the face of the building area occupied by the tenant or use.
 - (5) Tower signs, as permitted by other provisions of this Ordinance, shall not be included in the sign display area limitation.
 - (6) If a business establishment is located in a site with frontage on US-10 or I-75, the business establishment may be permitted to place one (1) additional wall sign on the wall facing US-10 or I-75.
 - (7) Any free standing sign shall not be located closer to adjacent properties than a distance equal to its height.
- (c) Tower signs are permitted as a special land use in the C District when authorized by the Planning Commission consistent with the special land use approval procedures described in [Section 3.32](#) and subject to the limitations and requirement specified in this Ordinance. Special land use approval for a tower sign must be obtained from the Planning Commission prior to construction of a new tower sign or prior to alteration of an existing tower sign.

- (1) A tower sign may be permitted by special land use if the Planning Commission determines that:
 - a) The lot shall be visible from a limited access highway.
 - b) Uses on adjacent lots shall not be adversely affected by the tower sign.
 - c) The sign shall not adversely affect the neighborhood where the business is located or the community as a whole.
 - d) The sign shall not disrupt, impede or otherwise adversely affect the safe and convenient flow of traffic in the area.
 - e) A tower sign is appropriate if the Planning Commission determines that other permitted signs will not be sufficiently visible from the limited access highway.
 - f) The applicant has demonstrated that the proposed sign height is the minimum height needed to be visible from the limited access highway.
 - g) A sign sketch plan describing the proposed tower sign as indicated in [Section 15.08\(c\)\(9\)](#) is prepared by the applicant to assure compliance with these and other applicable regulations.
- (2) The phrase "line of intersection" as used in this section shall refer to the line where an exit or entrance ramp for a limited access right-of-way for I-75, M-13 or US-10 intersects with the edge of the right-of-way easement for Wilder Road or Mackinaw Road.
- (3) In no event shall a tower sign be located more than thirteen hundred twenty (1,320) feet from a point on a line of intersection. Each building on a lot with a tower sign must also be located not more than thirteen hundred twenty (1,320) feet from a point on a line of intersection.
- (4) The tower sign shall be located within the rear yard of the lot, as defined in this Ordinance.
- (5) Not more than two (2) signs with each sign having not more than two (2) sign faces shall be displayed on a single tower sign pole. Each sign face shall meet the requirements of this section and each sign shall be subject to special land use review by the Planning Commission consistent with these provisions.

- (6) A tower sign may exceed the height limitations of the C District described in [Section 9.04](#) but in no event shall the height of the sign be less than fifty (50) feet nor exceed ninety (90) feet.
- (7) The area of each sign face shall not exceed two hundred (200) square feet. The combination of the sign faces visible from each viewing angle shall not exceed four hundred (400) square feet. A maximum of eight hundred (800) square feet of total sign surface area may be displayed on each tower sign pole when two (2) signs each with two (2) faces are mounted on a single pole.
- (8) Any change in the sign face must be approved by the Planning Commission consistent with the requirements of this section.
- (9) A sign plan shall be prepared by each applicant for review by the Planning Commission consistent with the requirement of this section. The following minimum information is required to be included on each sign plan submitted for review of the Planning Commission.
 - a) A drawing shall be prepared on paper at one of the following scales:
 - i) One (1) inch equal to ten (10) feet;
 - ii) One (1) inch equal to twenty (20) feet;
 - iii) One (1) inch equal to thirty (30) feet;
 - iv) One (1) inch equal to forty (40) feet;
 - v) One (1) inch equal to fifty (50) feet;
 - vi) One (1) inch equal to one hundred (100) feet;
 - b) Name, address and phone number of the applicant and the person preparing the drawing.
 - c) Property boundary lines and dimensions; if more than one lot is included in the site, the lot lines of each lot shall be indicated.
 - d) Edges of all existing and proposed paved surfaces including all parking spaces, drive aisles and driveways serving the site.
 - e) Location of the proposed tower sign.
 - f) The outline of all existing and proposed exterior building walls on the site and within one hundred (100) feet of the site.

- g) A circle with a radius equal to the total height of the tower sign shall be drawn on the sketch plan. The center of the circle shall be the proposed location of the tower sign. The circle must be entirely contained within the lot lines of the lot owned, leased or otherwise under the control of the business advertised on the tower sign.
 - h) All existing and proposed exterior site improvements or modifications proposed in conjunction with the tower sign.
 - i) An architectural detail plan of the tower sign, indicating the height, construction materials, method of anchoring and the area.
- (d) A directory monument sign may be permitted, provided it is placed within one hundred (100) feet of an entryway to a multiple unit or multiple lot development. A monument sign shall not exceed eight (8) feet in height nor exceed sixty-four (64) square feet in sign display area. Monument signs are subject to special land use approval by the Planning Commission at the time of original or amended site plan approval.
- (e) Menu and/or order board for a drive-thru facility may be permitted in the C District subject to the following:
- (1) Signs shall be located on the interior of the lot or parcel and shall not be readable from the exterior of the lot.
 - (2) Signs shall be intended to service the public utilizing the drive-thru facilities only.
 - (3) The placement shall not constitute a traffic or pedestrian hazard or impair vehicular or pedestrian traffic flow in any manner.
 - (4) The size, content, coloring, placement or manner of illumination shall not constitute a traffic or pedestrian hazard or impair vehicular or pedestrian traffic flow.
 - (5) The volume on order boards shall be maintained at the minimum level necessary so that it is audible to users, so as to minimize extraneous noise traveling off the site.
 - (6) A maximum of two (2) message board signs shall be permitted on any site.

Section 15.09 SIGNS IN THE I DISTRICTS

In the I Districts, only the following signs shall be permitted:

- (a) Signs shall be limited to one (1) sign not exceeding one hundred (100) square feet placed anywhere on the premises. Said sign shall not be located closer to adjacent properties than a distance equal to its height. Such signs may be illuminated provided the source of light is not visible and not the flashing or intermittent type.
- (b) Billboards are permitted as a principal use subject to the provisions of Public Act 106, 1972, the Highway Advertising Act, as amended and the regulations of this Ordinance. Billboards shall:
 - (1) Be located a minimum of fifty (50) feet from all property lines shared with adjacent parcels;
 - (2) Be located a minimum of one thousand five hundred (1,500) feet from other billboards;
 - (3) Be located a minimum of fifty (50) feet from all road rights-of-way and other public property;
 - (4) Not exceed four hundred (400) square feet in area;
 - (5) Not exceed thirty-five (35) feet in height;
 - (6) Not be illuminated in such a manner that intense rays of light are directed at any portion of a public right-of-way, nor shall any billboard be so illuminated that it obscures or interferes with the effectiveness of any official traffic sign, device or signal. No flashing or intermittent lighting shall be permitted.
- (c) For lots fronting on more than one road, including double frontage lots as defined in this Ordinance, not more than two (2) pole or wall signs, as defined herein, shall be permitted. If more than one (1) sign is erected consistent with these provisions, the total combined area of both signs shall not exceed one hundred and fifty (150%) percent of the total area permitted for sign display area in the I District. However, no sign permitted by this provision shall exceed the maximum sign area otherwise permitted herein.
- (d) A directory monument sign may be permitted, provided it is placed within one hundred (100) feet of an entryway to a multiple unit or multiple lot development. A monument sign shall not exceed eight (8) feet in height nor exceed sixty-four (64) square feet in sign display area. Monument signs are subject to special conditions approval by the Planning Commission at the time of original or amended site plan approval.

Section 15.10 SIGNS IN THE PUD DISTRICT

In the PUD District, signs shall be regulated according to the provisions of the District most nearly appropriate to the uses proposed in the PUD District.

Section 15.11 NONCONFORMING SIGNS

Any sign lawfully existing at the time of the adoption of this amendment which does not fully comply with all provisions shall be considered a legal nonconforming sign and shall be permitted to remain as long as the sign is properly maintained, and is not detrimental to the health, safety and welfare of the community, subject to the following:

- (a) Nonconforming signs shall not be:
 - (1) Expanded, changed, or replaced with another nonconforming sign.
 - (2) Relocated, or altered so as to prolong the life of the sign, or so as to change the shape, size, type, placement, or design of the sign's structural or basic parts.
 - (3) Enhanced with any new feature including the addition of illumination.
 - (4) Repaired, except if such repair brings the sign into conformance with this ordinance, if such repair necessitates:
 - a) An expense that exceeds fifty (50) percent of the sign's appraised value, as determined by the Building Official.
 - b) The replacement of the sign frame.
 - c) The replacement of the sign's primary support pole(s) or other support structure.
- (b) Permitted Modifications
 - A nonconforming sign may be modified in the following ways:
 - (1) A change solely in the wording of the copy.
 - (2) Routine repair to maintain the sign in a safe and aesthetically attractive condition exactly as it existed at the time of the enactment of this amendment.
- (c) Elimination of Nonconforming Signs
 - The Township may acquire by purchase, condemnation, or by other means any nonconforming sign which it deems necessary to preserve the health, safety, and welfare of the residents.

Section 15.12 WAIVER PROCESS

The Planning Commission, after a Public Hearing that meets the requirements of the State of Michigan and this Zoning Ordinance, shall have the ability to waive or modify any of the above standards, provided that the following criteria are met. A waiver granted under this section shall apply for the lifespan of the sign in question, but shall not be transferable to any other sign or premises.

The applicant provides all requested information and pays all applicable application and review fees, to be determined by the Township Board.

- (a) The proposed sign does not endanger the public health, safety, and welfare by virtue of being distracting to drivers, obscuring vision, being unnecessarily bright, being designed or constructed poorly, or in any other way.
- (b) The design of the sign is consistent with character of the surrounding area.
- (c) The sign does not block the view of other nearby signs to the extent that it would harm the ability of neighboring businesses to operate.
- (d) The sign will not be a nuisance to any residential uses.
- (e) A sign designed to meet the standards of the Ordinance would not adequately serve the purpose desired by the applicant.

Chapter 16: NONCONFORMING USES, BUILDINGS, STRUCTURES, OR PARCELS

Section 16.01 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 nonconformities to continue until they are removed, destroyed or otherwise conformed, but not to encourage their expansion or enlargement.

Section 16.02 CONTINUANCE OF NONCONFORMING USES, BUILDINGS, STRUCTURES OR PARCELS

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 Chapter, a building or structure 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 than 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 16.03 CHANGE OF OWNERSHIP

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

Section 16.04 REMOVAL OF NONCONFORMING STATUS

Prohibition against reestablishment. 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 nonconforming building structure or parcel 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 16.05 EXPANSION OF NONCONFORMING USES AND/OR NONCONFORMING BUILDING PARCEL OR STRUCTURE

A non-conforming use of a building, parcel or structure or a nonconforming building, parcel or structure may be expanded only under the following terms and conditions.

- (a) Use - A nonconforming use which existed prior to the adoption of this Ordinance or amendments thereto and which exists in a conforming structure, building or parcel may be extended or enlarged to occupy the existing building or structure under a special land use permit granted by the Planning Commission. In considering the grant or denial of a special land 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 land use permit with any of the conditions it deems appropriate:

 - (1) Roads and street 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 land use permit by the Planning Commission. In no event shall the Planning Commission approval extend to enlarge the nonconforming structure more than an additional fifty (50%) percent of the existing nonconforming structure. In considering the grant or denial or grant with conditions of this special land 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: parking, setbacks, height, lighting, drainage, required public utilities, lot area, and lot width.
 - (2) The Planning Commission has the discretion to grant with conditions the special land use permit to extend or enlarge a nonconforming building structure. It is expressly conveyed to the Planning Commission the authority to make conditions effecting the existing structure, building or parcel, as a condition of granting the permission to extent to 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.

- (c) Exemptions of Lots served by public water and sewer located in the R-1 or R-2 districts that are non-conforming with respect to lot area but meet the minimum lot width requirements and contain a minimum of 10,000 square feet are exempt from the requirement to obtain special land use approval provided they meet the following setback requirements:

District	Front Yard (feet)	Rear Yard (feet)	Side Yards	
			Total (feet)	Min. (feet)
R-1/R-2	30	30	20	10

- (d) Conforming structure housing a nonconforming use.
- (1) A conforming structure or building which houses a non-conforming use may be extended or enlarged only upon approval of a special land use permit issued by the Planning Commission.
 - (2) In no event shall the Planning Commission approval increase the floor area of the structure more than an additional fifty percent (50%) of the existing structure floor area.
 - (3) In considering the grant or denial or grant with conditions of a special land use permit pursuant to this subsection, the Planning Commission shall consider the following.
 - a) Whether the proposed structural expansion is compatible with the original structure.
 - b) Whether the proposed structural expansion would cause the structure to become incompatible with other structures in the surrounding area.
 - c) Those considerations set forth [Section 16.05\(a\)](#) and [Section 16.05\(b\)](#).
 - d) Those considerations set forth in [Section 3.32](#).
 - (4) The Planning Commission has the discretion to impose conditions upon the approval of such a special land use permit so as to minimize any adverse impact of such a structural expansion and to preserve the public health, safety and welfare.

Section 16.06 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 16.07 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. This provision excludes customary maintenance activities including repairs of siding, roofing, windows, and doors.

Section 16.08 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 or structure to be repaired, then in such event the building or structure shall need to be replaced. No nonconforming structure may be replaced unless it conforms to all conditions and requirements of this Ordinance existing at the time of replacement with the following exception:

- (a) Single family dwellings, which are so used and so existing in commercial and industrial zoning districts before the effective date of adoption or amendment of this Ordinance may be used and replaced if destroyed, subject to the following conditions:
 - (1) If an existing structure is destroyed, any replacement dwelling or accessory structure shall conform to all applicable yard dimensions, setbacks and other requirements specified in this Ordinance or in the alternative may be replaced within the same footprint with every intent possible.
 - (2) The use of the dwelling and associated parcel of land shall be maintained in conformance with the use provisions specified in this Ordinance for the same type of residential dwelling or structure.
 - (3) The use, dwelling and accessory structures shall be maintained in conformance with all other applicable federal, state, county and Township laws, ordinances, regulations and codes.

Section 16.09 CHANGE OR DISCONTINUANCE

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

- (a) Reestablished after a discontinuance, vacancy, lack of operation, or otherwise for a period of 12 consecutive months.
- (b) Reestablished 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 land use permit from the Township Planning Commission. The Planning Commission shall evaluate this request under the criteria of [Section 3.32](#). 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 16.10 RELOCATION OF NONCONFORMING STRUCTURE

Should a nonconforming 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 16.11 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 16.12 NON-CONFORMING LOTS OF RECORD

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

- (a) Use of Non-Conforming Lots 6 Any nonconforming lot shall be used only for a use permitted in the zoning district in which it is located. In any district in which single family dwellings are permitted or on lots where single family dwellings exist, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory structures may be erected, maintained, or re-built if destroyed on any single lot of record at the effective date of adoption or amendment thereto. This provision shall apply even though such single family lot fails to meet the requirements for area, width or access (such as only having access via a recorded easement and no frontage along a public right of way), that are generally applicable in the district, provided that:
 - (1) The lot width, area and open space requirements are not less than seventy five percent (75%) of the requirements established for the district in which the lot is located. Lots that only have access via a recorded easement and have no frontage along a public right of way are permitted to have single

family structures and customary accessory structures erected, maintained, or re-built if destroyed.

- (2) The lot cannot be reasonably developed for the residential use proposed without such deviations;
- (3) The Residential Design Standards of [Section 3.30](#) apply.
- (4) The lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health and safety, and the lot is in conformance with all other applicable yard and lot requirements for the district in which it is located.

Any application for such single family housing construction shall be submitted to the Building Inspector and Official. Where applicable, the application shall include three (3) copies of the results of soil percolation tests performed by a registered civil engineer at the exact location of a proposed subsurface sewage disposal (septic) system. The application must be approved by both the Bay County Health Department and the Building Inspector and Official prior to issuance of any permit.

- (b) Variance to Building Area, Setback, and Side Yard Requirements ó If the use of a nonconforming lot requires a variation from the building area, setback, and side yard requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.
- (c) Non-Conforming Contiguous Lots Under the Same Ownership ó If two or more lots or a combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot which does not meet the lot width or area requirements of this Ordinance.

Upon application to the Township Board, the Township Board may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this Ordinance.

Chapter 17: ADMINISTRATION AND ENFORCEMENT

Section 17.01 ZONING ADMINISTRATION

The provisions of this Ordinance shall be administered by an Authorized Township Official which shall mean the Township Supervisor, Township Building Official, Zoning Administrator, Code Enforcement Official, or any other Township employee specially designated in writing by the Supervisor, to issue municipal civil infraction citations.

Section 17.02 BUILDING OFFICIAL

The Building Official shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the post of Building Official, 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 in good health and physically capable of fulfilling the duties of the Building Inspector.

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. The Building Official may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

Section 17.03 DUTIES AND LIMITATIONS OF THE BUILDING OFFICIAL

The Building Official shall administer and enforce the provisions of this Ordinance in conjunction with the officials identified in 17.01 and is responsible for administering and enforcing the building code; he or she shall have the power to grant such Permits and Certificates of Occupancy as are required by this Ordinance and the State Construction Code as promulgated by the State, as may be amended from time to time, including but not limited to the residential building code, building code, mechanical code, plumbing code, electrical code, and any other codes adopted by the State under the State's Single Construction Code Act; and he or she shall be responsible for the inspection of buildings or premises necessary to carry out his or her duties in the enforcement of this Ordinance and the State Construction Code.

Section 17.04 PERMITS REQUIRED

No person, firm or corporation shall excavate, erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in Monitor Township or cause the same to be done without first obtaining a separate building permit for each such building or structure from the Building Inspector, as required in the building code. It shall be unlawful for any person, firm or corporation to excavate, erect, construct, enlarge, alter, repair, move, improve,

Administration and Enforcement

remove, convert or demolish any building or structure in Monitor Township without first obtaining such a permit from the Building Inspector. The Township shall continue to administer and enforce the State Construction Code as promulgated by the State, as may be amended from time to time, including but not limited to the residential building code, building code, mechanical code, plumbing code, electrical code, and any other codes adopted by the State under the State's Single Construction Code Act.

Section 17.05 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 Monitor Township Board.

Section 17.06 TOWNSHIP PLANNING COMMISSION

The Monitor Township Planning Commission had been established in accordance with state law.

Section 17.07 MEMBERSHIP, COMPENSATION AND FUNDING

The Planning Commission has been duly constituted and appointed under state law and members will complete their staggered terms consistent with the Zoning Enabling Act.

Section 17.08 OFFICERS, MEETINGS, PROFESSIONAL ADVISORS, AND RULES

- (a) The Planning Commission shall elect a chairperson, and a 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 Chairperson.
- (c) The Township Board may employ a planning director or other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses within a budget authorized by the Township Board.
- (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 17.09 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 17.10 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 note of not less than a majority of its entire membership.
- (c) If the public way, ground, space, building, structure or utilities one, the authorization or financing of which does not, under the law governing same, fall within the provide 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 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 17.11 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 17.12 ZONING COMPLIANCE PERMITS

For nonresidential and non-farming uses, if there is any proposed type of modification, repair or construction that does not require a building permit or a change of use, ownership or occupancy of an existing structure, then the applicants shall obtain a zoning compliance permit to ensure compliance with this Zoning Ordinance. In order to receive a zoning compliance permit, an applicant's intended use of the existing building and any modifications thereto shall be submitted to the Township Offices for review and prior approval by the Fire Chief and all of the officials listed in [Section 17.01](#), including the Zoning Compliance Officer and Building Inspector. This

review and approval process shall occur prior to the establishment and opening for business of any modified structure or change of use, ownership or occupancy.

If, in the discretion of any of the reviewing officials of the Township, the change of use, ownership or occupancy is of such a nature and character that will require additional parking or additional life safety modifications to the structure, the Township Officials may require submission of a full site plan for review and prior approval by the Township Officials or Planning Commission as necessary pursuant to [Section 3.20](#).

An authorized township official as defined in [Section 17.01](#) may make or require other inspections of any construction work to ascertain compliance with the provisions of the State Construction Code and other applicable statutes, codes or ordinances.

Section 17.13 STOP WORK ORDERS FOR VIOLATION OF THIS ORDINANCE

Any of the Authorized Township Officials as identified in [Section 17.01](#) have the authority to issue an order to cease construction and stop work or cease a noncompliant use for any violations of this Zoning Ordinance, violation of the site plan as approved by the Planning Commission, or violation of the conditions and granting of the special land use permit granted by the Planning Commission. In addition to those violations, all work sites are to be kept in a clean and orderly fashion, free of debris, trash or other accumulation of rubbish which may be a blighted condition causing general disruption to the surrounding properties either visually or by the blowing of sand, dirt, or other construction materials whether intentional or by neglect of the contractor/builder.

Section 17.14 TEMPORARY USES DURING CONSTRUCTION

The Township Supervisor or designee shall have the authority to grant permission for temporary uses that occur during construction phasing. Such temporary uses are constructing an accessory building prior to building a residential structure, construction of a new accessory building prior to demolition of the current accessory building that exceeds the current limitation on such structures, alteration of an existing building that is required as a result of new construction or any other similar uses that are temporary in nature that occur during construction phasing.

- (a) The temporary use shall only be granted with the execution of an agreement that requires a cash or performance bond for the cost of bringing the use into compliance and grants the township an easement to enter the property to make the necessary alterations.
- (b) The temporary use shall be granted for a period of up to one year. It may be extended for up to one additional year with an agreed upon extension of the required terms. Any further extensions will require township board approval.

Chapter 18: BOARD OF APPEALS

Section 18.01 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 Board 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 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) The Zoning Board of Appeals has been duly constituted and appointed under state law and members will complete their staggered terms consistent with the Zoning Enabling Act.
- (c) The Zoning Board of Appeals shall elect one (1) of its members as its Chairperson 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 Chairperson of the Zoning Board of Appeals.
- (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 the reason of conflict of interest. The alternate member appointed shall serve in the case until final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

Section 18.02 POWERS AND DUTIES

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

- (a) Interpretation ó 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. In instances where the Zoning District Boundary is intended to follow a road, railroad, parcel, or waterway, Planning Commission may make a determination or request a determination be made by the Zoning Board of Appeals.
- (b) Existing lots of record in the AG District ó A lot in an AG zoning district, which is platted or otherwise or record as of the effective date of this ordinance, may be use for a one single family use provided the lot has a minimum frontage of eighty (80) continuous feet on a public street, and so long as there is a total side yard of

no less than twenty-five (25) feet; provided, however, that no side yard shall be less than ten (10) feet.

- (c) Existing lots of record in the R-1 or R-2 Districts ó A lot in an R-1 or R-2 zoning district, which is platted or otherwise of record as of the effective date of this Ordinance, may be used for a (one) single family use provided the lot has a minimum frontage of eighty (80) continuous feet on a public street, and so long as there is a total side yard of not less than twenty-five (25) feet; provided, however, that no side yard shall be less than ten (10) feet.
- (d) Existing Lots of Record in the R-2 District ó A lot in an R-3 zoning district, which is platted or otherwise of record as of the effective date of this Ordinance, may be used for one (1) single family use provided the lot has a minimum lot area of eight thousand (8,000) square feet, a minimum frontage of eighty (80) feet, public sewer and water service, and there is compliance with all yard and setback requirements for the zoning district in which the lot is located; or if a lot in the R-3 zoning district, which is platted or otherwise of record as of the effective date of this Ordinance, has less than eight thousand (8,000) square feet, and eighty (80) feet of frontage, then such lot may be used for a one (1) single family use only, and then only if such single family use is first authorized by the Zoning Board of Appeals.

In considering such authorization, the Zoning Board of Appeals shall consider the following standards:

- (1) The size, character and nature of the building and accessory buildings to be erected and constructed on the lot;
 - (2) The effect of the proposed use on adjoining properties and the surrounding neighborhood;
 - (3) The effect of the proposed use on light and air circulation of adjoining properties;
 - (4) The effect of any increased density of the intended use on the surrounding neighborhood;
 - (5) The availability of public sewer and water service;
 - (6) The area and frontage of the lot relative to the minimum requirements for safe water supply and sewage disposal.
- (e) Existing Lots of Record in a C or I District ó A lot in a C or I zoning district, which is platted or otherwise of record as of the effective date of this Ordinance, may be used for a permitted use in the respective district if the lot has a minimum area and frontage in accordance with the following schedule and further there is compliance with all yard and setback requirements:

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<u>Zoning district</u>	<u>Minimum Area</u>	<u>Minimum Frontage</u>
C	12,000 square feet	80 feet
I-1	15,000 square feet	100 feet
I-2	5.0 acres	250 feet
Residential	12,000 square feet	80 feet
Nonresidential	15,000 square feet	100 feet

If a lot in a C or I zoning district, which is platted or otherwise of record as of the effective date of this Ordinance, does not meet the minimum permitted in the above schedule, then such lot may be used but only if first authorized by the Zoning Board of Appeals.

In considering such authorization, the Zoning Board of Appeals shall consider the following standards:

- (1) The size, character and nature of the building and accessory buildings to be constructed on the lot;
 - (2) The effect of the proposed use on adjoining properties and the surrounding neighborhood;
 - (3) The effect of the proposed use on light and air circulation of adjoining properties;
 - (4) The effect of increased density of the intended use on the surrounding neighborhood;
 - (5) Available parking for the intended use;
 - (6) The area and frontage of the lot relative to the minimum requirements for safe water supply and sewage disposal; and
 - (7) The effect of the proposed use upon existing and potential agricultural operations.
- (f) Variances ó Grant variances from the terms and provisions of this Ordinance as provided in this Chapter.
- (g) Appeals ó Hear and decide appeals of decisions made by the Authorized Township Official as identified in [Section 17.01](#).

Section 18.03 COMPENSATION

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

Section 18.04 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 18.05 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 Board, in the rules of procedure, may specify. The Chairperson, or in his or 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 Board shall maintain a record of its proceeding which shall be filed in the office of the Township Clerk and which shall be a public record.

Section 18.06 PROCEDURE

- (a) The presence of three (3) regular 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 on 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 Board all 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. 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.
 - (5) Indicate that a public hearing on the variance request may be requested by any property owner or occupant of any structure located within three (300) hundred feet of the boundary of the property being considered for a variance.
- (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 hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.
- (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 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 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 18.07 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from unless the Authorized Township Official certifies to the Board of Appeals, after the notice of appeal shall have been filed with him or her, that, by reason of facts stated in the certificate, a stay would, in his or 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 Board of Appeals or by the Circuit Court on application, no notice to the Authorized Township Official, and on due cause shown.

An appeal stays all proceedings in furtherance of the action appealed from unless the Authorized Township Official certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him or her, that, by reason of facts stated in the certificate, a stay would, in his or 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, no notice to the Authorized Township Official, and on due cause shown.

Section 18.08 CONDITIONS OF APPROVAL

In authorizing a variance or exception, the 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 18.09 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 18.10 VARIANCES PERMITTED

Where there are practical difficulties or unnecessary hardship 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 Zoning Board of Appeals shall not grant a variance on a lot if the owner or members of his or her 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 18.11 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 affected by the Zoning Board of Appeals unless it finds from reasonable evidence that such variance will not be of evidence that such variance will not be of substantial detriment to the adjacent property and will not materially impair the intent and purpose of this Ordinance or the public health, safety and welfare and, further, 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 18.12 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

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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 Board may require the appellant to enlist experts, technicians and consultants. The Board may impose such additional requirements and conditions necessary to preserve the intent of this ordinance as provided in [Section 18.08](#).

Chapter 19: AMENDMENT TO THE ORDINANCE

Section 19.01 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 19.02 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 amendments 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) All other circumstances, factors and reasons which the petitioner offers in support of the proposed amendment.
- (g) 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 19.03 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 (1) 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 re-zoning the Planning Commission shall fix a reasonable time for the hearing of the re-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 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(ies) in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall:
 - (d) Describe the nature of the re-zoning request.
 - (1) Indicate the property(ies) which is the subject of the zoning 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.
 - (2) State when and where the re-zoning request will be considered.
 - (3) Indicate when and where written comments will be received concerning the re-zoning request.

- (e) If eleven (11) or more adjacent properties are proposed for re-zoning the Planning Commission shall fix a reasonable time for the hearing of the re-zoning 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. 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 re-zoning request.
 - (2) State when and where the re-zoning request will be considered.
 - (3) Indicate when and where written comments will be received concerning the re-zoning request.

- (f) 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.
- (g) The Planning Commission shall hold public hearing, noting all comments and reports requested or noting the absence of such.
- (h) 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 occupancy 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.
- (i) 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.
- (j) 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 therefor.
- (k) The Township Board, based on the recommendation of Planning Commission may approve or deny the amendment. If the Township Board shall deem any changes, additions, or departures advisable as to the proposed amendment, it shall refer the same back to the Planning Commission for a report there on 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.
- (l) If the amendment is approved, 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 19.04 MONITOR TOWNSHIP CONDITIONAL RE-ZONING ORDINANCE

- (a) Intent. It is recognized that there may be certain instances where it might be in the best interest of the Township, as well as advantageous to property owners seeking re-zoning, if certain conditions could be proposed by the property owners as an integral part of a request for a re-zoning. It is the intent of this Section to provide a process consistent with the provisions of Section 161 of the Township Zoning Act (MCL 125.286i) by which an owner seeking a re-zoning may voluntarily propose conditions regarding the use and/or development of land as a part of the re-zoning request, and that such proposals may be reviewed by the Township's Planning Commission and Township Board utilizing land use and future land use planning criteria.
- (b) Definitions. The following definitions shall apply in the interpretation of this Section:
- (1) Applicant. The property owner, or a person's action with the written and signed authorization of the property owner to make application under this Section.
 - (2) Conditional Re-zoning Agreement (CR Agreement). A written agreement approved and executed by the Township and property owner, incorporating a CR Plan, and setting forth Re-zoning Conditions and any other terms mutually agreed upon by the parties relative to land for which the Township has approved a conditional re-zoning.
 - (3) Conditional Re-zoning Plan (CR Plan). A Plan of the property which is the subject of a conditional re-zoning, that may show the location, size, height, design, architecture or other measure or feature of buildings, structures and improvements on, and in some cases adjacent to, the property. The details to be offered for inclusion on a CR Plan shall be determined by the applicant, subject to approval of the Township Board after recommendations by the Planning Commission. The Plan may include, or may simply be limited to conditions or restrictions relating to the development of the subject property being proposed by the applicant.
 - (4) Re-zoning Conditions. Conditions proposed by the applicant and approved by the Township as part of an approval under this Section, which shall constitute regulations in connection with the development and use of property for which conditional approval has been granted. Such re-zoning Conditions shall not:
 - a) Authorize uses or developments of greater intensity or density than are permitted in the district proposed by the re-zoning.

- b) Authorize uses that are not permitted in the district proposed by the re-zoning.
 - c) Permit uses or development expressly or implicitly prohibited in the CR Agreement.
 - (5) Rezoning. The amendment of this Ordinance to change the Zoning Map classification on property from its existing district to a new district classification.
- (c) Authorization and Eligibility.
- (1) Application for Optional Conditional Re-zoning. A property owner shall have the option of seeking conditional re-zoning in connection with submission of an application seeking re-zoning. The conditional re-zoning option shall be selected by filing an Application for Conditional Re-zoning Review, which, if approved, would authorize a specific use for the property. Conditional re-zoning represents a legislative amendment to the Zoning Ordinance.
 - (2) Site-Specific Regulations. In order to be eligible for review of an application for conditional re-zoning, a property owner must propose a re-zoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific regulations (to be set forth on a CR Plan and in a CR Agreement) which are equally or more strict or limiting than the regulations that would otherwise apply to the land under the proposed zoning district.
- (d) Review and Approval Procedures.
- (1) Pre-Application Meeting. Prior to submitting an Application for Conditional Re-zoning, the applicant shall schedule a pre-application meeting with the Township Supervisor and Clerk, or their designee, for preliminary review of the proposal and to provide the applicant with an understanding of the review process. The Supervisor may invite the Township Planner and/or the Township Attorney to attend this meeting. The applicant shall pay the expenses incurred by the Township for this meeting.

- (2) **Application.** A property owner may submit an Application for Conditional Re-zoning at the time the application for re-zoning is filed or at a subsequent point in the process of review of any proposed re-zoning. The application, which may be amended during the review process, shall include a CR Plan proposed by the applicant and a list of Re-zoning Conditions proposed by the applicant, recognizing that the Re-zoning Conditions shall not authorize uses or development not permitted in the proposed zoning district.
- (3) **Planning Commission Review.** After the completed application and all required supporting materials have been received and fees paid, the petition shall be reviewed by the Planning Commission in accordance with the procedures outlined in [Section 19.04\(c\)\(1\)](#) and [Section 19.04\(c\)\(2\)](#).
- a) **Public Hearing.** The petition shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in Section 14 and other applicable sections of Public Act 184 of 1943, as amended
- b) **Action by the Planning Commission.** Following the hearing on the proposed amendment, the Planning Commission shall make findings of fact which it shall transmit to the Township Board, together with the comments made at the public hearing and its recommendation. Specifically, the Planning Commission should consider and make specific findings as to the following factors:
- i) Whether the proposed land use is consistent with the Townships Master Plan; and
- ii) Whether the proposed land use is compatible with and does not adversely impact surrounding land uses; and
- iii) Whether the proposal adversely impacts public facilities and services; and
- iv) Whether the proposal impacts important natural or environmental features.

- c) County Zoning Coordinating Committee. If a County Zoning Coordinating Committee has been appointed by the County Board of Commissioners, the Planning Commission shall submit the proposed amendment to the Zoning Coordinating Committee for review and recommendation, pursuant to Section 10 of Public Act 184 of 1943, as amended.
- (4) Township Board Consideration. Upon receipt of the recommendation of the Planning Commission the Township Board shall deliberate on the proposed conditional re-zoning and the proposed CR Plan. The Township Board, after such deliberation shall take one of the following actions:
- a) Give tentative approval of the proposal and direct the Township Attorney to draft a proposed CR Agreement consistent with the terms of the recommendations of the Planning Commission. The CR Agreement shall:
 - i) Be drafted in recordable form, and
 - ii) Contain a legal description of the land to which it pertains, and
 - iii) Contain a statement acknowledging that the Agreement shall upon final approval by the Township Board be recorded with the Bay County Register of Deeds, and that the provisions of the CR Agreement shall run with the land and shall bind all successors owners of the land, and
 - iv) Incorporate by attachment or by reference the CR Plan or other documents submitted by the applicant and considered by the Planning Commission. If any such documents are incorporated by reference, the reference shall specify where the document may be examined, and
 - v) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they have voluntarily offered and consented to the provisions contained within the CR Agreement.
 - b) Deny the Applicant's petition.
 - c) Refer the applicant's petition back to the Planning Commission for further review and consideration.
- (5) Township Board Action. Upon completion of the CR Agreement and the submission of the executed Agreement to the Township Clerk, the

Township Board, by a majority vote of its membership, shall make a final determination to approve or deny the conditional re-zoning application. In the event that the CR Agreement shall have the effect of making any material alteration of or to the CR Plan or conditions to be included with the proposed re-zoning, the Township Board shall refer the application back to the Planning Commission for further consideration and another public hearing. The Township shall not add to or alter the conditions in the Statement of Conditions.

- (6) Zoning District Designation. If approved, the zoning classification of the re-zoned property shall consist of the district to which the property has been re-zoned, accompanied by a reference to CR, Conditional Re-zoning. For example, in the Industrial District the Zoning Map designation would be I-1/CR. The use of property so designated shall be restricted to the uses specified in the CR Agreement, and no other development or use shall be permitted.
- (7) Effects of Approval. The use of property in question shall conform to all regulations governing development and use in the zoning district to which the property has been re-zoned, subject to the following:
 - a) Development Subject to Conditional Re-zoning Requirements. Development and use of the property shall be subject to the more restrictive requirements specified on the CR Plan, in the Re-zoning Conditions and in the CR Agreement, required as part of the Conditional Re-zoning approval. Such requirements shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
 - b) Additional Approvals Required. Approval of the re-zoning petition and the CR Agreement confirms only the re-zoning of the property, subject to the conditions of the CR Agreement, and the CR Plan. Any other approvals which would otherwise be required, such as, but not necessarily limited to, site plan approval, obtaining necessary variances from the Zoning Board of Appeals, special land use approval, plat and/or condominium approval shall be obtained prior to the issuance of any building permit.
 - c) Recordation of CR Agreement. A conditional re-zoning shall become effective following publication in the manner provided by law, and, after recordation of the CR Agreement, whichever is later.
- (8) Amendment of CR Agreement.

- a) Amendment of a CR Agreement shall be proposed, reviewed, and approved in the same manner as a new conditional re-zoning application.
 - b) The Township Zoning Board of Appeals shall not have the authority to grant variances or otherwise change or vary any aspect of a CR Agreement, although this Board shall have full authority to interpret any provision of such Agreements pursuant to [Section 18.02\(a\)](#), as amended.
- (9) Expiration of CR Agreement. The conditional re-zoning approval shall expire following a period of eighteen (18) months from the effective date of the re-zoning unless development of the subject property, in conformance with the terms and conditions of the CR Agreement, has commenced within that time frame.
- (10) Revert to Former Zoning. If the conditional zoning becomes void and of no effect because of the failure to begin development within the time frames required, then by automatic reverter set forth in MCL 125.286i the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of re-zoning of the land to its former zoning classification. The procedure for considering and making this reversionary re-zoning shall thereafter be the same as applies to all other re-zoning requests.

In the event the land is re-zoned to its former zoning classification, notice of such re-zoning shall be recorded at the office of the Bay County Register of Deeds.

- (11) Violations of the CR Agreement. If development or actions are undertaken on or with respect to the property in violation of the CR Agreement, such development or actions shall constitute a nuisance per se. In such case, the Township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the CR Agreement, the Township may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance. Further, the Township, at its sole option and discretion may take appropriate legal action to specifically enforce any condition, restriction or covenant contained in the CR Agreement.
- (12) Fees. The applicant shall pay as a fee the expenses incurred by the Township in the review of a conditional re-zoning application at the time of the Township Board's initial review of a conditional re-zoning application, if such application is not at that time denied, escrow shall be

established in a amount specified by Township Board resolution, and additional reasonable amounts shall be contributed as required in order to complete the review and approval process. Any unexpended amounts from such escrow shall be returned to the applicant.

- (e) Elements of a Conditional Re-zoning Application. As an integral part of the conditional re-zoning, the following shall be reviewed and may be approved:
- (1) CR Plan. A CR Plan, with such detail as proposed by the applicant and approved by the Township Board in accordance with this Section. The CR Plan shall not replace the requirements for site plan, subdivision or condominium approval, as the case may be.
 - (2) Re-zoning Conditions. Re-zoning conditions, which shall not authorize uses or development not permitted in the proposed zoning district and which shall not permit uses or development expressly or implicitly prohibited in the CR Agreement. Re-zoning conditions may include some or all of the following:
 - a) The location, size, height, and setbacks of buildings, structures, and improvements.
 - b) The maximum density or intensity of development (e.g., units per acre, maximum usable floor area, hours of operation, etc.).
 - c) Measures to preserve natural resources or features.
 - d) Facilities to address storm water drainage and water quality.
 - e) Facilities to address traffic issues, for example, through road paving or other road improvements.
 - f) Open space preservation provisions.
 - g) Minimum landscaping, buffering and screening provisions.
 - h) Added landscaping, above and beyond what is required by the Zoning Ordinance.
 - i) Building design, materials, lighting and sign criteria.
 - j) Permissible and prohibited uses of the property.
 - k) Provisions to preserve historic farms, barns and other buildings to preserve the history of the Township.

- l) Measures to protect the rural view shed, which is an undeveloped area adjacent to the road right-of-way, having a depth of at least two hundred (200) feet, where existing natural features, such as wetlands, woodlands, hedgerows, undulating land forms, and scenic vistas are preserved and incorporated into the landscape.
 - m) Reclamation and reuse of land, where previous use of land causes severe development difficulties, and has caused blight.
 - n) Drainage improvements, beyond what is required by ordinance, using best management practices.
 - o) Such other conditions as deemed important to the development by the applicant.
- (f) Approval Criteria. The applicant shall have the burden of demonstrating that the following requirements and standards are met by the CR Plan, Re-zoning Conditions, and CR Agreement:
- (1) Enhancement of the Project. The Township Board shall determine that approval of the conditional re-zoning shall accomplish the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of conditional re-zoning.
 - (2) In the Public Interest. The Township Board shall determine that, in considering the site specific land use proposed by the applicant, sufficient conditions have been included in the CR Plan and CR Agreement so that it would be in the public interest to grant the conditional re-zoning. In determining whether approval of a proposal would be in the public interest, the benefits that would be reasonably expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonable accepted planning, engineering, environmental and other principles.

Chapter 20: PENALTIES

Section 20.01 VIOLATIONS AND PENALTIES

- (a) 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.
- (b) 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 responsible for the violation of a municipal civil infraction as provided for in Section V of Ordinance No. 53.
- (c) Each and every day such violation continues shall be deemed a separate and distinct violation.
- (d) 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 responsible for the violation as specified in this Section.

Section 20.02 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 20.03 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.

Chapter 21: MISCELLANEOUS PROVISIONS

Section 21.01 ADMINISTRATIVE LIABILITY

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

Section 21.02 SEVERABILITY

This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to severable. If any part, section, sub-section, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 21.03 REPEAL

The former Zoning Ordinance of the Township, effective December 14, 2003 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 persecution for the enforcement of any penalty or liability thereunder. All other ordinances and parts of ordinances, or amendments thereto, of the Township of Monitor, 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.

Section 21.04 EFFECTIVE DATE

The foregoing Ordinance was adopted by a majority vote of the Monitor Township Board at first reading held on the _____, and at second reading held on the _____. This Ordinance shall be filed with the Township Clerk; and one (1) notice of Ordinance adoption shall be published in a newspaper circulating within the Township on or before the _____, This Ordinance shall become effective thirty-one (31) days after publication.

THE CHARTER TOWNSHIP OF MONITOR

Date of First Reading
February 25, 2019

By: Kenneth M. Malkin,
Its Supervisor

Date of Second Reading:
March 25, 2019

By: Cindy L. Kowalski,
Its Clerk

Date of Publication:
March 28, 2019

Effective Date:
April 29, 2019

